Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 7, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The community of the living is the carriage of the Lord." (Hasidic proverb)

Heavenly Father, as we gathered with friends and former colleagues we are reminded of the special community we share with those who have and continue to serve faithfully the people of Missouri. We are thankful for this community for we draw strength and wisdom from You and from the past You lead others through so we can affect the future positively by what we do this day. We pray for Cory Purgason who broke his leg and is in St. John's Springfield for surgery. We pray for his healing and renewed strength. 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 Ridgeway offered Senate Resolution No. 2632, regarding Paul Jameson, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2633, regarding Matthew Ryan Perry, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2634, regarding Casey Lee Fiddelke, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2635, regarding Matthew William Guptill, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2636, regarding David Louis Relic, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2637, regarding Derek Daniel Schirmer, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2638, regarding James Daniel Fluker, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2639, regarding Chouteau Outback Steakhouse, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 2640, regarding the 2007-2008 Class 3 State Champion Notre Dame Regional High School competitive academic team, Cape Girardeau, which was adopted.

Senator Koster offered Senate Resolution No. 2641, regarding Samantha Hill, Holden, which was adopted.

Senator Barnitz offered Senate Resolution No. 2642, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Virgil W. Helton, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 2643, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Warren F. Helton, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 2644, regarding the Ninety-eighth Birthday of Ruby M. Ott, Crocker, which was adopted.

Senator Crowell offered Senate Resolution No. 2645, regarding Paige Rampley, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 2646, regarding Lela Deason, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 2647, regarding Elizabeth Ray, Benton, which was adopted.

Senator Bray offered Senate Resolution No. 2648, regarding Joseph L. Dillon, Clayton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2649, regarding the One Hundredth Anniversary of Citizens Telephone Company, Higginsville, which was adopted.

MESSAGES FROM THE HOUSE

The following message was 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 adopted the Conference Committee Report on SCS for HCS for HB 2010 and has taken up and passed CCS for SCS for HCS for HB 2010.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2010** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2010

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2010.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Allen Icet
/s/ Robert N. Mayer	/s/ Ed Robb
/s/ Joan Bray	/s/ Rick Stream
/s/ Timothy P. Green	Shalonn Curls
/s/ Scott T. Rupp	Rebecca McClanahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—	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
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Nodler, CCS for SCS for HCS for HB 2010, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—S	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
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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

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

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

Senator Griesheimer assumed the Chair.

Senator Shields announced that photographers from KRCG-TV and the Bosnian Newspaper <u>Saban</u> were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for HB 1715, with SCS, entitled:

An Act to repeal sections 304.157, 306.010, 306.015, 306.030, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.221, 306.228, 565.024, 565.082, and 577.080,

RSMo, and to enact in lieu thereof twenty new sections relating to watercraft, with penalty provisions.

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

SCS for HCS for HB 1715, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1715

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.

Senator Scott moved that SCS for HCS for HB 1715 be adopted.

Senator Scott offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1715, Page 6, Section 306.015, Line 34, by inserting after all of said line the following:

"306.030. 1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an appropriate certificate of title over the director's signature and sealed with the seal of the director's office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the state water patrol or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration.

2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number.

3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number.

4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith.

5. All records of the department of revenue made and kept pursuant to this section shall be public records.

6. Every certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload.

8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

10. The fee to accompany each application for a certificate of number is:

For vessels under 16 feet in length \$25.00	1
For vessels at least 16 feet in length but less than 26 feet in length	1
For vessels at least 26 feet in length but less than 40 feet in length	1
For vessels at least 40 feet and over\$150.00	

11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection.

12. The first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the Missouri state water patrol fund and shall be used exclusively for the Missouri state water patrol.

13. Notwithstanding the provisions of subsection 10 of this section, vessels at least 16 feet in length but less than 28 feet in length, that are homemade, constructed out of wood, and have a beam of 5 feet or less, shall pay a fee of \$55.00 which shall accompany each application for a certification number."; and

Further amend the title and enacting clause accordingly.

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

Senator Scott moved that SCS for HCS for HB 1715, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, SCS for HCS for HB 1715, as amended, was read the 3rd time and passed by the following vote:

YEAS—	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				
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel—32				
Absent-	Senators—None -Senator Wilson—1 vith leave—Senator	Purgason—1									
Vacancie	s—None esident declare	-	ussed.								
The emergency clause was adopted by the following vote:											
YEAS—	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				

Smith

Stouffer

Vogel-31

NAYS—Senators—None

Rupp

Absent—Senators

Shoemyer Wilson—2

Ridgeway

Absent with leave—Senator Purgason—1

Scott

Shields

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.

