

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTY-FIFTH DAY—MONDAY, APRIL 20, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We give thanks to you, O God, we give thanks; your name is near.” (Psalm 75:1)

We do give thanks to You, dear God, for the beauty of this day and bringing us safely here to do our work. We sometimes forget that we are all in Your hands as we put hundreds of miles in our journey back and forth each week; so we are grateful for Your riding with us and watching over us. Be with us this week as we pursue to work through the bills before us and may You guide and bless our efforts. 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 16, 2009 was read and approved.

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

Present—Senators

Barnitz	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—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Scott offered Senate Resolution No. 840, regarding John Carleton, Warsaw, which was adopted.

Senator Mayer offered Senate Resolution No. 841, regarding the Ninetieth Birthday of Martha May Sauer Guethle, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 842, regarding Brad Barwick, Poplar Bluff, which was adopted.

Senator Barnitz offered Senate Resolution No. 843, regarding Arlene H. Samson, Freeburg, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 844, regarding Darneshia Trenee Williams, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 845, regarding Barbara Overy, St. Louis, which was adopted.

Senator Purgason offered Senate Resolution No. 846, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Goans, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 847, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Mack Rainwater, Linn Creek, which was adopted.

Senator Purgason offered Senate Resolution No. 848, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David P. Weybright, Jr., Camdenton, which was adopted.

Senator Crowell offered Senate Resolution No. 849, regarding Debbie Mehner, which was adopted.

Senator Stouffer offered Senate Resolution No. 850, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bobbie Dee Trussell, Tina, which was adopted.

Senator Crowell offered Senate Resolution No. 851, regarding the Cape Girardeau Public Library, which was adopted.

Senators Schmitt, Wright-Jones, Bray, Cunningham, Days, Dempsey, Griesheimer, Lembke and Smith offered the following resolution, which was adopted:

## SENATE RESOLUTION NO. 852

Whereas, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the histories of Show-Me State cultural institutions that admirably enhance the quality of life in local communities and neighborhoods through the excellence of their artistic endeavors; and

Whereas, Kiel Opera House in Saint Louis, Missouri, was opened in April 1934 in the Saint Louis Municipal Auditorium with a schedule that included sixty-one shows, concerts, events, festivals, and exhibits, including a reprise of Guy Golterman's "Aida" by Verdi, which had been performed in Saint Louis sixteen years earlier to audiences that totaled more than 50,000 people; and

Whereas, the year 2009 marks the Seventy-fifth Anniversary of the construction of Kiel Opera House, which closed in 1991; and

Whereas, Kiel Opera House was named in 1943 in honor of three-term Saint Louis mayor Henry Kiel, who had served as the builder of the structure ten years earlier, which was originally known as the Municipal Auditorium, Convention Hall and Opera House; and

Whereas, Kiel Opera House takes up an entire city block on Market Street from Fourteenth to Fifteenth streets and is made of limestone with a series of eight large columns marking the eight doorways that open into the ticket lobby; and

Whereas, with a main stage that was the second largest in the United States at the time of its construction, Kiel Opera House is part of a complex that was designed to seat more than 18,000 people in a music hall, an arena, an exposition hall, and four assembly halls; and

Whereas, throughout its nearly six decades in operation, Kiel Opera House proved to be a significant attraction in the downtown area of the city and an exceptional component in the cultural life of Saint Louis; and

Whereas, Kiel Opera House today is owned by SCP Worldwide, which also owns the Saint Louis Blues ice hockey team and the nearby Scottrade Center in downtown Saint Louis:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, join to applaud the history, goals, and accomplishments associated with the Kiel Opera House and to convey to all of those involved this legislative body's most heartfelt best wishes as they celebrate the Seventy-fifth Anniversary of its establishment; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the historic Kiel Opera House in Saint Louis, Missouri.

Senator Stouffer offered Senate Resolution No. 853, regarding Ruth Ann Latham, which was adopted.

Senator Stouffer offered Senate Resolution No. 854, regarding Erik Eugene Pointer, which was adopted.

