

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—MONDAY, APRIL 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Grant that I may not pray alone with the mouth; help me that I may pray from the depths of my heart.” (Martin Luther)

Gracious God, as we approach another week help us to talk with You daily. Let our conversations flow from our hearts and souls and lips. May they be integrated so what we say and what we mean be true and our lives reflect what is required of us. Guide us this day and help us walk along Your right pathways. 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 for Thursday, April 10, 2008 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	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Shields—1

Vacancies—None

The Lieutenant Governor was present.

Senator Goodman announced that photographers from KMOV-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2336, regarding the death of Anne Marie Kempf, Bunceton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2337, regarding Christopher Jon “Chris” Santiago, Kearney, which was adopted.

Senator Coleman offered Senate Resolution No. 2338, regarding the 2008 Chinese Spectacular, which was adopted.

Senator Kennedy offered Senate Resolution No. 2339, regarding Elitta DeArmond, Fenton, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2340, regarding Sallie Hancox, Union, which was adopted.

Senator Graham offered Senate Resolution No. 2341, regarding the One Hundredth Anniversary of the University of Missouri School of Journalism, which was adopted.

Senator Mayer offered Senate Resolution No. 2342, regarding Cora Gordon, Broseley, which was adopted.

Senator Mayer offered Senate Resolution No. 2343, regarding Chelsea Garrett, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2344, regarding Bridget Moore, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2345, regarding Jordan Shelton, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2346, regarding Melodie Scallorns, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2347, regarding Whitney Burdin, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 2348, regarding Ashley Street, Kennett, which was adopted.

Senator Dempsey offered Senate Resolution No. 2349, regarding Alex Felzien, Saint Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 2350, regarding Slater Felzien, Saint Peters, which was adopted.

Senator Crowell offered Senate Resolution No. 2351, regarding Dr. Mitchel Gerber, which was adopted.

Senator Crowell offered Senate Resolution No. 2352, regarding Roy Merideth, which was adopted.

Senator Crowell offered Senate Resolution No. 2353, regarding Becky Hicks, which was adopted.

Senator Crowell offered Senate Resolution No. 2354, regarding Josh LaMar, which was adopted.

Senator Crowell offered Senate Resolution No. 2355, regarding Rhonda Dunham, which was adopted.

Senator Crowell offered Senate Resolution No. 2356, regarding Mr. and Mrs. Ryan James Tate, Jr., which was adopted.

Senator Loudon offered Senate Resolution No. 2357, regarding John Patrick Hartnett, Chesterfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2358, regarding Deborah Carol Esposito Schulenberg, Jefferson City, which was adopted.

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
April 9, 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:

Michelle T. Esswein, Independent, 1825 Bradburn Drive, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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:

Bradley D. Gardner, 530 West 9th Street, Maryville, Nodaway County, Missouri 64628, as student representative of the Northwest Missouri State University Board of Regents, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Aaron Baker, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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:

Gregory D. Haddock, Republican, 310 South Walnut, Maryville, Nodaway County, Missouri 64468, as a member of the Land

Reclamation Commission, for a term ending September 28, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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:

Lori A. Ladd, 1295 Hidden Oak Road, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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 J. Kocher, Republican, 1 Belcourt Circle, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Elevator Safety Board, for a term ending June 6, 2012, and until his successor is duly appointed and qualified; vice, Rita Kay Donovan, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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:

Nick L. Matherly, Republican, 12899 Highway AD, Cabool, Texas County, Missouri 65689, as a member of the Land Reclamation Commission, for a term ending September 28, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 9, 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:

Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 9, 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:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 9, 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 P. Sanders, 10 Georgetown Circle, O'Fallon, Saint Charles County, Missouri 63368, as student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2009, and until his successor is duly appointed and qualified; vice, Anthony Arton, term expired.

Respectfully submitted,
MATT BLUNT

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **SCR 40** be taken up for adoption, which motion prevailed.

On motion of Senator Ridgeway, **SCR 40** was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Dempsey
Engler	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senator Gibbons—1

Absent with leave—Senators

Days Shields—2

Vacancies—None

Senator Griesheimer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 1139**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1139**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1139

An Act to repeal sections 58.451, 58.720, 194.119, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-nine new sections relating to anatomical gifts, with penalty provisions.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 1139** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1139, Page 4, Section 58.451, Line 96, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and further amend line 115, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill and section, page 5, line 124, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill, page 7, section 58.720, line 68, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and further amend line 87, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”; and

Further amend said bill and section, page 8, line 96, by inserting at the end of said line the following: “**The certificate of death shall be filed in the county where the deceased was pronounced dead.**”.

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

Senator Dempsey moved that **SCS** for **SB 1139**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 1139**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 1081**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1081, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 630.165, 630.167, and 633.005, RSMo, and to enact in lieu thereof fifteen new sections relating to quality assurance and safety in the division of mental retardation and developmental disabilities community programs, with penalty provisions, an emergency clause for a certain section, and an expiration date for a certain section.

Was taken up.

Senator Nodler moved that **SCS for SB 1081** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for SB 1081** was declared perfected and ordered printed.