PRIVILEGED MOTIONS

Senator Rupp moved that **SB 863**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 863, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 863

An Act to repeal sections 166.425 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to the income tax deduction for contributions to the Missouri higher education savings program.

Was taken up.

Senator Rupp moved that HCS for SB 863 be adopted.

Senator Lager assumed the Chair.

Senator Bray offered a substitute motion that the Senate refuse to concur in **HCS** for **SB 863** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion failed.

Senator Rupp moved that HCS for SB 863 be adopted, which motion prevailed by the following vote:

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Rupp, HCS for SB 863 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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.

Bill ordered enrolled.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2650, regarding Linda Coleman, which was adopted. Senator Engler offered Senate Resolution No. 2651, regarding Margaret Austin, which was adopted. Senator Engler offered Senate Resolution No. 2652, regarding Adele Weatherly, which was adopted. Senator Engler offered Senate Resolution No. 2653, regarding JoAnn Puckett, which was adopted. Senator Engler offered Senate Resolution No. 2654, regarding Bill Mayberry, which was adopted. Senator Engler offered Senate Resolution No. 2655, regarding Terry Dobbs, which was adopted. Senator Engler offered Senate Resolution No. 2656, regarding Terry Dobbs, which was adopted.

Senator Engler offered Senate Resolution No. 2657, regarding Martha Anne Hiett, Willow Springs, which was adopted.

Senator Engler offered Senate Resolution No. 2658, regarding Joe Goff, Farmington, which was adopted.

Senators Stouffer and Scott offered Senate Resolution No. 2659, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Jeff Osner, Lowry City, which was adopted.

Senator Green offered Senate Resolution No. 2660, regarding Terrance L. Freeman, Ph.D., St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 2661, regarding Jeffrey Spahr, Overland Park, Kansas, which was adopted.

Senator Champion offered Senate Resolution No. 2662, regarding Lacy Kendrick, Nixa, which was adopted.

Senator Koster offered Senate Resolution No. 2663, regarding Phyllis E. Sprenkle, which was adopted.

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 adopted **SS** for **SCS** for **HCS** for **HB 2393**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2393**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2011** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2011**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2013** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2013**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2011** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2011

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House

Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Allen Icet
/s/ Robert N. Mayer	/s/ Ed Robb
/s/ Joan Bray	/s/ Rick Stream
/s/ Timothy P. Green	Shalonn Curls
/s/ Scott T. Rupp	Rebecca McClanahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

NAYS—Senator Bartle—1

Absent-	-Senators	
Coleman	Kennedy	Scott—3

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Nodler, CCS for SCS for HCS for HB 2011, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—S	Senators						
Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent	-Senators
Kennedy	Scott-2

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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

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

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

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2012** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2012

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Allen Icet
/s/ Robert N. Mayer	/s/ Ed Robb
/s/ Joan Bray	/s/ Rick Stream
/s/ Timothy P. Green	/s/ Shalonn K. Curls
/s/ Scott T. Rupp	/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—S	Senators						
Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel	Wilson—30		

NAYS—Senators Shoemyer Smith—2

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Nodler, CCS for SCS for HCS for HB 2012, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2008 and ending June 30, 2009.

Was read the 3rd time and passed by the following vote:

YEAS—	Senators						
Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer	Vogel	Wilson—30		

NAYS—Senators Shoemyer Smith—2

Absent—Senator Kennedy—1

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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

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

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

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2013** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2013

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2013.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 2013.
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2013, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Allen Icet
/s/ Robert N. Mayer	/s/ Ed Robb
/s/ Joan Bray	/s/ Rick Stream
/s/ Timothy P. Green	/s/ Shalonn K. Curls
/s/ Scott T. Rupp	/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—S	Senators						
Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Koster
Lager	Loudon	Mayer	McKenna	Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Bartle—1

Absent—Senators Coleman Kennedy—2

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Nodler, CCS for SCS for HCS for HB 2013, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2008 and ending June 30, 2009.

