

# Journal of the Senate

SECOND REGULAR SESSION

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**FORTY-FIFTH DAY—THURSDAY, APRIL 3, 2008**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let them praise the name of the Lord, for his name alone is exalted;...” (Psalm 148:13)

Lord God, fill us with Your grace so that we may live in peace with one another and together sing of Your love and mercy. Bind the hearts of Your people in love for one another and end all forms of quarreling and anger that divide us. And bring us safely home to loved ones and may we be found in Your presence this weekend. In Your Holy Name we pray. 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.

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 Mayer offered Senate Resolution No. 2261, regarding Tyler Hall, Matthews, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Ridgeway offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 40**

WHEREAS, the U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. The CPSC has rated furniture tip-overs as number 3 of the top 5 hidden home hazards; and

WHEREAS, according to the CPSC, each year an estimated 3,000 children ages 5 and younger nationwide go to the emergency room with injuries caused by television sets falling or tipping over, and at least 100 people - mostly young children - have been killed since 2000 by falling televisions or other furniture; and

WHEREAS, in September of 2006, the CPSC warned parents and caregivers about the dangers of television sets and heavy furniture tipping over and killing young children. From 2000 to 2005, CPSC had reports of 36 television tip-over deaths and 65 furniture tip-over deaths. More than 80% of all these deaths involved young children; and

WHEREAS, the number of deaths due to furniture tip-overs is on the rise. In 2006, the CPSC reported 31 deaths from improperly secured furniture and televisions, with tip-overs resulting in an average of 22 deaths per year; and

WHEREAS, very heavy furniture items can potentially cause crush injuries, but more commonly when a large dresser, shelf, or home entertainment center tips, the resulting injury is often suffocation. Children become pinned between the tipping furniture and the bed or floor, unable to breathe or call for help, making it a nearly silent event; and

WHEREAS, the danger of tipping comes when a child tries to climb the front of a furniture piece. In these accidents, the child attempts to reach the top of the furniture piece by using a bottom drawer or shelf like a step. The weight of the furniture and the child pulling down in the front causes the whole piece to tilt forward. Heavy items on top of the furniture can fall on the child or the furniture piece itself can fall forward onto the child; and

WHEREAS, the committee of the American Society for Testing and Materials (ASTM) met in March 2007 to discuss and revise a proposed standard for testing tipping on dressers, armoires, and drawer chests. However, the ASTM can only establish voluntary standards and the proposed revised standard does not include other types of furniture such as entertainment centers, television stands, or any piece of furniture 30 inches in height or less; and

WHEREAS, while the ASTM, furniture executives, and consumer safety advocates are working together to form voluntary safety standards to address this issue, the increase in tipping furniture deaths and injuries to children demands mandatory regulation regarding labeling, furniture standards, and the use of anchoring devices:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress and the Consumer Product Safety Commission to immediately enact regulations that:

- (1) Strengthen incentives for use of the ASTM International's voluntary furniture safety standard for furniture tip-over hazards;
- (2) Strengthen incentives for use of warning labels on tip-over risks to be posted on all assembled and ready-to-assemble furniture and major appliances;
- (3) Strengthen incentives for all furniture and major appliances with a tip-over risk to come with anchoring devices that can be used to safely secure them to walls; and
- (4) Promote the dissemination of educational material and information to the public regarding furniture tip-over dangers and ease of prevention through the use of safety devices; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Nancy A. Nord, the Acting Chairman of the Consumer Product Safety Commission and each member of Missouri's Congressional delegation.

**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 **HB 1807**, entitled:

An Act to repeal sections 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, and 168.520, RSMo, and to enact in lieu thereof eight new sections relating to Missouri schools for the severely disabled.

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 1881**, entitled:

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to county water supply districts.

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 1869**, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to junior colleges.

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 1946**, entitled:

An Act to repeal sections 453.072 and 453.073, RSMo, and to enact in lieu thereof two new sections relating to adoption subsidies.

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 **HCS** for **HB 2204**, entitled:

An Act to repeal sections 169.141 and 169.715, RSMo, and to enact in lieu thereof two new sections relating to the public school retirement system.