Senator Stouffer offered Senate Resolution No. 855, regarding Ann Marshall Fenner, which was adopted.

Senator Stouffer offered Senate Resolution No. 856, regarding Harlan Cole, which was adopted.

Senator Stouffer offered Senate Resolution No. 857, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Daniel W. Hendon, Corder, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 858, regarding Wesley Thiel Maack, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 859, regarding Jordan Wayne Moore, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 860, regarding Jonathan Crain Kirke, which was adopted.

On behalf of Senator Bartle, Senator Engler offered Senate Resolution No. 861, regarding Tyler Matthew Koepsel, which was adopted.

Senator Crowell offered Senate Resolution No. 862, regarding Jean Seres, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HCS for HBs 93 and 216, with SCS, entitled:**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Barnitz.

**SCS for HCS for HBs 93 and 216, entitled:**

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 93 and 216**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was taken up.

Senator Barnitz requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 93 and 216, Page 4, Section 304.170, Line 116, by striking the following: “400.9.109” and inserting in lieu thereof the following: “**400.9-102**”.

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

Senator Barnitz moved that **SCS** for **HCS** for **HBs 93** and **216**, as amended, be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS** for **HCS** for **HBs 93** and **216**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

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

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

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

**HCS** for **HB 111**, with **SCS**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

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

**SCS** for **HCS** for **HB 111**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 111

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 111** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 111** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 861**, with **SCS**, introduced by Representative Day, entitled:

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

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

**SCS** for **HB 861**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 861

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

Was taken up.

Senator Crowell moved that **SCS** for **HB 861** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HB 861** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 265**, with **SCS**, entitled:

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fourteen new sections relating to teacher and school employee retirement systems.

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

**SCS** for **HCS** for **HB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 265

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130,

169.560, 169.630, 169.650, 169.660, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof sixteen new sections relating to teacher and school employee retirement systems, with an emergency clause for certain sections.

Was taken up.

Senator Lager assumed the Chair.

Senator Crowell moved that **SCS** for **HCS** for **HB 265** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **HCS** for **HB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Bartle—1

Vacancies—None

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

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

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

**HCS for HB 397 and HCS for HB 947, with SCS, entitled respectively:**

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause for a certain section.

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, 86.270, 86.1170, and 86.1240, RSMo, and to enact in lieu thereof eight new sections relating to police retirement, with an emergency clause, for a certain section.

Were called from the Consent Calendar and taken up by Senator Ridgeway.

**SCS for HCS for HB 397 and HCS for HB 947, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 397  
and  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 947

An Act to repeal sections 86.200, 86.207, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof seven new sections relating to police retirement.

Was taken up.

Senator Ridgeway moved that **SCS for HCS for HB 397 and HCS for HB 947** be adopted.

At the request of Senator Ridgeway, the motion to adopt **SCS for HCS for HB 397 and HCS for HB 947** was withdrawn, which placed the bills back on the Consent Calendar.

**HCS for HB 752, with SCS, entitled:**

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

Was called from the Consent Calendar and taken up by Senator Stouffer.

**SCS for HCS for HB 752, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 752

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof two new sections relating to transportation appointees.

Was taken up.

Senator Stouffer moved that **SCS for HCS for HB 752** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS for HCS for HB 752** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

### **REPORTS OF STANDING COMMITTEES**

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, after examination of **HCS** for **HB 177** and **HCS** for **HB 622**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 218**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HBs 128** and **340**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

### **HOUSE BILLS ON THIRD READING**

**HB 287**, introduced by Representative Day, et al, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

Was taken up by Senator Mayer.

Senator Mayer offered **SS** for **HB 287**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE BILL NO. 287**

An Act to repeal sections 137.016, 137.180, and 137.355, RSMo, and to enact in lieu thereof three new sections relating to property taxation.

