

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, APRIL 27, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.” (*Elie Wiesel*)

We thank You Lord for bringing us safely to our session this afternoon and we are grateful for the work that we face this week. Help us to deal with each bill from our willingness to work together and from our core values to what we hold as important. Help us find avenues of compromise and do so with good nature and honesty. 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 23, 2009 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—33

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 951, regarding Corrections Officer II Keith A. Cline, Bowling Green, which was adopted.

Senator Shoemyer offered Senate Resolution No. 952, regarding Delane Gower Kinzler, Unionville, which was adopted.

Senator Vogel offered Senate Resolution No. 953, regarding Chaplain John F. Hunter, Auxvasse, which was adopted.

Senator Vogel offered Senate Resolution No. 954, regarding the One Hundred Fiftieth Anniversary of the city of Syracuse, Morgan County, which was adopted.

Senator Bray offered Senate Resolution No. 955, regarding Fontbonne University, which was adopted.

Senator Bray offered Senate Resolution No. 956, regarding Missouri's library workers, which was adopted.

Senator Bray offered Senate Resolution No. 957, regarding the 2009 Class 5 State Champion Chaminade College Preparatory School Basketball team, which was adopted.

Senator Shoemyer offered Senate Resolution No. 958, regarding Spencer E. Trower, Vandalia, which was adopted.

Senator Mayer offered Senate Resolution No. 959, regarding Barbara Ann Wilcoxon, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 960, regarding Sally Ladyman, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 961, regarding Pamela L. Nunnery, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 962, regarding Joe Rozman, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 963, regarding Dr. James Larry Kimbrow, Poplar Bluff, which was adopted.

Senator Engler offered Senate Resolution No. 964, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cleo Ray Young, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 965, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Vines, Bloomsdale, which was adopted.

Senator Engler offered Senate Resolution No. 966, regarding Craig Stephen Thomas, Ste. Genevieve, which was adopted.

Senator Stouffer offered Senate Resolution No. 967, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Thorp, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 968, regarding Roben Hamby, which was adopted.

Senator Stouffer offered Senate Resolution No. 969, regarding Deborah Posch, which was adopted.

Senator Stouffer offered Senate Resolution No. 970, regarding Karen Hessel, which was adopted.

Senator Stouffer offered Senate Resolution No. 971, regarding Cindy O'Brien, which was adopted.

Senator Stouffer offered Senate Resolution No. 972, regarding Diana Lightfoot, which was adopted.

Senator Stouffer offered Senate Resolution No. 973, regarding Gayle Neff, which was adopted.

Senator Stouffer offered Senate Resolution No. 974, regarding Suann Cole, which was adopted.

Senator Stouffer offered Senate Resolution No. 975, regarding Georgia Varner, which was adopted.

Senator Engler offered Senate Resolution No. 976, regarding Christine M. Mabery, which was adopted.

Senator Nodler offered Senate Resolution No. 977, regarding Bill and Jane Lant, Seneca, which was adopted.

Senator Green offered Senate Resolution No. 978, regarding Cameron Michael Leidl, which was adopted.

Senator Green offered Senate Resolution No. 979, regarding the death of Wilbert Lee Mosby, Saint Louis, which was adopted.

Senator Pearce offered Senate Resolution No. 980, regarding the 2008-2009 University of Central Missouri men's basketball program, Warrensburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 981, regarding Olivia Butler, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 982, regarding Gary Converse, which was adopted.

Senator Stouffer offered Senate Resolution No. 983, regarding William Dooley, which was adopted.

Senator Stouffer offered Senate Resolution No. 984, regarding Cynthia Urbanski, which was adopted.

Senator Shoemyer offered Senate Resolution No. 985, regarding Tristen Hilpert and the Sixth Grade Class at Scotland R-I Elementary School, Memphis, which was adopted.

Senator Engler offered Senate Resolution No. 986, regarding the One Hundredth Anniversary of the First Baptist Church, Viburnum, which was adopted.