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 **HCS** for **HB 2104**, entitled:

An Act to repeal sections 70.600, 86.107, 86.590, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.141, 169.630, 169.650, 169.655, 169.670, 169.673, 169.690, and 169.715, RSMo, and to enact in lieu thereof twenty-one new sections relating to public employee retirement systems.

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 2226**, entitled:

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to the income tax deduction for contributions to the Missouri higher education savings program.

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 1784**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to flags flown over state buildings.

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 1419**, entitled:

An Act to repeal section 324.265, RSMo, and to enact in lieu thereof one new section relating to massage therapy.

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 1706**, entitled:

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

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 **HCS** for **HB 1707**, entitled:

An Act to amend chapter 177, RSMo, by adding thereto six new sections relating to the procurement of construction by the design-build method by school districts.

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 1710**, entitled:

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and section 86.1230 as enacted by conference committee substitute no. 2 for house committee substitute no. 2 for senate bill no. 406, ninety-fourth general assembly, first regular session, and to enact in lieu thereof four new sections relating to police retirement.

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 1617**, entitled:

An Act to amend chapters 362 and 369, RSMo, by adding thereto two new sections relating to irrevocable life insurance trusts.

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 1791**, entitled:

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

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 **HCS** for **HB 1804**, entitled:

An Act to repeal section 82.020, RSMo, and to enact in lieu thereof one new section relating to home-rule cities, with an emergency clause.

Emergency clause adopted.

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 1828**, entitled:

An Act to repeal section 144.270, RSMo, and to enact in lieu thereof one new section relating to sales and use tax regulations.

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 1864**, entitled:

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to licenses to operate an excursion gambling boat.

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 **HCS** for **HB 1893**, entitled:

An Act to repeal section 385.050, RSMo, and to enact in lieu thereof one new section relating to premium refund calculations for credit insurance.

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 **HCS** for **HB 1883**, entitled:

An Act to repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to employee job protection.

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 **HCS** for **HB 1904**, entitled:

An Act to repeal section 215.160, RSMo, and to enact in lieu thereof one new section relating to the state housing development commission.

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 **HCS** for **HB 1910**, entitled:

An Act to repeal section 304.130, RSMo, and to enact in lieu thereof one new section relating to regulation of vehicular traffic.

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 1995**, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

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 **HCS** for **HB 2064**, entitled:

An Act to repeal sections 334.105, 334.106, 338.013, 338.057, and 338.220, RSMo, and to enact in lieu thereof five new sections relating to the regulation of licensed health care professionals.

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 **HCS** for **HB 2360**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

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 2047**, entitled:

An Act to repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in cities.

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 **HCS** for **HB 1783**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to display of flags on government buildings.

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 1861**, entitled:

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to renewable energy trends.

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 1887**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

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 1937**, entitled:

An Act to repeal sections 238.207 and 238.210, RSMo, and to enact in lieu thereof two new sections relating to transportation development districts.

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 1952**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

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 **HCS** for **HB 2036**, entitled:

An Act to repeal section 660.099, RSMo, and to enact in lieu thereof one new section relating to appropriation of funds for certain services for the elderly.

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 **HCS** for **HB 2048**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college textbooks.

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 **HCS** for **HB 2068**, entitled:

An Act to repeal sections 334.500, 334.506, 334.530, 334.540, 334.550, 334.560, 334.570, 334.650, 334.655, 334.660, 334.665, 334.670, and 334.675, RSMo, and to enact in lieu thereof twenty-three new sections relating to physical therapists.

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 2051**, entitled:

An Act to repeal sections 217.030 and 217.665, RSMo, and to enact in lieu thereof two new sections relating to the chairman of the board of probation and parole.

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 **HCS** for **HB 2082**, entitled:

An Act to repeal sections 328.030, 328.040, 328.050, 328.060, 328.090, 328.110, 328.115, 328.140, 328.150, 329.010, 329.025, 329.028, 329.035, 329.040, 329.050, 329.120, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, and 329.265, RSMo, and to enact in lieu thereof twelve new sections relating to the regulation of barber and cosmetology licensing by the Missouri board of cosmetology and barber examiners.

