

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FOURTH DAY—THURSDAY, APRIL 16, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If you do a good job for others, you heal yourself at the same time, because a dose of joy is a spiritual cure.” (Dietrich Bonhoeffer)

Merciful God, even though it has been a short week, much has been required of us and when we leave today, may we have a sense that what we did was a good job for our people. Ride with us this day and bring us safely home; and may we rejoice in hope and Your spiritual love for us. 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	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 826, regarding Austin Littleton, Sikeston, which was adopted.

Senators Schmitt, Wright-Jones, Bray, Cunningham, Days, Dempsey, Griesheimer, Lembke and Smith offered Senate Resolution No. 827, regarding the Seventy-fifth Anniversary of Kiel Opera House, Saint Louis, which was adopted.

Senator Engler offered Senate Resolution No. 828, regarding Jeannine M. Canaday, which was adopted.

Senator Engler offered Senate Resolution No. 829, regarding Peggy Kohler, which was adopted.

Senator Engler offered Senate Resolution No. 830, regarding Matilda Dickinson, which was adopted.

Senator Shoemyer offered Senate Resolution No. 831, regarding the Eightieth Birthday of Edith Johnson, Kahoka, which was adopted.

Senator Vogel offered Senate Resolution No. 832, regarding Robert L. Robinson, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 833, regarding James W. Uffmann, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 834, regarding Tyronne M. Allen, Jefferson City, which was adopted.

Senator Wilson offered Senate Resolution No. 835, regarding the Fiftieth Anniversary of the Palestine Missionary Baptist Church of Jesus Christ, Kansas City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 836, regarding Lew Moye, St. Louis, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Rupp offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 27**

WHEREAS, the United States Congress recently passed, and President Obama signed, the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, the ARRA allocates federal stimulus and stabilization money to the various states via several funds that come with different stipulations as to the use of the allocated moneys; and

WHEREAS, the state of Missouri's share of the federal stimulus and stabilization money could be approximately four billion dollars; and

WHEREAS, there is great confusion as to the conditions and stipulations that must be met in order to maximize the amount of funds that the state may receive under ARRA; and

WHEREAS, some of the ARRA funds will use preexisting formulas to determine how much money will go to certain programs, such as worker training, food stamps and renewable energy promotion; and

WHEREAS, other ARRA funds, such as those that come from the stabilization fund, may provide the state with more discretion as to how such funds are spent by the state; and

WHEREAS, it is necessary for the General Assembly to conduct in-depth studies regarding the parameters of the ARRA funds in order to ensure compliance with federal law and that Missouri receives its fair share of the ARRA funds:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Oversight of Federal Stimulus and Stabilization Funds; and

BE IT FURTHER RESOLVED that the committee shall be charged with the following:

- (1) Conducting a comprehensive study and analysis of strategies for securing the maximum amount of federal dollars for Missouri and Missourians that will come from the ARRA; and
- (2) Examine any conditions or stipulations that are attached to the receipt of federal funds under ARRA; and
- (3) Investigate exactly for what purpose or programs moneys under ARRA may be used; and
- (4) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the committee shall be composed of ten members, three majority party members and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First Regular Session of the Ninety-fifth General Assembly through January 15, 2010, of the Second Regular Session of the Ninety-fifth General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

**THIRD READING OF SENATE BILLS**

**SCS for SBs 207 and 245, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 207 and 245**

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security breaches.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SBs 207 and 245** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

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 Engler moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 306**, introduced by Senator Dempsey, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 306

An Act to repeal sections 208.215 and 287.266, RSMo, and to enact in lieu thereof nineteen new sections relating to health care services.

Was taken up.

Senator Goodman assumed the Chair.

Senator Stouffer assumed the Chair.

On motion of Senator Dempsey, **SS for SCS for SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Lager	Mayer	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Bray	Crowell	Justus	Lembke	Purgason	Ridgeway—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS for SB 495**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 495

An Act to repeal section 288.330, RSMo, and to enact in lieu thereof one new section relating to employment security.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 495** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS** for **SB 542**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 542

An Act to repeal sections 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof eight new sections relating to the state treasurer, with penalty provisions.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 542** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Lembke          Wilson—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS for SB 383**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 383**

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to contribution rates for the public school retirement system of Missouri.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SCS for SB 383** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Lembke—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**REPORTS OF STANDING COMMITTEES**

Senator Purgason, 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 were referred **SCS for SB 538** and **SCS for SBs 453 and 24**, begs leave to report that it has considered the same and recommends that the bills do pass.