Senator Engler offered Senate Resolution No. 987, regarding Diana K. Smith, which was adopted.

HOUSE BILLS ON THIRD READING

At the request of Senator Pearce, **HB 239**, with **SCS**, was placed on the Informal Calendar.

HB 842, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 914**, entitled:

An Act to repeal section 361.340, RSMo, and to enact in lieu thereof one new section relating to the powers of the director of finance, with an emergency clause.

Was taken up by Senator Scott.

On motion of Senator Scott, **HCS** for **HB 914** 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	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson—29			

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators

Bartle Ridgeway Vogel Wright-Jones—4

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	Justus	Lager	Lembke
Mayer	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Wilson—29			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators

Bartle Ridgeway Vogel Wright-Jones—4

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

HB 709 was placed on the Informal Calendar.

HCS for **HB 306**, entitled:

An Act to repeal section 67.1177, RSMo, and to enact in lieu thereof one new section relating to certain hotel and motel taxes.

Was taken up by Senator Purgason.

On motion of Senator Purgason, **HCS** for **HB 306** 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	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Ridgeway Vogel Wright-Jones—4

Vacancies—None

The President declared the bill passed.

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

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

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

HB 257, with **SCS**, introduced by Representative Schieffer, entitled:

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

Was taken up by Senator Rupp.

SCS for **HB 257**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 257

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

Was taken up.

Senator Rupp moved that **SCS** for **HB 257** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HB 257** 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	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Ridgeway Vogel Wright-Jones—4

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.

REFERRALS

President Pro Tem Shields referred **HB 65** and **HCS** for **HB 82**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 481**, entitled:

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to the exclusion of punitive and exemplary damages in certain claims against public entities or their officers or employees in certain circumstances.

Was taken up by Senator Lembke.

At the request of Senator Lembke, **HCS** for **HB 481** was placed on the Informal Calendar.

HCS for **HB 247**, with **SCS**, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

Was taken up by Senator Clemens.

SCS for **HCS** for **HB 247**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 247

An Act to repeal sections 334.104 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to nursing.

Was taken up.

Senator Clemens moved that **SCS** for **HCS** for **HB 247** be adopted.

Senator Clemens offered **SS** for **SCS** for **HCS** for **HB 247**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 247

An Act to repeal sections 334.104 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to nursing.

Senator Clemens moved that **SS** for **SCS** for **HCS** for **HB 247** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 247, Page 10, Section 335.212, Line 16 of said page, by adding after all of said section the following:

“Section 1. Notwithstanding any provision of law to the contrary, prior to the coordinating board for higher education, through the department of higher education, issuing a certificate of approval as defined in section 173.600, RSMo, to a medical school organized as a for-profit corporation, the board shall submit a study to the general assembly examining the need for medical schools in the state and the impact to the state of certifying medical schools organized as a for-profit corporation. The board shall not issue such certificates of approval under this section until such time as the general assembly receives the study and after passage of a concurrent resolution by the general assembly authorizing the board to issue such certificates of approval.”.

and further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Bray offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 247, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“197.296. 1. Beginning January 1, 2010, every hospital licensed under this chapter shall compile and post daily in the patient care area of each unit of the hospital, and provide upon request to a member of the public, information detailing for each unit and for the end of the prevailing shift, as appropriate:

(1) The number of registered professional nurses providing direct patient care and the ratio of registered professional nurses to patients;

(2) The number of licensed practical nurses providing direct patient care and the ratio of licensed practical nurses to patients;

(3) The number of certified nurse aides providing direct patient care and the ratio of certified nurse aides to patients;

(4) The methods used by the hospital for determining and adjusting direct patient care staffing levels.

2. The information posted under this section shall be displayed in a manner that is visible and accessible to all patients, their families, and caregivers in the hospital, as determined by rule of the department of health and senior services and subject to the applicable requirements of federal law.