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 **HCS** for **HB 2206**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to public roadways.

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 2157**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to identity theft.

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 2224**, entitled:

An Act to repeal section 590.050, RSMo, and to enact in lieu thereof one new section relating to continuing education requirements for peace officers.

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 2213**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of parent and family involvement in education week.

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 2233**, entitled:

An Act to repeal section 105.452, RSMo, and to enact in lieu thereof one new section relating to prohibited acts by public officials and employees.

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 2258**, entitled:

An Act to repeal section 306.163, RSMo, and to enact in lieu thereof one new section relating to the appointment of the state water patrol commissioner.

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 **HCS** for **HB 1546**, entitled:

An Act to repeal sections 192.667 and 197.150, RSMo, and to enact in lieu thereof two new sections relating to infections, with a penalty provision.

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 1416**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state mushroom.

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 1824**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dessert.

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 1640**, entitled:

An Act to repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sheila L. Hitt, Martha E. Black and Carol L. Gossett, as members of the Missouri Workforce Investment Board;

Also,

Ryan S. Childress, as student representative of Missouri State University Board of Governors;

Also,

Donald Alan Braun, Independent, and William Duane Compton, as members of the Missouri Fire Education Commission;

Also,

Edward J. Twehous, as a member of the State Blasting Safety Board;

Also,

Wendy D. Dillender and Stephanie D. Brisco, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Wayne E. Sanders, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Arthur D. Bond, III, as a member of the Seismic Safety Commission;

Also,

Dennis L. Carroll, as a member of the Missouri Propane Gas Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

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 1077**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 917**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 1139**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 748**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1661**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1240**, 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 was referred **SB 1159**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 861**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 768** and **SS** for **SCS** for **SB 846**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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 1180**, 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 1278**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1057**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 43**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1183**, 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 Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 858, 750, 751, 927, 1186, 1255, 1268** and **1269**; and **SCS** for **SBs 930** and **947**, begs leave to report that it has considered the same and recommends that the bills do pass.

### **THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 761** and **774**, introduced by Senator Stouffer, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS 761 and 774**

An Act to repeal sections 142.815, 260.750, 301.010, 301.040, 301.057, 301.058, 301.130, 301.140, 301.143, 301.218, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775,

304.016, 304.070, 304.079, 304.180, 304.230, 304.281, 306.016, 306.228, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, 478.001, 577.023, 590.050, 622.095, and 643.340, RSMo, and to enact in lieu thereof sixty-one new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Lager assumed the Chair.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 761** and **774** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	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—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 858, 750, 751, 927, 1186, 1255, 1268 and 1269

An Act to repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof twenty-nine new sections relating to illegal immigrants, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

Was taken up.

On motion of Senator Rupp, **SS for SCS for SBs 858, 750, 751, 927, 1186, 1255, 1268 and 1269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Griesheimer	Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

NAYS—Senators

Bray	Coleman	Days	Justus	Kennedy	Smith	Wilson—7	
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—28				

NAYS—Senators

Days	Justus	Kennedy	Smith	Wilson—5			
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Absent—Senators—None

Absent with leave—Senator Bartle—1



Vacancies—None

On motion of Senator Rupp, title to the bill was agreed to.

Senator Rupp moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SCS for SBs 930 and 947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 930 and 947

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SBs 930 and 947** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SCS for SB 873**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 873

An Act to repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

Was taken up by Senator Graham.

On motion of Senator Graham, **SCS for SB 873** was read the 3rd time and passed by the following vote:

## YEAS—Senators

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

## NAYS—Senators

Lager	Scott—2
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Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Graham, title to the bill was agreed to.

Senator Graham moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SCS for SB 1107**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1107**

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.190, 306.221, 306.228, 565.024, 565.082, 577.023, and 577.080, RSMo, and to enact in lieu thereof twenty-one new sections relating to watercraft, with penalty provisions and an emergency clause for a certain section.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS for SB 1107** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SS for SCS for SJRs 34 and 30**, introduced by Senators Crowell and Coleman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTIONS NOS. 34 and 30

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was called from the Informal Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **SS for SCS for SJRs 34 and 30** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Bray—1

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Crowell, title to the joint resolution was agreed to.

