

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRTY-FIRST DAY—TUESDAY, MARCH 4, 2008**

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The Senate met pursuant to adjournment.

Senator Goodman in the Chair.

Reverend Carl Gauck offered the following prayer:

“Hear my cry, O God; attend unto my prayer. From the end of the earth will I cry unto thee, when my heart is overwhelmed...I will trust in the covert of thy wings. (Psalms 61:1, 2a, 4b)

Gracious God, we thank You for this day and pray that You will continue to hear us and direct us along Your righteous pathways. And we pray, mindful that our brother, Senator Gibbons goes home this day to await surgery tomorrow morning. So we pray that You will be a healing presence and comfort the anxieties of his family and ease his mind having hope in Your love. And we pray that You will guide the hands of the doctors and nurses who seek to promote new tissue, and healing so health will be his. All this we ask and more in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Kennedy offered Senate Resolution No. 2013, regarding Jennifer Pranger, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2014, regarding Celeste Pounds, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 2015, regarding Sharon Riordan, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2016, regarding Morgan Walker Martz, Plattsburg, which was adopted.

Senator Crowell offered Senate Resolution No. 2017, regarding the Fiftieth Wedding Anniversary of Bob and Darlene Bachmann, Frohna, which was adopted.

Senators Champion, Engler and Shields offered Senate Resolution No. 2018, regarding the Missouri State University Pride Band, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 2019, regarding Kristen Dodd, Fenton, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 818** and **795**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

**SB 1007** was placed on the Informal Calendar.

At the request of Senator Engler, **SB 909**, **SB 954**, **SB 934** and **SB 1003**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 749**, with **SCS**, was placed on the Informal Calendar.

**SB 729**, with **SCS**, was placed on the Informal Calendar.

**SB 768**, with **SCS**, was placed on the Informal Calendar.

**SB 776**, with **SCS**, was placed on the Informal Calendar.

**SB 714**, **SB 933**, **SB 899** and **SB 758**, with **SCS**, were placed on the Informal Calendar.

**SJR 34** and **SJR 30**, with **SCS**, were placed on the Informal Calendar.

**SB 898**, with **SCS**, was placed on the Informal Calendar.

**SB 993** and **SB 770**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Graham, **SB 873**, with **SCS**, was placed on the Informal Calendar.

**SB 846**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gibbons, **SB 712** and **SB 882**, with **SCS**, were placed on the Informal Calendar.

**SB 809**, with **SCS**, was placed on the Informal Calendar.

**SB 930** and **SB 947**, with **SCS**, were placed on the Informal Calendar.

**SB 996**, with **SCS**, was placed on the Informal Calendar.

**SB 865**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kennedy, **SB 717** was placed on the Informal Calendar.

At the request of Senator Shoemyer, **SB 822** was placed on the Informal Calendar.

**SB 756**, with **SCS**, was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

#### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HB 2020**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Goodman assumed the Chair.

#### **SENATE BILLS FOR PERFECTION**

Senator Wilson moved that **SB 764** be taken up for perfection, which motion prevailed.

Senator Wilson moved that **SB 764** be declared perfected and ordered printed.

Senator Crowell requested a roll call vote be taken on the perfection of **SB 764** and was joined in his request by Senators Lager, Purgason, Ridgeway and Shields.

Senator Engler assumed the Chair.

Senator Purgason offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 764, Page 2, Section 208.247, Line 23, by inserting after the word “parole” the following:

“; and

**(6) Is subject to monthly drug and alcohol testing by the division of alcohol and drug abuse under such procedures as may be prescribed by the division”.**

Senator Purgason moved that the above amendment be adopted.

Senator Goodman offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 764, Page 1, Line 6, by inserting after the word “division” the following:

**“. Any individual who tests positive for the presence of a controlled substance, without a valid prescription, or alcohol shall no longer be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits”.**

Senator Goodman moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Shields, Dempsey, Champion and Clemens.

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

**SA 1** to **SA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bray—1

Absent—Senator Koster—1

Absent with leave—Senator Bartle—1

Vacancies—None

**SA 1**, as amended, was again taken up.

Senator Purgason moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Champion, Clemens and Goodman.