3. A hospital shall report the information compiled under this section to the department of health and senior services on a monthly basis, on a form and in a manner prescribed by the department. The department shall make such information available to the public on a quarterly basis, accompanied by a written explanation, which the department shall prepare, to assist members of the public in interpreting the information reported under this section.

4. Any hospital that fails to comply with the provisions of this section, or any rules promulgated thereto, shall be subject to licensure sanction.

5. The department of health and senior services shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and
Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Clemens moved that **SS** for **SCS** for **HCS** for **HB 247** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **HCS** for **HB 247** 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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

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

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

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

At the request of Senator Dempsey, **HB 229**, with **SCS**, was placed on the Informal Calendar.

Senator Schmitt assumed the Chair.

HCS for **HB 177** and **HCS** for **HB 622**, with **SCS**, entitled respectively:

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to redaction of identifying information in court records.

Were taken up by Senator Bartle.

SCS for HCS for HB 177 and HCS for HB 622, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 177
and
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 622

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to court records for sexual offenses.

Was taken up.

Senator Bartle moved that **SCS for HCS for HB 177 and HCS for HB 622** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS for HCS for HB 177 and HCS for HB 622** 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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

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

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

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

At the request of Senator Lembke, **HCS for HJR 10** was placed on the Informal Calendar.

HCS for HB 427, with **SCS**, entitled:

An Act to repeal sections 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof seven new sections relating to members of the military and their families.

Was taken up by Senator Pearce.

SCS for HCS for HB 427, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 427

An Act to repeal sections 41.150, 42.007, 173.234, 301.451, and 452.412, RSMo, and to enact in lieu thereof twelve new sections relating to members of the military and their families.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 427** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Pages 4-5, Section 115.278, by deleting said section; and further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 2, Section 42.007, Lines 7-15, by striking all of the underlined words on said lines; and further amend line 22 by striking the opening and closing brackets on said line; and

Further amend said section, page 3, lines 26-27, by striking all of the underlined words on said lines.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Cunningham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 2, Section 42.007, Line 12, by inserting immediately after the word "leader" the following: "**, and in appointing such members, preference shall be given to current or former members of the military and their spouses, parents, and children**".

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

Senator Barnitz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 16, Section 452.412, Line 27, by inserting after all of said line the following:

"Section 1. The state highways and transportation commission shall erect signs commemorating the Korean War at every state road or state highway that crosses or intersects the thirty-eighth parallel."; and

Further amend the title and enacting clause accordingly.

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

Senator Engler offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 427, Page 14, Section 301.451, Line 24, by inserting after said line the following:

“301.3157. 1. Any person who has been awarded the military service award known as the “Armed Forces Expeditionary Medal” may apply for Armed Forces Expeditionary Medal motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for Armed Forces Expeditionary Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Armed Forces Expeditionary Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words “ARMED FORCES EXPEDITIONARY MEDAL” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also be inscribed with the words “expeditionary service” and bear a reproduction of the armed forces expeditionary service ribbon.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Armed Forces Expeditionary Medal license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce moved that SCS for HCS for HB 427, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, SCS for HCS for HB 427, as amended, 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	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Wright-Jones—1

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.

HB 488, with **SCS**, introduced by Representative Schad, et al, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

Was taken up by Senator Pearce.

SCS for **HB 488**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 488

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

Was taken up.

Senator Pearce moved that **SCS** for **HB 488** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 488, Page 3, Section 162.081, Lines 76-90, by striking all of said lines; and

Further amend said bill and section, page 4, lines 91-97, by striking all of said lines and inserting in lieu thereof the following:

“9. During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of governance in any urban school district in the state of Missouri. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of the state, teachers, administrators, school board members, all interested parties concerned about governance within urban school districts, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by January 29, 2010.”.