Senator Mayer moved that **SS** for **HB 287** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Mayer, **HB 287**, with **SS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 359**, with **SCS**, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HB 359**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 359

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HB 359** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HB 359**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 359

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build highway project contracts, with an emergency clause.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 359** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 359, Page 2, Section 227.107, Line 19, by inserting immediately after "county." the following:

**“The state highways and transportation commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of State Highway 92, contained in a county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, from its intersection with State Highway 169, east to its intersection with State Highway E.”**

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

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HB 359**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **HCS** for **HB 359**, as amended, was read the 3rd time and

passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Goodman
Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Bray            Crowell            Justus—3

Absent—Senator Engler—1

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senator Bray—1

Absent—Senators

Engler            McKenna—2

Absent with leave—Senator Bartle—1

Vacancies—None

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

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

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

**HB 751**, introduced by Representative Schad, et al, entitled:

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research act.

Was taken up by Senator Scott.

On motion of Senator Scott, **HB 751** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
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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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI  
 Jefferson City  
 65102  
 April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Joseph P. Bindbeutel, 1701 East Gans Road, Columbia, Boone County, Missouri 65201, as a member of the Public Service Commission, for a term ending April 28, 2015, and until his successor is duly appointed and qualified; vice, Connie Murray, term expired.

Respectfully submitted,  
 Jeremiah W. (Jay) Nixon  
 Governor

Also,

GOVERNOR OF MISSOURI  
 Jefferson City  
 65102  
 April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Stephen F. Huss, 9712 Country Ridge Lane, Hillsboro, Jefferson County, Missouri 63050, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until his successor is duly appointed and qualified; vice, Sam Burton, term expired.

Respectfully submitted,  
 Jeremiah W. (Jay) Nixon  
 Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Doyle L. Privett, Republican, 1814 Allison, Kennett, Dunklin County, Missouri 63857, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 01, 2015, and until his successor is duly appointed and qualified; vice, Edward Matthews, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Susan McCray Armstrong, 7035 Pershing Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Safe Drinking Water Commission, for a term ending September 01, 2012, and until her successor is duly appointed and qualified; vice, Kyra Mills, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Phillip C. Dressel, 16 Overbrook Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012, and until his successor is duly appointed and qualified; vice, Tony Kooyumjian, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Timothy P. McGrail, 1621 Wilmor Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until his successor is duly appointed and qualified; vice, Rebecca Culler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Florence T. Pullen, 1033 Wilton Royal Drive #303, Creve Coeur, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 29, 2009, and until her successor is duly appointed and qualified; vice, Carolyn Atkins, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

Cathy Steele, 1006 Orchard Lakes Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until her successor is duly appointed and qualified; vice, Mary Ireland, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

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

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, James B. Anderson, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

GOVERNOR OF MISSOURI

Jefferson City

65102

April 16, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment to office made and submitted to you on April 01, 2009, for your advice and consent:

Susan N. Levy, 21 Clermont Lane, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointment be returned to the Governor per his request, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 376**, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 376

An Act to repeal section 386.120, RSMo, and to enact in lieu thereof three new sections relating to energy efficiency investments by electric corporations, with an expiration date for a certain section and a penalty provision.

Was taken up.

On motion of Senator Lager, **SS** for **SCS** for **SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Cunningham Purgason—2

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 668**, entitled:

An Act to repeal sections 21.750, 563.011, 563.031, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof seven new sections relating to criminal justice, 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 **HCS** for **HB 361**, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

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 217**, entitled:

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers.

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 170**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.



## REFERRALS

President Pro Tem Shields referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

April 20, 2009

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointments to the Missouri Film Commission**

Dear Ms. Spieler,

Pursuant to Section 620.1200, RSMo, I am appointing Senator Robin Wright-Jones and Senator Kurt Schaefer to the Missouri Film Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Lembke introduced to the Senate, residents of Friendship Village, St. Louis.

Senator Schmitt introduced to the Senate, Dan Kertz, Kirkwood; Steve Herrmann and George Johns, Town and Country; Rick Marchbanks and Bryan Carey, Chesterfield; Jacque Phillips, Frontenac; John Weiss, Labadie; Jim Howard, Ballwin; Mark Lincoln, Ladue; and Rich Striler, Des Peres.