**SA 1**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Coleman	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senator Bray—1

Absent—Senator Koster—1

Absent with leave—Senator Bartle—1

Vacancies—None

Senator Purgason offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 764, Page 1, Section 208.247, Line 4, by inserting after the word “shall” the following:

“**not**”.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Wilson, **SB 764**, with **SA 2** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 990**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 1103**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal

Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 982**, **SB 834** and **SB 819**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 815**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 716**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1595** and **1668**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for storm shelters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1371**, entitled:

An Act to repeal section 135.903, RSMo, and to enact in lieu thereof one new section relating to rural empowerment zone criteria.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1678**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the interstate compact on educational opportunity for military children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew J. Aubuchon, 4420 Overbrook, Pasadena Hills, Saint Louis County, Missouri 63121, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Garland G. Barton, Route 3, Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martha E. Black, 739 East 210<sup>th</sup> Road, Charleston, Mississippi County, Missouri 63834, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald D. Boyer, Republican, 5654 East State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the Air Conservation Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Michael Foresman, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald Alan Braun, Independent, 3108 Southwood Boulevard, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2011, and until his successor is duly appointed and qualified; vice, Ray Jagger, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephanie D. Briscoe, 16 Hubbard Place, Lathrop, Clinton County, Missouri 64465, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Dixie Crider, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary L. Carver, 4411 Sterling Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, Lee Richardson, term

expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryan S. Childress, 2655 West Farm Road 164, D204, Springfield, Greene County, Missouri 65807, as student representative of Missouri State University Board of Governors, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Ryan Sivill, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Duane Compton, Republican, 1412 East Charles, Republic, Greene County, Missouri 65738, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2010, and until his successor is duly appointed and qualified; vice, Carolyn Mitchell-Pegue, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Deggendorf, 20208 NE 102<sup>nd</sup> Street, Liberty, Clay County, Missouri 64068, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wendy D. Dillender, 709 Manor Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Jaynee Browning,

term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John S. Gaal, 211 Spring Oaks Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol L. Gossett, 2036 Trailcrest Lane, Unit 6, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Willard H. Halmich, Republican, 905 West 9<sup>th</sup> Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2011, and until his successor is duly appointed and qualified; vice, Robert Arnold, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Zelema Harris, 400 South 4<sup>th</sup> Street, Apartment 709, Saint Louis, Saint Louis City, Missouri 63102, as a member of the Missouri

Workforce Investment Board, for a term ending March 3, 2012, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sheila L. Hitt, 6686 County Road 258, Advance, Cape Girardeau County, Missouri 63730, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until her successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew K. Kirby, 3791 State Route O, Higbee, Howard County, Missouri 65257, as a member of the Missouri Wine and Grape Board, for a term ending October 10, 2010, and until his successor is duly appointed and qualified; vice, Cara Stauffer, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert E. McAuliffe, 4731 Koglin Court, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Missouri State Council on the Arts, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Marilyn Tatlow, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Johnny Dwight McNeil, 1002 North Fourth Street, Ozark, Christian County, Missouri 65721, as a member of the Board of Private

Investigator Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Neil G. Nuttall, 11 NE Highway Y, Trenton, Grundy County, Missouri 63683, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, RSMo 620.511.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Francis "Chris" Rey, 13558 Becker Place Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Board of Private Investigator Examiners, for a term ending March 4, 2012, and until his successor is duly appointed and qualified; vice, RSMo 324.1102.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 4, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dorothy E.A. Rowland, 20857 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, Dorothy E.A. Rowland, withdrawn.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne E. Sanders, 3724 Summit, Saint Charles, Saint Charles County, Missouri 63303, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2012, and until his successor is duly appointed and qualified; vice, Randall

Sammons, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
March 3, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward J. Twehous, 2631 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Blasting Safety Board, for a term ending January 15, 2013, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,  
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on gubernatorial appointments.

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 2014**—Appropriations.

### RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1234** to the Committee on Economic Development, Tourism and Local Government.

