

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—WEDNESDAY, MAY 6, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious Father, we gather this day in need of prayer; for the pressures increase and we are in need of patience as we deal with various bills and each other. Be present with each of us so we might do all we do here as if doing unto You. And may our words and actions reflect our values and faith and convey our love for You and each other. 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.

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

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 Shoemyer offered Senate Resolution No. 1083, regarding the Twenty-fifth Anniversary of the creation of Mark Twain Lake and the Clarence Cannon Dam, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1084, regarding Meagan L. Fluker, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1085, regarding Mark J. Fowler, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1**, entitled:

An Act to repeal sections 333.011, 333.101, 333.121, 333.221, 333.241, 333.251, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-eight new sections relating to preneed funeral contracts, with penalty provisions.

With House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended and House Amendment No. 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 15, Section 436.430, Lines 2 through 17, by striking all of said lines and inserting in lieu thereof the following:

“2. A seller must deposit all payments received on a preneed contract into the designated preneed trust within sixty days of receipt of the funds by the seller, the preneed sales agent or designee. A seller may not require the consumer to pay any fees or other charges except as authorized by the provisions of chapter 333, RSMo, and this chapter or other state or federal law.

3. A seller may request the trustee to distribute to the seller an amount up to the first five percent of the total amount of any preneed contract as an origination fee. The seller may make this request at any time after five percent of the total amount of the preneed contract has been deposited into the trust. The trustee shall make this distribution to the seller within 15 days of the receipt of the request.

4. In addition to the origination fee, the trustee may distribute to the seller, an amount up to ten percent of the face value of the contract on a preneed contract at any time after the consumer payment has been deposited into the trust. The seller may make written request for this distribution and the trustee shall make this distribution to the seller within fifteen days of the receipt of the request or as may be provided in any written agreement between the seller and the trustee.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 2, Section 333.011, Lines 12 through 14, by striking all of said lines and inserting in lieu thereof the following:

“property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;”; and

Further amend said page and section, Line 34, by striking the following “436.010” and inserting in lieu thereof “**436.400**”; and

Further amend said page and section, Line 35, by inserting immediately after said line the following:

“333.091. Each establishment, funeral director or embalmer receiving a license under this chapter shall have [the] recorded in the office of the local registrar of vital statistics of the registration district in which the licensee practices. [The licenses or duplicates shall be displayed in the office(s) or place(s) of business.] **All licenses or registrations, or duplicates thereof, issued pursuant to this chapter shall be displayed at each place of business.**”; and

Further amend said substitute, page 3, section 333.221, line 6, by deleting the number “10” and inserting the number “**11**”; and

Further amend page 3, section 333.315, line 7, by striking the following “a licensing” and inserting in lieu thereof the following “**an application**”; and

Further amend said section, page 4, line 20, by striking the following “of good moral character and”; and

Further amend said section and page, line 38, by striking the following “the board by rule” and inserting in lieu thereof the following “**by any other applicable statute or regulation enacted pursuant to state or federal law.**”; and

Further amend said page, section 333.320, line 7, by striking the following “a licensing” and inserting in lieu thereof the following “**an application**”; and

Further amend said section, page 5, line 13, by striking the following “of good moral character and”; and

Further amend page 6, section 333.325, Line 7, by striking the following “a registration” and inserting in lieu thereof the following “**an application**”; and

Further amend page 8, section 333.330, line 52, by inserting immediately after said line the following:

“(17) **Willfully and through undue influence selling a funeral;**”; and

Further amend page 9, section 333.330, line 95, by striking “333.061” and inserting in lieu thereof the following “**333.335**”; and

Further amend said page, section 333.335, line 2, by striking “general” and inserting in lieu thereof “**competent**”; and

Further amend said page and section, line 15, by striking the word “either”; and

Further amend said section, page 10, line 19, by striking the word “penalty” and inserting in lieu thereof the word “**authority**”; and

Further amend page 11, section 436.405, line 8, by striking the word “price” and inserting in lieu thereof the word “**amount**”; and

Further amend said page, line 11, by inserting immediately before the word “annuity” the following “**single premium**”; and

Further amend said page and section, line 28, by striking the word “price” and inserting in lieu thereof the word “**amount**”; and