Senator Schmitt introduced to the Senate, Ed Golterman, Kirkwood; and Diane Rosen, Creve Coeur.

Senator Days introduced to the Senate, former State Senator Wayne Goode, St. Louis.

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

## SENATE CALENDAR

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FIFTY-SIXTH DAY—TUESDAY, APRIL 21, 2009

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HJR 32  
HCS for HJR 36

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  
 HCS for HB 668  
 HCS for HB 361  
 HCS for HB 217  
 HB 170-Cox, et al

### 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#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. HCS for HB 382 (Scott)
2. HB 103-Wildberger, et al, with SCS  
 (Callahan)
3. HB 376-Hobbs, et al, with SCS  
 (Griesheimer)
4. HB 395-Nance, et al, with SCS  
 (Stouffer)
5. HB 747-Witte (Shoemyer)

6. HCS for HB 661 (Stouffer)
7. HB 269-Parson, et al, with SCS (Scott)
8. HB 91-Pollock, et al, with SCS  
 (Purgason)
9. HCS for HB 154 (Shields)
10. HB 259-Tilley (Engler)
11. 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)

HB 287-Day, et al, with SS (pending)  
(Mayer)

#### CONSENT CALENDAR

##### House Bills

##### Reported 4/9

HCS for HB 251 (Clemens)  
HB 210-Deeken (Crowell)  
HCS for HB 397 & HCS for HB 947, with  
SCS (Ridgeway)

HB 400-Nasheed, et al (Smith)  
HB 593-Viebrock (Crowell)  
HB 678-Wasson (Goodman)  
HB 537-Dixon, et al (Wright-Jones)

##### Reported 4/14

HB 83-Wood, with SCS (Goodman)  
HCS for HB 124 (McKenna)  
HB 171-Cox, et al, with SCS  
HB 282-Stevenson, et al (Nodler)  
HB 652-Pratt (Bartle)

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

## Reported 4/15

HCS for HB 272, with SCS (Days)	HB 859-Dieckhaus, et al (Griesheimer)
HCS for HB 525 (Schmitt)	HCS for HB 667, with SCS (Goodman)
HCS for HB 231 (Rupp)	HB 283-Wood, with SCS (Goodman)
HCS for HB 237, HB 238 & HB 482, with SCS	HB 257-Schieffer, with SCS (Rupp)
HB 826-Brown (149), et al (Lembke)	HCS for HBs 234 & 493 (Shoemyer)
HB 866-Wells, et al, with SCS (Lembke)	HCS for HB 148, with SCS#2 (Griesheimer)
HCS for HB 685	HB 326-Sutherland, with SCS (Griesheimer)
HB 253-Davis, et al (Stouffer)	HCS for HB 236, with SCS (Crowell)
HCS for HB 89 (Wilson)	HB 289-Wallace (Mayer)
HB 867-Guest, with SCS (Lager)	HB 373-Wallace, with SCS (Mayer)
HB 683-Schieffer, et al, with SCS	HB 488-Schad, et al, with SCS (Pearce)
(Stouffer)	HB 490-Schad, et al (Pearce)
HCS for HB 914 (Scott)	HB 506-Funderburk, et al, with SCS (Rupp)
HCS for HBs 836 & 753, with SCS (Justus)	HB 659-Dusenberg, et al, with SCS
HB 811-Wasson (Scott)	(Bartle)
HCS for HB 273 (Scott)	HB 682-Swinger, et al (Mayer)
HCS for HB 485 (Mayer)	HB 922-Smith (14), et al, with SCS (Rupp)
HB 709-Dusenberg, et al	

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order	SCR 14-Schmitt
(pending)	SCR 21-Clemens
SCR 7-Pearce	SCR 10-Rupp
SR 207-Lembke and Smith, with SCS & SS	SCR 18-Bartle and Rupp
for SCS (pending)	SCR 23-Schmitt
SCR 11-Bartle, et al	

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