President Pro Tem Gibbons re-referred **SB 1183** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 3:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

### SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 1034** and **SB 802**, with **SCS**, be taken up for perfection, which motion prevailed.

President Kinder assumed the Chair.

**SCS** for **SBs 1034** and **802**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1034 and 802

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 1034** and **802** be adopted.

Senator Rupp assumed the Chair.

Senator Shoemyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1034 and 802, Page 3, Section 407.303, Line 2, by striking the word “fifty” and inserting in lieu thereof the following: “**five hundred**”.

Senator Shoemyer moved that the above amendment be adopted.

Senator Mayer offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1034 and 802, Page 3, Section 407.303, Line 1, by inserting after “amount” the following: “**for copper or aluminum, excluding beverage containers,**”; and further amend line 2 of said section, by inserting after “check” the following: “**or any other payment method that may be traced**”.

Senator Mayer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Mayer moved that **SCS** for **SBs 1034** and **802**, as amended, be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 1034** and **802**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 756**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 756**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 756

An Act to repeal sections 630.003, 630.635, 633.005, 633.010, 633.029, 633.180, 633.185, and 633.190, RSMo, and to enact in lieu thereof eight new sections relating to the term “mental retardation” as used by the division of mental retardation and developmental disabilities.

Was taken up.

Senator Engler moved that **SCS** for **SB 756** be adopted.

At the request of Senator Engler, **SB 756**, with **SCS** (pending), was placed on the Informal Calendar.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 2020, regarding the death of Marvin E. Kite, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2021, regarding Pamela McNeely, which was adopted.

Senator Engler offered Senate Resolution No. 2022, regarding Diane Sutton, Ste. Genevieve, which was adopted.

Senator Clemens offered Senate Resolution No. 2023, regarding William Keith, Ozark, which was adopted.

Senator Crowell offered Senate Resolution No. 2024, regarding Bishop John Leibrecht of the Diocese of Springfield-Cape Girardeau, which was adopted.

Senators Bray, Griesheimer, Kennedy and Loudon offered Senate Resolution No. 2025, regarding The Oddly Charged Particles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2026, regarding Johnathan M. Pelikan, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 2027, regarding Matthew Joseph Clohessy, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 2028, regarding Ted Dorton, which was adopted.

Senator Goodman offered Senate Resolution No. 2029, regarding Gene Mulvaney, which was adopted.

Senator Goodman offered Senate Resolution No. 2030, regarding Dr. Charles Cudney, which was adopted.

Senator Barnitz offered Senate Resolution No. 2031, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Gary Heavin, Doolittle, which was adopted.

## **COMMUNICATIONS**

President Pro Tem Gibbons submitted the following:

March 4, 2008

Mrs. Terry Spieler  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Mrs. Spieler:

In the absence of Senator Bartle at 1 p.m. today, I am appointing Senator Jack Goodman as Chairman of the Senate Standing Committee on Judiciary from today to Monday, March 10th. Upon his return on March 10th, Senator Bartle will resume his duties as Chairman, and Senator Jack Goodman will resume his duties as Vice-Chairman of Judiciary.

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,  
/s/ Michael R. Gibbons  
MICHAEL R. GIBBONS

## **INTRODUCTIONS OF GUESTS**

Senator Ridgeway introduced to the Senate, representatives of Missouri Ambulance Association and Emergency Medical Services from around the state.

Senator Gibbons introduced to the Senate, volunteers from the Missouri March of Dimes.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, his cousin, John Scullin and his wife, Tammie and their son, Lucas Lashley; and Jon Maguffee, De Soto; and Lucas was made an honorary page.

Senator Graham introduced to the Senate, Dr. Kattesh Katti and his wife, Kavita and their children, Nahush and Sumidha; Dr. William M. Crist, M.D., Dean, University School of Medicine and Deputy Chancellor Mike Middleton, University of Missouri, Columbia.

Senator Crowell introduced to the Senate, his aunt, Barb Narsh, Cape Girardeau; his cousin, Joe Narsh

and his children, Riley and Dylan, St. Louis.