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	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Bartle—1

Absent-Senators-None

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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

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

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

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Vogel, Chairman of the Committee on Ways and Means, Senator Shields submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HJR 43**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1995**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1716**, 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 **HCS** for **HBs 1831** and **1472**, 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 **HCS No. 2** for **HB 1423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 1626**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HBs 1788** and **1882**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1314**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SCS for SB 724, as amended, moved that the following conference committee report

be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 724

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, with House Amendments Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 724;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Delbert Scott	/s/ Kenny Jones, 117
/s/ Norma Champion	/s/ Mark Bruns
Chuck Purgason	/s/ Jay Wasson
/s/ Timothy P. Green	J.C. Kuessner
/s/ Harry Kennedy	/s/ Rebecca McClanahan

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Purgason—1

Vacancies-None

On motion of Senator Scott, CCS for HCS for SCS for SB 724, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 724

An Act to repeal sections 195.017, 195.070, 195.100, 195.417, 334.104, 335.016, and 335.076, RSMo, and to enact in lieu thereof eight new sections relating to controlled substances, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senator Purgason—1

Vacancies-None

The President declared the bill passed.

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.

SENATE BILLS FOR PERFECTION

Senator Graham moved that **SB 1099**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was taken up.

At the request of Senator Loudon, SA 1 was withdrawn.

On motion of Senator Graham, SB 1099 was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Loudon moved that SB 1021 and SB 870, with SCS, SS for SCS and SA 2 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Loudon, SS for SCS for SBs 1021 and 870 was withdrawn rendering SA 2 moot.

Senator Loudon offered SS No. 2 for SCS for SBs 1021 and 870, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1021 and 870

An Act to repeal sections 334.010, 334.120, 334.260, and 376.1753, RSMo, and to enact in lieu thereof fifteen new sections relating to the practice of midwifery, with penalty provisions and an emergency clause.

Senator Loudon moved that SS No. 2 for SCS for SBs 1021 and 870 be adopted.

Senator Loudon offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1021 and 870, Page 14, Section 324.1241, Line 6, by adding after the word "of" the word "gross".

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

Senator Loudon moved that SS No. 2 for SCS for SBs 1021 and 870, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, SS No. 2 for SCS for SBs 1021 and 870 was declared perfected and ordered printed.

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 refuses to adopt SS for SCS for HB 2224 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 1074**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 1068** as amended and grants the Senate a conference thereon; and further that the conference be allowed to exceed the differences for the sole purpose of excluding Department of Health and Senior Services program rebates from the fund.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, his wife, Laura, and their sons, Jack Elliott Goodman and William True Goodman; and Jack Elliott Goodman and William True Goodman were made honorary pages.

Senator Champion introduced to the Senate, Dr. Carol Gosselink, Springfield.

Senator Ridgeway introduced to the Senate, the Physician of the Day, Dr. Jim DiRenna, D.O., Independence.

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

SENATE CALENDAR

SIXTY-FIFTH DAY-THURSDAY, MAY 8, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

HOUSE BILLS ON THIRD READING

- 1. HCS for HBs 1595 & 1668 (Mayer) (In Fiscal Oversight)
- 2. HCS for HB 1550 (Dempsey)
- 3. HB 1923-Jones (117) and Pratt (Barnitz)
- 4. HCS for HB 1516, with SCS (Goodman)
- 5. HB 2191-Nasheed, et al, with SCS (Coleman) (In Fiscal Oversight)
- 6. HCS for HB 2279, with SCS (Engler)
- 7. HCS for HBs 1321 & 1695, with SCS (Gibbons) (In Fiscal Oversight)
- 8. HB 1832-Cooper (120), et al, with SCS (Griesheimer)

- 9. HCS for HB 2058, with SCS (Kennedy) (In Fiscal Oversight)
- 10. HCS for HB 1700, with SCS (Scott)
- 11. HCS for HJR 43, with SCS
- 12. HB 1995-Schieffer, et al
- 13. HB 1716-Guest, et al (Purgason)
- 14. HCS for HBs 1831 & 1472 (Mayer)
- 15. HCS#2 for HB 1423, with SCS
- 16. HCS for HB 1626
- 17. HCS for HBs 1788 & 1882 (Crowell)
- 18. HCS for HB 1314, with SCS (Callahan)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS SB 713-Gibbons, with SCS SB 716-Loudon, et al SB 717-Kennedy and Shields SB 729-Griesheimer, with SCS SB 749-Ridgeway, with SCS SB 756-Engler and Rupp, with SCS (pending) SB 776-Justus and Koster, with SCS SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending) SB 811-Stouffer, with SCS, SA 1 & point of order (pending) SB 815-Goodman SB 821-Shoemyer, with SCS (pending) SBs 840 & 857-Engler, with SCS & SS for SCS (pending) SB 861-Shoemyer, with SCS SB 874-Graham, with SCS SB 877-Mayer SB 881-Green SB 904-Griesheimer, with SCS SBs 909, 954, 934 & 1003-Engler, with SCS SB 915-Ridgeway SB 917-Goodman, et al SB 929-Green and Callahan, with SCS SB 957-Goodman SBs 982, 834 & 819-Purgason, with SCS SB 990-Champion SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending) SB 996-Crowell, with SCS SB 997-Crowell SB 1000-Justus SB 1007-Loudon, with SA 2 (pending) SB 1035-Scott, with SCS SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)