Further amend said substitute, page 13, section 436.420, lines 17 through 22, by striking said lines; and

Further amend page 13, section 436.425, line 1, by striking all of said line inserting in lieu thereof the

following: **“436.425. 1. All preened contracts shall be sequentially numbered and in writing and in a font type and size that are easily read,”**; and

Further amend page 14, section 436.425, line 30, by striking the following “in a recognizable font”; and

Further amend said page and section, lines 33 through 45, by striking all of said lines and inserting in lieu thereof the following:

(15) Include a disclosure on all guaranteed installment payment contracts informing the purchaser what will take place in the event the beneficiary dies before all installments have been paid, including an explanation of what will be owed by the purchaser for the funeral services in such an event.; and

Further amend said page and section, line 59, by inserting immediately after the word “waiver” the following **“may be executed at any time and”**; and

Further amend page 15, section 436.430, lines 18 through 20, by striking all of said lines; and

Further amend said substitute, page 16, section 436.430, lines 33 & 34, by striking the following on said lines “issued by any other person”; and

Further amend said page and section, lines 47 & 48, by striking all of said lines and inserting in lieu thereof the following: **“income generated from the investment of the trust assets. Principal of the trust shall not be used to pay the costs of administration. If the income of the trust is insufficient to pay the costs of administration, those costs shall be paid as per the written agreements between the seller, provider and the trustee.”**; and

Further amend said page and section, line 53, by striking the following “7” and inserting the following **“10”**; and

Further amend said section, page 17, line 67, by striking the following “436.005 to 436.071” and inserting in lieu thereof the following **“436.400 to 436.520”**; and

Further amend said page and section, line 78, by striking the following on said line “and the principal and interest to be paid over the life of the trust”; and

Further amend page 18, section 436.534, line 28, by striking all of said line and inserting in lieu thereof the following :

“6. No seller, provider, or preened agent shall procure or accept a loan against”; and

Further amend page 18, section 436.445, lines 2 & 3, by striking all of said lines and inserting in lieu thereof the following: **“28, 2009, shall not after August 28, 2009, make any decisions to invest any trust fund with:”**; and

Further amend page 19, section 436.445, line 9, by striking the word “significant” and inserting in lieu thereof the word **“controlling”**; and

Further amend said substitute, page 19, section 436.450, lines 17, 18, & 19, by striking all of said lines; and

Further amend said page and section, line 23, by inserting immediately before the word “annuity” the following **“single premium”**; and

Further amend said page and section, line 24, by inserting immediately before the word “annuity” the following **“single premium”**; and

Further amend said substitute, page 20, section 436.455, line 10, by inserting immediately after the word “designation” the following **“or as required to pay reasonable expenses of administering the account”**; and

Further amend said substitute, page 21, section 436.456, line 19, by striking all of said line and inserting in lieu thereof the following; **“have been withdrawn from the account under section 436.430.4 but excluding the income, to the”**; and

Further amend said page, section 436.457, line 10, by deleting the following “not guaranteed” and inserting in lieu thereof the following **“a nonguaranteed”**; and

Further amend page 22, section 436.457, line 12, by striking the word “beneficiary” and inserting the word **“beneficiary’s** and

Further amend said page and section, line 13, by striking the word “eighty” and inserting in lieu thereof the word **“eighty-five”**; and

Further amend said substitute, page 22, section 436.460, lines 3,4, & 5, by striking all of said lines and inserting in lieu thereof the following :

“(1) The contract number of each preened contract sold since the filing of the last report with an indication of, and whether it is funded by a trust, insurance or joint account;”; and

Further amend page 23, section 436.430, line 19, by inserting after the word “an” the following **“investigation,”**; and

Further amend said page and section, line 22, by inserting after the word “an” the following **“inspection”**; and

Further amend said section, page 23, line 33, by striking all of said line and inserting in lieu thereof the following **“(3) The current face value of the trust fund;”**; and

Further amend page 24, section 436.460, line 66, by striking all of said line and inserting in lieu thereof the following:

“(2) The status and total face value of each policy;”; and

Further amend said page and section, line 69, by striking the number “5” and inserting the number **“3”**; and

Further amend page 28, section 436.490, line 19, by striking all of said line and insert in lieu there of the following:

“(7) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.”; and

Further amend page 28, section 436.500, line 13, by striking all of said line and inserting in lieu thereof the following:

“(3) Any other information required by any other applicable statute or regulation enacted pursuant to state or federal law.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 3, Line 11 by inserting immediately after the word “seller” the following **“and original provider”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 4, Section 333.315, Line 27, by inserting immediately after the word “rule” the following **“, however no renewal fee shall be required for any funeral establishment whose Missouri license is current and active”**; and

Further amend said substitute, pages 8 & 9, section 333.330, lines 71 through 86, by striking all of said lines and inserting in lieu thereof the following:

“4. In addition to all other powers and authority granted by the board, the board may seek an injunction, restraining order or other order from the Circuit Court of Cole County to enjoin any seller from engaging in preneed sales upon a showing by the board that the seller has failed to make deposits into the preneed trust, has obtained funds out of the trust to which the seller is not entitled or has exercised influence or control over the trustee or has engaged in any other act that has resulted in a shortage in any preneed trust or joint account which exceeds twenty percent of the total amount required to be held or deposited into the trust or joint account under the provisions of sections 436.400 to 436.520, RSMo. In addition to the power to enjoin for this conduct, the Circuit Court of Cole County shall also be entitled to suspend or revoke the preneed seller’s license and any other license issued pursuant to chapter 333 RSMo, held by the seller.”; and

Further amend said substitute, page 12, section 436.412, line 5, by inserting immediately after said line the following:

“In addition, the provisions of section 436.031, RSMo, as it existed on August 27, 2009, shall continue to govern disbursements to the seller from the trust and payment of trust expenses. Joint accounts in existence as of August 27, 2009, shall continue to be governed by the provisions of section 436.053, as that section existed on August 27, 2009.”; and

Further amend said page, section 436.415, lines 7 & 8, by striking all said lines and inserting in lieu thereof the following **“preneed contract and ensure that is statutorily and contractual duties are met, in compliance with sections 436.400 to 436.520, RSMo.”**; and

Further amend said substitute, page 13, section 436.425, line 17, by inserting immediately before the word “purchaser” the following **“board provides by rule that the”**; and

Further amend said substitute, page 17, section 436.435, lines 1, 2, & 3, by striking all of said lines and inserting in lieu thereof the following:

“436.435.1. To the extent that any provisions in this chapter which come into effect on August 28, 2009, apply to trusts governed under this chapter which are in existence on August 28, 2009, such trusts shall be in compliance with this chapter no later than July 1, 2010.”; and

Further amend said substitute, page 18, section 436.440, line 17, by inserting immediately after said line the following:

“6. For trusts in existence as of August 28, 2009, it shall be permissible for those trusts to continue to utilize the services of an independent financial advisor, if said advisor was in place pursuant to section 436.031, RSMo, as of August 28, 2009.”; and

Further amend said substitute, page 21, section 436.456, line 20, by striking the “.” and inserting in lieu thereof the following “;” and

Further amend said page, section, and line by inserting immediately after said line the following:

“(4) In the case of a guaranteed installment payment contract where the beneficiary dies before all installments have been paid, the purchaser shall pay the seller the amount remaining due under the contract in order to receive the goods and services set out in the contract, otherwise the purchaser or their estate will receive full credit for all payments the purchaser has made towards the cost of the beneficiary’s funeral at the provider current prices.”; and

Further amend said substitute, page 22, section 436.458, lines 1 through 14, by striking all of said lines and inserting in lieu thereof the following:

“436.458.1. A purchaser may select an alternative provider as the designated provider under the original contract if the purchaser notifies the seller in writing of the purchaser’s intent, stating the name of the alternative provider and the alternative provider consents to the new designation. Purchasers shall not be penalized or assessed any additional fee or cost for such transfer of the provider designation.

2. The seller shall pay the newly designated provider all payments owed to the original provider under the contract. The newly designated provider shall assume all rights, duties, obligations, and liabilities as the original provider under the contract. Interest shall continue to be allocated to the seller as provided under the contract.