On behalf of Senators Justus, Wilson, Callahan, Shields and herself, Senator Ridgeway introduced to the Senate, Jason White and members of Metropolitan Ambulance Services Trust and Missouri Ambulance Association, Kansas City.

Senator Mayer introduced to the Senate, Principal Claire Wallace, Lugenia Counce, Heather Pullam, Susan Prater, Amy Sayre and fifteen fourth and fifth grade students from Caruthersville Elementary School, and Hayden and Mary Claire Tillman, Gwen Koerber and Darion Jones were made honorary pages.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Stamos, M.D., St. Louis.

Senator Coleman introduced to the Senate, Margot Dankner, Washington, D.C.; Josh Smith, St. Louis; Senayt Rahwa, Denver, Colorado; and Meredith Turk, Cleveland, Ohio.

On motion of Senator Shields, the Senate adjourned under the rules.

## SENATE CALENDAR

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THIRTY-SECOND DAY—WEDNESDAY, MARCH 5, 2008

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## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HBs 1595 & 1668  
HB 1371-Wilson (119), et al

HB 1678-Day, et al

### THIRD READING OF SENATE BILLS

SCS for SB 781-Smith  
SS for SCS for SB 778-Justus  
SB 958-Goodman  
SCS for SB 806-Engler

SCS for SB 720-Coleman  
SCS for SBs 754 & 794-Mayer and Loudon  
SCS for SB 788-Scott  
SS for SCS for SBs 818 & 795-Rupp

### SENATE BILLS FOR PERFECTION

1. SB 1058-Mayer
2. SB 944-Engler, et al, with SCS
3. SB 939-Stouffer, with SCS
4. SB 1046-Mayer
5. SB 1116-Days
6. SB 1035-Scott, with SCS

7. SB 817-Goodman
8. SB 874-Graham, with SCS
9. SB 881-Green
10. SB 967-Mayer, with SCS
11. SB 713-Gibbons, with SCS
12. SB 1093-Loudon, et al

- 13. SB 811-Stouffer, with SCS
- 14. SB 957-Goodman
- 15. SB 990-Champion
- 16. SB 1103-Gibbons
- 17. SB 915-Ridgeway

- 18. SBs 982, 834 & 819-Purgason, with SCS
- 19. SB 767-Goodman and Gibbons, with SCS
- 20. SB 815-Goodman
- 21. SB 716-Loudon, et al
- 22. SB 1059-Engler, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 712 & 882-Gibbons and Rupp, with SCS
- SBs 714, 933, 899 & 758-Loudon and Gibbons, with SCS
- SB 717-Kennedy and Shields
- SB 726-Shields, with SCS
- SB 729-Griesheimer, with SCS
- SB 732-Champion, et al, with SCS
- SBs 747 & 736-Ridgeway and Gibbons, with SCS & SS for SCS (pending)
- SB 749-Ridgeway, with SCS
- SB 756-Engler and Rupp, with SCS (pending)
- SB 759-Stouffer, with SCS & SA 1 (pending)
- SBs 761 & 774-Stouffer, with SCS
- SB 764-Wilson, et al, with SA 2 (pending)
- SB 768-Rupp and Gibbons, with SCS
- SB 776-Justus and Koster, with SCS
- SB 809-Stouffer, with SCS

- SB 821-Shoemyer, with SCS (pending)
- SB 822-Shoemyer
- SBs 840 & 857-Engler, with SCS
- SB 846-Rupp, with SCS
- SB 865-Rupp and Gibbons, with SCS
- SB 873-Graham, with SCS
- SB 898-Clemens, with SCS
- SB 907-Engler and Gibbons, with SCS
- SBs 909, 954, 934 & 1003-Engler, with SCS
- SB 929-Green and Callahan, with SCS
- SBs 930 & 947-Stouffer, with SCS
- SBs 993 & 770-Crowell, with SCS
- SB 996-Crowell, with SCS
- SB 997-Crowell
- SB 1007-Loudon
- SJR 34 & 30-Crowell and Coleman, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

- SB 1121-Loudon
- SB 885-Graham

- SB 1009-Loudon, with SCS
- SB 925-Days

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