Senator Crowell moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 39

WHEREAS, public and teaching hospitals in Missouri serve as an integral part of the safety net system in this state. Major teaching hospitals account for approximately twenty-five percent of all Medicaid discharges; and

WHEREAS, currently there are thirty-three teaching hospitals and mental health centers in Missouri receiving graduate medical education funds. Such funding is used to train cardiologists, oncologists, neurologists, pediatricians, and numerous other types of physicians; and

WHEREAS, such hospitals are recognized for offering the most advanced and state-of-the-art services. Therefore, such training for the future health care workforce is an important and critical policy objective for this state; and

WHEREAS, such public and teaching hospitals are concerned about proposed regulations from the federal Centers for Medicare and Medicaid Services asserting that the federal Medicaid program lacks statutory authority to match payments for direct graduate medical education and activities. Such a rule change represents a significant reversal of long-standing Medicaid policy; and

WHEREAS, the State of Missouri will annually lose between 65 and 70 million dollars in lost federal funding starting May 25, 2008, should the rule take effect; and

WHEREAS, Truman Medical Center, in particular, is concerned that the proposed regulations would narrow the definition of "public" so that many current public hospitals, including Truman Medical Center, would no longer qualify as public for purposes of providing the local match required to obtain federal Medicaid funds. Initial estimates of the impact to Truman Medical Center are that it would exceed \$37 million in lost Medicaid funding; and

WHEREAS, the United States House of Representatives is considering extending the proposed rule by one year until May 25, 2009, prohibiting implementation of the proposed rule on Medicaid match for direct graduate medical education:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the Missouri Congressional delegation ask the Centers for Medicare and Medicaid Services to withdraw this rule or delay implementation until May 25, 2009; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to each member of Missouri's Congressional delegation and to the administrator of the Centers for Medicare and Medicaid Services.

President Pro Tem Gibbons assumed the Chair.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1158**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager assumed the Chair.

### **REFERRALS**

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 768** and **SS** for **SCS** for **SB 846** to the Committee on Governmental Accountability and Fiscal Oversight.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 1722**—Education.

**HCS** for **HB 1326**—Ways and Means.

**HCS** for **HJR 43**—Ways and Means.

**HB 1348**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1532**—Transportation.

**HCS** for **HB 1888**—Economic Development, Tourism and Local Government.

**HB 1574**—Pensions, Veterans' Affairs and General Laws.

**HB 1608**—Financial and Governmental Organizations and Elections.

**HB 1972**—Pensions, Veterans' Affairs and General Laws.

**HB 1973**—Pensions, Veterans' Affairs and General Laws.

**HB 1450**—Financial and Governmental Organizations and Elections.

**HB 1368**—Education.

**HB 1689**—Financial and Governmental Organizations and Elections.

**HB 2055**—Pensions, Veterans' Affairs and General Laws.

**HCS** for **HB 2056**—Pensions, Veterans' Affairs and General Laws.

**HB 1358**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1422**—Transportation.

**HB 1469**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1805**—Health and Mental Health.

**HB 1983**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1426**—Commerce, Energy and the Environment.

**HCS for HB 1690**—Financial and Governmental Organizations and Elections.

**HCS for HBs 1876 and 1877**—Education.

**HB 2065**—Financial and Governmental Organizations and Elections.

**HB 1616**—Financial and Governmental Organizations and Elections.

**HB 2081**—Financial and Governmental Organizations and Elections.

**HCS for HB 1611**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1677**—Economic Development, Tourism and Local Government.

### INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, forty representatives from Leadership Joplin.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Mark Taormina, M.D., Parkville.

Senator Gibbons introduced to the Senate, Ben Stein, Beverly Hills, California.

Senator Green introduced to the Senate, his sister-in-law, Maureen Green, Rebecca Buss, Jackie Hinrichs, Cathy Patrico, Jessica Dickerson, fifteen adults and sixty fifth grade students from Glasgow Elementary School, St. Louis; and Monet McCaw and Ryan Wilkins were made honorary pages.