3. In the case of a trust funded contract and upon written notice to the seller of the purchaser’s intent to select an alternative provider under subsection 1 of this section, the seller shall either continue the trust with the new provider in place of, and to receive all payment owed to, the original provider under the original agreement, or pay to the new trust all of the trust property, including principal and income.”; and

Further amend said substitute, page 23, section 436.460, lines 37 & 38, by striking all of said lines and inserting in lieu thereof the following:

“6. Authorization of the board to request from the trustee a copy of any trust statement, as part of an investigation, examination or audit of the preneed seller;”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, page 16, Section 436.430, Line 49, by inserting after the word “funded” the word “**guaranteed**”; and

Further amend said substitute, page 20, section 436.450, line 37, by inserting after the word “the” the word “**nonguaranteed**”; and

Further amend page 20, section 436.455, line 2, by inserting after the word “purchaser” the word “**or beneficiary**”; and

Further amend said page and section, line 7, by inserting after the word “purchaser” the following “, **beneficiary or party holding power of attorney over the beneficiary’s estate**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 2, Line 1, by inserting immediately after the word “districts” on said line the following “**be of good moral character and submit an audited financial statement of their funeral establishment by an independent auditor for the previous five years. This audited financial statement must include all at-need and preneed business.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Section 333.101, Page 3, Line 8, by inserting after all of said line the following:

“333.151. 1. The state board of embalmers and funeral directors shall consist of [six] **ten** members, including one voting public member[,] appointed by the governor with the advice and consent of the senate. Each member, other than the public member, appointed shall possess either a license to practice embalming or a license to practice funeral directing in this state or both said licenses and shall have been actively engaged in the practice of embalming or funeral directing for a period of five years next before his or her appointment. Each member shall be a United States citizen, a resident of this state for a period of at least one year, a qualified voter of this state and shall be of good moral character. Not more than [three] **five** members of the board shall be of the same political party. [The president of the Missouri Funeral Directors Association in office at the time shall each, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five persons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Funeral Directors Association shall each include in his or her letter of transmittal a description of the method by which the names were chosen by that association.] **The non-public members shall be appointed by the Governor, with the advice and consent of the senate, one from each of the state’s congressional districts.**

2. Each member of the board shall serve for a term of five years. Any vacancy on the board shall be filled by the governor and the person appointed to fill the vacancy shall possess the qualifications required by this chapter and shall serve until the end of the unexpired term of his or her predecessor, **if any**.

3. The public member shall be at the time of his or her appointment a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and

a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 6, Section 333.325, Line 12 by inserting after said line the following:

“(4) **Have successfully passed the Missouri law examination as designated by the board;**” and renumber the remaining subdivision accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for HB 21, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

Was taken up by Senator Nodler.

SCS for HCS for HB 21, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 21**

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2009 and ending June 30, 2010.

Was taken up.

Senator Nodler moved that **SCS for HCS for HB 21** be adopted, which motion prevailed.

Senator Stouffer assumed the Chair.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 21** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Engler	Green
Griesheimer	Justus	Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Vogel	Wilson	Wright-Jones—24

NAYS—Senators

Barnitz	Bartle	Crowell	Dempsey	Goodman	Lager	Lembke	Purgason
Ridgeway	Stouffer—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 464**, as amended: Senators Stouffer, Clemens, Vogel, Days and McKenna.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 683**, as amended: Senators Stouffer, Griesheimer, Scott, Days and McKenna.

MESSAGES FROM THE HOUSE

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

Mr. President: The House conferees on **SCS No. 2** for **HCS** for **HB 148** will be allowed to exceed the differences in Section 137.073 as it relates to county collectors sending additional information to tax payers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 376**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon, and the conferees be allowed to exceed the differences in Sections 137.073 and 139.031 relating to notification requirements placed upon county collectors and political subdivisions.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker

has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 683**, as amended. Representatives: Dixon, Faith, Jones (89), Schieffer and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 296**, as amended. Representatives: Wells, Day, Wasson, Schoemehl and Dougherty.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1086, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ben Bollinger, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1087, regarding Kristan Dohogne, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1088, regarding Allen Michael Seabaugh, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1089, regarding Erica N. Morrow, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1090, regarding Ashleigh Green, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 1091, regarding Dustin Dean Brotherton, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 1092, regarding Kimberly Proctor, Marquand, which was adopted.

Senator Schaefer offered Senate Resolution No. 1093, regarding David Black, which was adopted.