**THIRD READING OF SENATE BILLS**

**SCS for SB 538**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 538**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the personal needs allowance for residents in long-term care facilities.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS for SB 538** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS for SBs 453 and 24**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 453 and 24**

An Act to repeal sections 160.534, 163.011, 163.043, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof four new sections relating to education funding, with an effective date for a certain section and an emergency clause.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS for SBs 453 and 24** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

**SS No. 2** for **SCS** for **SB 5**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 5

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.



Was called from the Informal Calendar and taken up.

On motion of Senator Griesheimer, **SS No. 2** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days	Green
Griesheimer	Justus	Lembke	McKenna	Schaefer	Schmitt	Shields	Smith
Wilson	Wright-Jones—18						

NAYS—Senators

Barnitz	Crowell	Dempsey	Engler	Goodman	Lager	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Scott	Shoemyer	Stouffer	Vogel—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**REPORTS OF STANDING COMMITTEES**

Senator Shields, 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:

Paul E. Connors, as a member of the Missouri Veterans Commission;

Also,

Patrick A. McInerney, as a member of the Kansas City Board of Police Commissioners;

Also,

Randall J. McArthur, John R. Albright, Lori Rasmussen, Cynthia L. Heislen, James E. O’Mara, Nina N. Murphy and Forrest Miller, Jr., as members of the Missouri Community Service Commission;

Also,

Richard J. Weaver, as Commissioner of the Missouri Division of Finance.

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

Senator Shields 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 Shields assumed the Chair.

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 751**, 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 **HCS** for **HB 382**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 103**, 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 Jobs, Economic Development and Local Government, to which was referred **HB 376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 395**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 747**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 661**, 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 reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 269**, 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 Transportation, to which was referred **HB 91**, 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 General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 154**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 458**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 259**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 644**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, 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 376** and **SS No. 2** for **SCS** for **SB 363**, 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.

### **REFERRALS**

President Pro Tem Shields referred **SS No. 2** for **SCS** for **SB 363** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

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

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

**HCS** for **HJR 10**—Governmental Accountability and Fiscal Oversight.

**HB 599**—Commerce, Consumer Protection, Energy and the Environment.

**HCS** for **HB 509**—Ways and Means.

**HCS for HBs 187 and 235**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 495**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 299**—General Laws.

**HCS for HB 863**—General Laws.

**HCS for HB 250**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 909**—General Laws.

**HB 30**—Progress and Development.

**HCS for HBs 658 and 706**—Agriculture, Food Production and Outdoor Resources.

### 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 HJR 32**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building bond and interest fund.

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 HJR 36**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to fair taxation.

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 62**, entitled:

An Act to repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 192.925, 195.202, 217.450, 217.460, 217.665, 217.670, 229.110, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.093, 566.226, 568.045, 570.030, 570.040, 570.080, 575.060, 575.080, 575.150, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo, and section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly,

second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and to enact in lieu thereof seventy new sections relating to crime, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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

### **RECESS**

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

### **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 **HB 258**, entitled:

An Act to repeal sections 290.502 and 290.512, RSMo, and to enact in lieu thereof three new sections relating to minimum wage law.

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 795**, entitled:

An Act to repeal sections 144.140, 290.500 and 536.310, RSMo, and to enact in lieu thereof four new sections relating to small businesses, with an emergency clause.

Emergency clause defeated.

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 354**, entitled:

An Act to repeal sections 144.054, 227.600, and 227.615, RSMo, and to enact in lieu thereof nine new sections relating to transportation projects.

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 952**, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax holiday, with an emergency clause.

Emergency clause defeated.

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 152**, entitled:

An Act to repeal sections 650.052 and 650.055, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, 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 845**, entitled:

An Act to repeal section 537.524, RSMo, and to enact in lieu thereof one new section relating to interference with lawful hunting, trapping, and fishing.

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 246**, entitled:

An Act to repeal sections 444.765, 444.766, 444.770, and 444.774, RSMo, and to enact in lieu thereof four new sections relating to surface mining and gravel excavation.

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 575**, entitled:

An Act to repeal sections 99.1082, 99.1088, 99.1090, 99.1092, 100.710, 100.760, 100.770, 135.680, 338.337, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twelve new sections relating to business incentives, 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 **HCS** for **HB 553**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for certain motor vehicle purchases.