Senator Nodler introduced to the Senate, adults and twenty-five students from Promised Land Home School Group, Neosho.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Monday, April 7, 2008.

### SENATE CALENDAR

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FORTY-SIXTH DAY—MONDAY, APRIL 7, 2008

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### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 1807

HB 1881-Schlottach

HB 1869-Wilson (130), et al

HB 1946-Franz

HCS for HB 2204

HCS for HB 2104

HB 2226-Muschany

HB 1784-Meadows, et al

HB 1419-Portwood

HB 1706-Baker (123), et al

HCS for HB 1707	HB 1937-Pearce, et al
HB 1710-Flook	HB 1952-Loehner, et al
HB 1617-Cunningham (86), et al	HCS for HB 2036
HB 1791-Cooper (155), et al	HCS for HB 2048
HCS for HB 1804	HCS for HB 2068
HB 1828-Sutherland	HB 2051-Kelly, et al
HB 1864-Parson, et al	HCS for HB 2082
HCS for HB 1893	HCS for HB 2206
HCS for HB 1883	HB 2157-Grill, et al
HCS for HB 1904	HB 2224-Jones (117), et al
HCS for HB 1910	HB 2213-Kraus, et al
HB 1995-Schieffer, et al	HB 2233-Page, et al
HCS for HB 2064	HB 2258-Pollock
HCS for HB 2360	HCS for HB 1546
HB 2047-Curls, et al	HB 1416-Nance, et al
HCS for HB 1783	HB 1824-Schlottach, et al
HB 1861-Baker (25), et al	HB 1640-Schoeller, et al
HB 1887-Parson	

### THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens (In Fiscal Oversight)	SS for SCS for SB 846-Rupp (In Fiscal Oversight)
SS for SCS for SB 768-Rupp (In Fiscal Oversight)	

### SENATE BILLS FOR PERFECTION

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. SB 904-Griesheimer, with SCS     | 9. SB 861-Shoemyer, with SCS |
| 2. SB 1077-Goodman                  | 10. SB 1180-Crowell          |
| 3. SB 917-Goodman, et al            | 11. SB 1278-Shields          |
| 4. SB 1139-Dempsey, et al, with SCS | 12. SB 1057-Scott, with SCS  |
| 5. SB 748-Ridgeway                  | 13. SJR 43-Loudon            |
| 6. SB 1244-Barnitz                  | 14. SB 1183-Bray, with SCS   |
| 7. SB 1240-Dempsey                  | 15. SB 1158-Mayer, with SCS  |
| 8. SB 1159-Gibbons                  |                              |

### HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al

INFORMAL CALENDAR  
SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 716-Loudon, et al	SB 996-Crowell, with SCS
SB 717-Kennedy and Shields	SB 997-Crowell
SB 729-Griesheimer, with SCS	SB 1000-Justus
SB 749-Ridgeway, with SCS	SB 1007-Loudon, with SA 2 (pending)
SB 756-Engler and Rupp, with SCS (pending)	SBs 1021 & 870-Loudon, et al, with SCS
SB 776-Justus and Koster, with SCS	SB 1035-Scott, with SCS
SB 809-Stouffer, with SCS	SB 1040-Clemens, with SCS
SB 811-Stouffer, with SCS, SA 1 & point of order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for SCS (pending)	SB 1067-Ridgeway, et al
SB 865-Rupp and Gibbons, with SCS	SB 1081-Nodler and Green, with SCS
SB 874-Graham, with SCS	SB 1093-Loudon, et al
SB 881-Green	SB 1094-Loudon, with SCS
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1099-Graham
SB 915-Ridgeway	SB 1103-Gibbons
SB 929-Green and Callahan, with SCS	SB 1138-McKenna, with SCS
SB 957-Goodman	SBs 1234 & 1270-Shields, with SCS
SBs 982, 834 & 819-Purgason, with SCS	SJR 45-Clemens

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz  
SCR 36-Green

SCR 39-Shields, with SCS

To be Referred

SCR 40-Ridgeway