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

Senator Rupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 488, Page 4, Section 162.081, Line 101, by inserting after said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031, RSMo, for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

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

Senator Smith offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 488, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to unaccredited school districts.”; and

Further amend said bill, page 4, section 162.081, line 101, by inserting after all of said line the following:

“162.1153. 1. In order to attract and retain teachers with demonstrable or measurable qualities, experience, or credentials in the areas of math, science, special education, and English as a second language, any school district classified as unaccredited by the state board of education shall provide, subject to appropriation, an increased starting salary for teachers that work in the areas of math, science, special education, and English as a second language. Such increase shall be between three thousand dollars and five thousand dollars more than the starting salary for a teacher in the district, as determined by the district.

2. Salary increases provided by this section shall be paid from the “Unaccredited School District Improvement Fund” which is hereby created as a special trust fund in the state treasury. Moneys in the fund shall consist of any grant, gift, or contribution from any and all public and private sources whatsoever that is designated for such purpose, including funds appropriated from the general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The department of elementary and secondary education shall administer the fund and shall ensure that money in the fund is used only for the salaries of teachers subject to the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Cunningham, Engler and Ridgeway.

SA 3 was adopted by the following vote:

YEAS—Senators

Bartle	Clemens	Crowell	Cunningham	Dempsey	Engler	Green	Griesheimer
Lembke	Mayer	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Smith	Stouffer—18						

NAYS—Senators

Barnitz	Bray	Callahan	Champion	Days	Goodman	Justus	Lager
McKenna	Nodler	Pearce	Shields	Shoemyer	Vogel	Wilson—15	

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

At the request of Senator Pearce, **HB 488**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Callahan moved that **HB 103**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Callahan, **SS** for **SCS** for **HB 103** was withdrawn.

Senator Callahan offered **SS No. 2** for **SCS** for **HB 103**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 103

An Act to repeal sections 44.090, 174.700, 190.092, and 701.355, RSMo, and to enact in lieu thereof five new sections relating to public safety, with an expiration date for a certain section.

Senator Callahan moved that **SS No. 2** for **SCS** for **HB 103** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 103, Page 8, Section 190.092, Line 10, by inserting after all of said line the following:

“306.903. 1. Any person who abandons a boat dock and permits it to float freely without being moored upon lakes having at least nine hundred fifty miles of aggregate shoreline is guilty of an infraction, the penalty for which shall be a fine of not less than twenty-five dollars or more than one hundred dollars.

2. Any person who abandons a boat dock shall be responsible for the retrieval and disposal of such boat dock. Any person who violates subsection 1 of this section and who does not properly retrieve and dispose of such abandoned boat dock shall, upon a plea of guilty or a finding of guilt for such an offense, be ordered to reimburse the appropriate law enforcement agency, including the state water patrol, for the costs associated with the retrieval and disposal of the abandoned boat dock. The law enforcement agency may establish a schedule of such costs. However, the court may reduce the costs if it determines that the costs are excessive.

3. The state water patrol may accept gifts, grants, in-kind services and appropriations, and may enter into contracts with private or public entities for the enforcement and administration of this section.

4. Beginning January 1, [1996] **2010**, any person owning a boat dock on lakes having at least nine hundred fifty miles of shoreline **and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches construction by a drainage district, but not to include any body of water which has been leased to or owned by the state department of conservation** shall display identifying information on the dock, including but not limited to, a permit number issued to the owner by an entity having authority to issue such identification or permit number **and the appropriate “911” address or in the absence of a “911” system, the physical address nearest to the dock by land.** Any person owning a boat dock on lakes having at least nine hundred fifty miles of aggregate shoreline who violates this subsection may be guilty of an infraction, the penalty for which shall not exceed twenty-five dollars.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan moved that **SS No. 2** for **SCS** for **HB 103**, as amended, be adopted, which motion prevailed.

On motion of Senator Callahan, **SS No. 2** for **SCS** for **HB 103**, as amended, 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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—None

The President declared the bill passed.