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 716**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

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 734**, entitled:

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution permit fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Justus offered Senate Resolution No. 837, regarding Marquisha Loggins, Grandview, which was adopted.

Senator Rupp offered Senate Resolution No. 838, regarding Lisa Williams, O'Fallon, which was adopted.

Senator Rupp offered Senate Resolution No. 839, regarding Julie Castello, St. Charles, which was adopted.

### **COMMUNICATIONS**

Senator Crowell submitted the following:

April 16, 2009

Madame Secretary:

I respectfully request that HCS for HB 740, HB 544, with SCS and HCS for HB 844 be removed from the Senate Consent Calendar.

/s/ Jason

### **INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, Leaders Cindy Craig, Megan McDonald and members of Boy

Scout Troop 150, Kansas City; and Andrew Craig, Sam King, Ian McDonald and Bobby Mansur were made honorary pages.

Senator Clemens introduced to the Senate, Willard city officials.

Senator Barnitz introduced to the Senate, Vicki Hurlbutt, Glenda Blanchard and Mary Glotfelty, Waynesville.

Senator Goodman introduced to the Senate, his son, Jack Elliott, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Scott introduced to the Senate, Keith and Mary Glor, Donna and Mike Hargraves, Rose and Ray Robinson, Margaret L. Miller and Jim Brown, Urbana.

Senator Crowell introduced to the Senate, fourth grade students from Alma Schrader Elementary School, Cape Girardeau.

Senator Smith introduced to the Senate, students from St. Margaret's of Scotland School, St. Louis.

Senator Champion introduced to the Senate, students from Mark Twain Elementary School, Springfield.

Senator Wright-Jones introduced to the Senate, her grandchildren, Adam and Alex Jones, St. Louis.

Senator Schmitt introduced to the Senate, Principal Dan Bower, Kim Drury, Susan Friedrich Thurston and fifty fourth grade students from St. Peter School, Kirkwood; and Ryan Allgeyer, Sophie Prosser, Lucy Guillemette and Mark Enslin were made honorary pages.

Senator Champion introduced to the Senate, forty fourth grade students from Greenwood Lab School, Springfield.

Senator Purgason introduced to the Senate, twenty-eight members of the Grand Order of Pachyderms from around Missouri.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Greg Branham, M.D., Frontenac.

Senator Lembke introduced to the Senate, fourth grade students from Abiding Savior Lutheran School, St. Louis.

On behalf of Senator Barnitz, Senator Engler introduced to the Senate, Helen Johnston and students from Immanuel Lutheran School, Rosebud.

On motion of Senator Schaefer, the Senate adjourned until 4:00 p.m., Monday, April 20, 2009.

#### SENATE CALENDAR

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FIFTY-FIFTH DAY—MONDAY, APRIL 20, 2009

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING



HCS for HB 62  
HB 258-Jones (89), et al  
HCS for HB 795  
HB 354-Schlottach, et al  
HB 952-Sutherland  
HCS for HB 152

HB 845-Munzlinger, et al  
HCS for HB 246  
HCS for HB 575  
HCS for HB 553  
HB 716-Todd, et al  
HB 734-Ruzicka and Hobbs

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp  
(In Fiscal Oversight)  
SS for SCS for SB 558-Mayer  
(In Fiscal Oversight)  
SCS for SB 549-Schmitt  
(In Fiscal Oversight)

SS for SCS for SB 376-Lager  
SS#2 for SCS for SB 363-Griesheimer  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 299-Griesheimer, with SCS  
SB 197-Goodman, with SCS

SB 458-Lager

HOUSE BILLS ON THIRD READING

1. HB 287-Day, et al (Mayer)
2. HCS for HB 359, with SCS (Rupp)
3. HB 751-Schad, et al
4. HCS for HB 382
5. HB 103-Wildberger, et al, with SCS  
(Callahan)
6. HB 376-Hobbs, et al, with SCS
7. HB 395-Nance, et al, with SCS  
(Stouffer)

8. HB 747-Witte (Shoemyer)
9. HCS for HB 661 (Stouffer)
10. HB 269-Parson, et al, with SCS  
(Scott)
11. HB 91-Pollock, et al, with SCS (Purgason)
12. HCS for HB 154 (Shields)
13. HB 259-Tilley (Engler)
14. HB 644-Wilson (130) (Griesheimer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)  
SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB 29-Stouffer  
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce  
and Smith, with SCS & SS#3 for SCS  
(pending)  
SB 57-Stouffer, with SCS & SA 1 (pending)