Senator Clemens moved that **SB 1040**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 1040, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1040

An Act to repeal section 644.570, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450, ninetieth general assembly, first regular session, and section 644.570, as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 & 82, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to storm water control assistance, with a contingent effective date.

Was taken up.

Senator Clemens moved that **SCS for SB 1040** be adopted.

Senator Scott assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Clemens, **SB 1040**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 14, 2008

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

I hereby withdraw from your consideration the following appointment to office submitted to you on April 8, 2008, for your advice and consent:

Michael J. Schmid, Democrat, 238 Madeline's Park Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri

Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Michael Dunard, term expired.

Respectfully submitted,
MATT BLUNT

On motion of Senator Gibbons, the above appointment was returned to the Governor per his request.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointments appearing on pages 789-791 to the Committee on Gubernatorial Appointments.

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 1549, 1771, 1395** and **2366**, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof five new sections relating to illegal aliens and immigration status, with penalty provisions.

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 1332**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to pharmacists and pharmacies, with a penalty clause for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

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 **HB 1608**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2065**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 2082**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2233**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1419**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1791**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1617**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1689**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1690**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Burt and Fin Sellick, Thunder Bay, Ontario, Canada.

Senator Champion introduced to the Senate, Ken Meyer, Springfield.

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

SENATE CALENDAR

 FIFTY-FIRST DAY—TUESDAY, APRIL 15, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 70	HCS for HBs 1321 & 1695
HB 1319-Brown (50)	HB 1716-Guest, et al
HCS for HB 2321	HCS for HBs 1549, 1771, 1395 & 2366
HB 1923-Jones (117) and Pratt	HCS for HB 1332
HB 1981-Spreng, et al	

THIRD READING OF SENATE BILLS

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

SENATE BILLS FOR PERFECTION

1. SB 861-Shoemyer, with SCS	8. SB 1172-Goodman, with SCS
2. SB 1180-Crowell	9. SB 1101-Bray, et al
3. SB 1278-Shields	10. SB 1283-Dempsey, et al, with SCS
4. SB 1057-Scott, with SCS	11. SB 1197-Crowell
5. SJR 43-Loudon	12. SB 1275-Vogel
6. SB 1183-Bray, with SCS	13. SB 1164-Loudon
7. SB 1158-Mayer, with SCS	

HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)	HCS for HB 1779, with SCS
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 716-Loudon, et al
SB 713-Gibbons, with SCS	SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS	SB 996-Crowell, with SCS
SB 749-Ridgeway, with SCS	SB 997-Crowell
SB 756-Engler and Rupp, with SCS (pending)	SB 1000-Justus
SB 776-Justus and Koster, with SCS	SB 1007-Loudon, with SA 2 (pending)
SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)	SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS & SA 1 (pending)
SB 811-Stouffer, with SCS, SA 1 & point of order (pending)	SB 1035-Scott, with SCS
SB 815-Goodman	SB 1040-Clemens, with SCS (pending)
SB 817-Goodman	SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
SB 821-Shoemyer, with SCS (pending)	SB 1052-Rupp
SBs 840 & 857-Engler, with SCS & SS for SCS (pending)	SB 1054-Dempsey, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1058-Mayer
SB 874-Graham, with SCS	SB 1067-Ridgeway, et al
SB 881-Green	SB 1077-Goodman
SB 904-Griesheimer, with SCS	SB 1093-Loudon, et al
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1094-Loudon, with SCS
SB 915-Ridgeway	SB 1099-Graham, with SA 1 (pending)
SB 917-Goodman, et al	SB 1103-Gibbons
SB 929-Green and Callahan, with SCS	SB 1138-McKenna, with SCS
SB 957-Goodman	SBs 1234 & 1270-Shields, with SCS, SS for SCS & SA 5 (pending)
SBs 982, 834 & 819-Purgason, with SCS	SB 1240-Dempsey
SB 990-Champion	SB 1244-Barnitz and Purgason
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)	SJR 45-Clemens

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 1368-Thomson (Lager)
HB 1670-Cooper (120) (Dempsey)	HCS for HB 1807, with SCS
HB 1828-Sutherland	HB 1869-Wilson (130), et al (Goodman)
HCS for HB 1804, with SCS (Days)	HCS for HB 2048, with SCS
HB 2047-Curls, et al, with SCS (Callahan)	HB 2213-Kraus, et al (Shields)
HB 1711-Weter, et al, with SCS (Clemens)	HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1410-Flook, et al (Ridgeway)	HB 1354-Wilson (119), et al (Scott)
HCS for HB 1888 (Clemens)	HCS for HB 1575 (Vogel)
HCS for HBs 1876 & 1877, with SCS (Mayer)	HCS for HB 1309 (Crowell)
HCS for HB 1305, with SCS (Rupp)	HB 1952-Loehner, et al (Barnitz)

HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1532-Davis, with SCS (Rupp)

HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin
HB 2065-Wasson, with SCS
HB 1450-Roorda, et al, with SCS
HCS for HB 2082
HB 2233-Page, et al

HB 1419-Portwood
HB 1791-Cooper (155), et al
HB 1617-Cunningham (86), et al
HB 1689-Wilson (130), with SCS
HCS for HB 1690, with SCS

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz
SCR 36-Green

SCR 39-Shields, with SCS
SCR 29-Mayer

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