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

Senator Callahan 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 24, 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:

Paula E. Clay, 410 Brewer Drive, Columbia, Boone County, Missouri 65203, as a member of the Children's Trust Fund Board, for a term ending September 15, 2009, and until her successor is duly appointed and qualified; vice, Christy Garnett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 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:

Marc H. Ellinger, Republican, 751 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2011, and until his successor is duly appointed and qualified; vice, Susan Wendleton, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 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:

Debra A. Hollingsworth, Independent, 674 Carman Meadows Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2014, and until her successor is duly appointed and qualified; vice, Debra A. Hollingsworth, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 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:

Julie L. Kempker, Democrat, 12923 Eagle Ridge Road, Holts Summit, Callaway County, Missouri 65403, as a member of the Board of Probation and Parole, for a term ending April 25, 2015, and until her successor is duly appointed and qualified; vice, Robert Robinson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

April 24, 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:

Samuel D. Leake, Democrat, 41690 Harrison Trail, Perry, Ralls County, Missouri 63462, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2012, and until his successor is duly appointed and qualified; vice, Kristin Perry, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

April 24, 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:

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 657**, entitled:

An Act to repeal section 306.903, RSMo, and to enact in lieu thereof one new section relating to waterways, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 64** and **545**, entitled:

An Act to repeal sections 143.011, 143.021, 143.161, and 143.171, RSMo, and to enact in lieu thereof four new sections relating to income 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 **HJR 15**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 6 of

article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax exemption.

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 **HJR 17**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve 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 **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to pray.

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 958**, entitled:

An Act to repeal sections 32.105, 32.115, 52.230, 67.2000, 135.327, 135.484, 135.535, 135.562, 135.680, 137.016, 137.073, 137.080, 138.431, 142.800, 143.161, 143.183, 144.030, 144.080, 148.064, 148.657, and 208.770, RSMo, and to enact in lieu thereof thirty new sections relating to taxes, with a penalty provision and an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

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

HCS for HB 426—Agriculture, Food Production and Outdoor Resources.

HCS for HB 384—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 577—Small Business, Insurance and Industry.

HCS for HB 316—General Laws.

HCS for HB 631—Education.

HB 156—Health, Mental Health, Seniors and Families.

HCS for HB 390—Education.

HCS for HB 883—Financial and Governmental Organizations and Elections.

HCS for HBs 978 and 1028—Governmental Accountability and Fiscal Oversight.

HCS for HBs 915 and 923—Agriculture, Food Production and Outdoor Resources.

HCS for HB 1075—Small Business, Insurance and Industry.

HCS for HB 228—General Laws.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Linda Uselmann, her daughter, Julia and members of Webb City High School Republican Club, Seth Walker, Seth Clement, Brittany Wells, Ethan Severance, Eric Bone, Crystal Wagner and Nick Carter.

Senator Scott introduced to the Senate, Kayla Dowling, Lerin Rason, Rachelle Stacey, Reagan Bowers, Lacey Smallwood, members of Lincoln Royalty 2008, and Glen and Cathy Nelson, Lincoln.