SB 72-Stouffer, with SCS  
SB 94-Justus, et al, with SCS & SS for  
SCS (pending)  
SB 174-Griesheimer and Goodman, with  
SCS, SS#2 for SCS & SA 2 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman and Nodler, with  
SCS & SA 1 (pending)

SB 228-Scott, with SCS, SS for SCS, SA 12,  
SSA 1 for SA 12 & SA 1 to SSA 1  
for SA 12 (pending)  
SB 236-Lembke  
SB 254-Barnitz, with SS (pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS & SS#3 for SCS  
(pending)  
SB 264-Mayer  
SB 267-Mayer and Green, with SA 1  
(pending)

SB 284-Lembke, et al, with SA 1 (pending)  
SB 321-Days, et al, with SCS (pending)  
SBs 335 & 16-Rupp, with SCS  
SB 364-Clemens and Schaefer  
SB 409-Stouffer, with SCS (pending)  
SB 477-Wright-Jones, with SS (pending)  
SB 527-Nodler and Bray  
SB 555-Lager, with SCS, SS for SCS & SA 2  
(pending)  
SB 572-Dempsey and Justus  
SJR 12-Scott, with SCS (pending)

### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS & SS for SCS  
(pending) (Griesheimer)

### CONSENT CALENDAR

#### House Bills

#### Reported 4/9

HCS for HB 251 (Clemens)  
HCS for HBs 93 & 216, with SCS (Barnitz)  
HCS for HB 111, with SCS (Crowell)  
HB 861-Day, with SCS (Crowell)  
HB 210-Deeken (Crowell)  
HCS for HB 265, with SCS

HCS for HB 397 & HCS for HB 947, with SCS  
HB 400-Nasheed, et al (Smith)  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)  
HCS for HB 752, with SCS (Stouffer)

#### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HCS for HBs 128 & 340 (Scott)  
HB 171-Cox, et al, with SCS  
HB 218-Ervin (Dempsey)  
HB 282-Stevenson, et al

HB 652-Pratt (Bartle)  
HB 698-Zimmerman, et al (Schmitt)  
HCS for HB 895  
HB 918-Kelly (Schaefer)  
HB 919-Ruestman, et al (Goodman)

#### Reported 4/15

HCS for HB 272, with SCS (Days)  
HCS for HB 525 (Schmitt)  
HCS for HB 231 (Rupp)  
HCS for HB 237, HB 238 & HB 482, with SCS  
HB 826-Brown (149), et al (Lembke)

HB 866-Wells, et al, with SCS (Lembke)  
HCS for HB 177 & HCS for HB 622, with  
SCS (Bartle)  
HCS for HB 685  
HB 253-Davis, et al

HCS for HB 89 (Wilson)  
HB 867-Guest, with SCS  
HB 683-Schieffer, et al, with SCS  
(Stouffer)  
HCS for HB 914 (Scott)  
HCS for HBs 836 & 753, with SCS (Justus)  
HB 811-Wasson (Scott)  
HCS for HB 273 (Scott)  
HCS for HB 485 (Mayer)  
HB 709-Dusenberg, et al  
HB 859-Dieckhaus, et al (Griesheimer)  
HCS for HB 667, with SCS (Goodman)  
HB 283-Wood, with SCS (Goodman)  
HB 257-Schieffer, with SCS (Rupp)

HCS for HBs 234 & 493 (Shoemyer)  
HCS for HB 148, with SCS#2 (Griesheimer)  
HB 326-Sutherland, with SCS (Griesheimer)  
HCS for HB 236, with SCS  
HB 289-Wallace (Mayer)  
HB 373-Wallace, with SCS (Mayer)  
HB 488-Schad, et al, with SCS (Pearce)  
HB 490-Schad, et al (Pearce)  
HB 506-Funderburk, et al, with SCS (Rupp)  
HB 659-Dusenberg, et al, with SCS  
(Bartle)  
HB 682-Swinger, et al (Mayer)  
HB 922-Smith (14), et al, with SCS (Rupp)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 7-Pearce  
SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al

SCR 14-Schmitt  
SCR 21-Clemens  
SCR 10-Rupp  
SCR 18-Bartle and Rupp  
SCR 23-Schmitt

To be Referred

SCR 27-Rupp

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