SB 1052-Rupp SB 1054-Dempsey, with SCS SB 1057-Scott. with SCS SB 1058-Mayer SB 1067-Ridgeway, et al SB 1077-Goodman, with SS (pending) SB 1093-Loudon, et al SB 1094-Loudon, with SCS SB 1101-Bray, et al SB 1103-Gibbons SB 1138-McKenna, with SCS SB 1158-Mayer, with SCS SB 1164-Loudon SB 1180-Crowell SB 1183-Bray, with SCS SB 1194-Goodman SB 1197-Crowell SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending) SB 1240-Dempsey SB 1244-Barnitz and Purgason SB 1275-Vogel SB 1278-Shields SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler) HB 1358-Flook, et al (Ridgeway) HCS for HB 1393 (Ridgeway) HCS#2 for HB 1463, with SCS HCS for HB 1474, with SCS (Scott) HB 1532-Davis, with SCS (Rupp) HCS for HBs 1549, 1771, 1395 & 2366 (Rupp) HB 1617-Cunningham (86), et al (Dempsey) HB 1656-Nance and Cooper (155), with SCS (Stouffer) HB 1661-LeVota, et al (Ridgeway) HB 1711-Weter, et al, with SCS, SS#2 for SCS & SA 10 (pending) (Clemens)

HCS for HB 1722, with SCS (Mayer)
HCS for HB 1763 (Engler)
HCS for HB 1790, HB 1805 & HCS for HB 1546, with SCS (Shields)
HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS for HB 1904, with SCS (Goodman)
HB 1937-Pearce, et al, with SCS (Scott)
HB 1973-Franz, with SCS (Engler)
HB 1983-Pratt, with SCS (Goodman)
HCS for HB 2041, with SCS (Scott)
HCS for HB 2068 (Scott)
HB 2081-Dougherty, with SCS (pending) (Callahan) HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS (Crowell) HB 2226-Muschany (Rupp) HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott) HB 1670-Cooper (120) (Dempsey) HB 1828-Sutherland (Vogel) HCS for HB 1804, with SCS (Days) HB 2047-Curls, et al, with SCS (Callahan) HB 1410-Flook, et al (Ridgeway) HCS for HB 1888 (Clemens) HB 1368-Thomson (Lager) HCS for HB 1807, with SCS (Mayer) HB 1869-Wilson (130), et al (Goodman) HCS for HB 2048, with SCS (Engler) HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)
HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway) HB 2065-Wasson, with SCS (Scott) HB 1450-Roorda, et al, with SCS (McKenna) HB 2233-Page, et al (Shields) HB 1419-Portwood (Loudon) HB 1791-Cooper (155), et al (Barnitz) HB 1689-Wilson (130), with SCS (Scott) HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS (Goodman)
HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman) HB 1710-Flook (Ridgeway) HCS for HB 1783 (Engler) HB 1784-Meadows, et al (McKenna) HB 1313-Wright, et al (Mayer) HCS for HB 1893 (Dempsey) HB 1881-Schlottach (Kennedy)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 724-Scott, et al, with HCS, as amended (Senate adopted CCR and passed CCS) SB 841-Stouffer, with HCS, as amended SS for SCS for SB 931-Purgason, with HCS, as amended (Senate adopted CCR and passed CCS) SB 958-Goodman, with HCS SB 1068-Mayer, with HA 1 & HA 3 SB 1074-Dempsey, with HCS, as amended HCS for HB 2023, with SCS (Nodler)

Requests to Recede or Grant Conference

HB 2224-Jones (117), with SS for SCS (Griesheimer) (House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 27-Champion SCR 32-Purgason SCR 33-Bray HCR 7-Pearce, et al (Rupp) HCR 23-Dixon, et al, with SCA 1 (Loudon)

1