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

SENATE CALENDAR

SIXTIETH DAY—TUESDAY, APRIL 28, 2009

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 568 & 534

HCS for HB 657

HCS for HBs 64 & 545

HJR 15-Chappelle-Nadal, et al

HJR 17-Nasheed

HJR 11-McGhee, et al

HCS for HB 958

THIRD READING OF SENATE BILLS

SS for SCS for SB 558-Mayer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 569-Lembke, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HB 65-Wilson (119), et al
(In Fiscal Oversight) | 7. HCS for HBs 128 & 340 (Scott) |
| 2. HCS for HB 82, with SCS (Pearce)
(In Fiscal Oversight) | 8. HB 544-Smith (150), et al, with SCS
(Goodman) |
| 3. HB 659-Dusenberg, et al, with SCS
(Bartle) | 9. HCS for HB 844 (Green) |
| 4. HCS for HB 89 (Wilson) | 10. HCS for HB 495, with SCS
(Griesheimer) |
| 5. HB 253-Davis, et al (Stouffer) | 11. HB 132-Fallert, et al (McKenna) |
| 6. HB 683-Schieffer, et al, with SCS
(Stouffer) | 12. HCS for HB 205, with SCS (Goodman) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 7-Griesheimer, with SS (pending) | SB 254-Barnitz, with SS (pending) |
| SB 18-Bray, et al, with SCS & SS for SCS
(pending) | SBs 261, 159, 180 & 181-Bartle and
Goodman, with SCS & SS#3 for SCS
(pending) |
| SB 29-Stouffer | SB 264-Mayer |
| SBs 45, 212, 136, 278, 279, 285 &
288-Pearce and Smith, with SCS &
SS#3 for SCS (pending) | SB 267-Mayer and Green, with SA 1
(pending) |
| SB 57-Stouffer, with SCS & SA 1 (pending) | SB 284-Lembke, et al, with SA 1 (pending) |
| SB 72-Stouffer, with SCS | SB 299-Griesheimer, with SCS & SS for
SCS (pending) |
| SB 94-Justus, et al, with SCS & SS for
SCS (pending) | SB 321-Days, et al, with SCS (pending) |
| SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending) | SB 364-Clemens and Schaefer |
| SCS for SB 189-Shields | SB 409-Stouffer, with SCS (pending) |
| SBs 223 & 226-Goodman and Nodler, with
SCS & SA 1 (pending) | SB 477-Wright-Jones, with SS (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 527-Nodler and Bray |
| SB 236-Lembke | 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

- | | |
|--|--|
| SS for HCS for HB 154 (Shields)
(In Fiscal Oversight) | HCS for HB 191, with SCS & SS for SCS
(pending) (Griesheimer) |
|--|--|

HB 229-Ervin, with SCS (Dempsey)	HCS for HB 481 (Lembke)
HB 239-Jones (89), et al, with SCS (Pearce)	HB 488-Schad, et al, with SCS (pending) (Pearce)
HB 287-Day, et al, with SS (pending) (Mayer)	HB 709-Dusenberg, et al (Bartle)
SS for SCS for HB 376-Hobbs, et al (Griesheimer) (In Fiscal Oversight)	HB 842-Wood, with SCS (Goodman)
	HCS for HJR 10 (Lembke)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)	HB 593-Viebrock (Crowell)
HB 210-Deeken (Crowell)	HB 678-Wasson (Goodman)
HB 400-Nasheed, et al (Smith)	HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)	HB 698-Zimmerman, et al (Schmitt)
HCS for HB 124 (McKenna)	HCS for HB 895 (Stouffer)
HB 282-Stevenson, et al (Nodler)	HB 918-Kelly (Schaefer)
HB 652-Pratt (Bartle)	HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)	HB 859-Dieckhaus, et al (Griesheimer)
HCS for HB 231 (Rupp)	HB 283-Wood, with SCS (Goodman)
HB 826-Brown (149), et al (Lembke)	HCS for HBs 234 & 493 (Shoemyer)
HCS for HB 685 (Goodman)	HB 289-Wallace (Mayer)
HB 811-Wasson (Scott)	HB 373-Wallace, with SCS (Mayer)
HCS for HB 273 (Scott)	HB 490-Schad, et al (Pearce)
HCS for HB 485 (Mayer)	HB 682-Swinger, et al (Mayer)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Nodler)	HCS for HB 3, with SS for SCS (Nodler)
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HCS for HB 4, with SCS (Nodler)
HCS for HB 5, with SCS (Nodler)
HCS for HB 6, with SCS (Nodler)
HCS for HB 7, with SCS (Nodler)
HCS for HB 8, with SCS (Nodler)

HCS for HB 9, with SCS (Nodler)
HCS for HB 10, with SCS (Nodler)
HCS for HB 11, with SCS (Nodler)
HCS for HB 12, with SCS (Nodler)
HB 13-Icet, with SCS (Nodler)

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

✓