Senator Schaefer offered Senate Resolution No. 1094, regarding Sally Nelson Froese, which was adopted.

Senator Schaefer offered Senate Resolution No. 1095, regarding Brenda McClelland, which was adopted.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 1096, regarding Travis J. Pringle, which was adopted.

Senator Crowell offered Senate Resolution No. 1097, regarding Jackelyn Laurel Hendricks, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1098, regarding Matthew Gerald Reinagel, Kelso, which was adopted.

Senator Pearce offered Senate Resolution No. 1099, regarding Dr. Elwood Chipchase, Belton, which

was adopted.

PRIVILEGED MOTIONS

Senator Scott moved that **SS** for **SCS** for **SB 1**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 1**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal sections 333.011, 333.101, 333.121, 333.221, 333.241, 333.251, 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-eight new sections relating to preneed funeral contracts, with penalty provisions.

Was taken up.

Senator Scott moved that **HCS** for **SS** for **SCS** for **SB 1**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators

Goodman Shoemyer—2

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **HCS** for **SS** for **SCS** for **SB 1**, 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	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Scott	Shields	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators

Goodman Shoemyer—2

Absent—Senators

Schmitt Smith—2

Absent with leave—Senators—None

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.

Bill ordered enrolled.

Senator Dempsey moved that **SB 147**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 147**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Missouri healthy workplace recognition program.

Was taken up.

Senator Dempsey moved that **HCS** for **SB 147** be adopted, which motion prevailed 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	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **HCS** for **SB 147** 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	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—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.

Bill ordered enrolled.

Senator Goodman moved that **SB 154**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 154**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 154

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

Was taken up.

Senator Goodman moved that **HCS** for **SB 154** be adopted, which motion prevailed 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	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Goodman, **HCS** for **SB 154** 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	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Smith—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Lembke moved that **HCS** for **HJR 10**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HJR 10**, as amended, was again taken up.

President Kinder assumed the Chair.

Senator Pearce assumed the Chair.

At the request of Senator Lembke, **HCS** for **HJR 10**, with **SS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Lembke moved that the Senate refuse to concur in **HCS** for **SB 435** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon; and further that the conferees be allowed to exceed the differences for the purpose of adding a provision to section 630.407, that the changes apply only to counties that do not have Senate Bill 40 Boards, which motion prevailed.

Senator Griesheimer moved that the conferees on **SCS No. 2** for **HCS** for **HB 148** be allowed to exceed the differences in Section 137.073 as it relates to county collectors sending additional information to taxpayers, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 376**, as amended, and grant the House a conference thereon; and the conferees be allowed to exceed the differences in Sections 137.073 and 139.031 relating to notification requirements placed upon county collectors and political subdivisions, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 11** and requests the Senate grant the House further conference.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate grant the House a further conference on **SCS** for **HCS** for **HB 11**, which motion prevailed.

Senator Rupp moved that **SCS** for **SB 338**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 338**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 338

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, and 595.209, RSMo, and to enact in lieu thereof thirteen new sections relating to crime victims, with a penalty provision.

Was taken up.

Senator Rupp moved that **HCS** for **SCS** for **SB 338** be adopted, which motion prevailed 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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Rupp, **HCS** for **SCS** for **SB 338** 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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Scott—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.

Bill ordered enrolled.

Senator Purgason moved that the Senate refuse to recede from its position on **SA 1** to **HCS** for **HB 246** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields reappointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**: Senators Nodler, Mayer, Rupp, Bray and Green.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 1100, regarding Monsignor Edward W. Reilly, which was adopted.

Senator Stouffer offered Senate Resolution No. 1101, regarding Lucille Riesterer, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1102, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leslie Limback, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 1103, regarding Steve Hunter, which was adopted.

Senator Stouffer offered Senate Resolution No. 1104, regarding Kamela Jarman, Odessa, which was adopted.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Shields submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **SCS** for **HCS** for **HB 11**. Representatives: Icet, Stream, Sater, Kelly and Curls.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Paul and Christina Stickler and their sons, Jonathan and Jackson, Homeschoolers from St. Joseph; and Jonathan and Jackson were made honorary pages.

Senator Rupp introduced to the Senate, one hundred eighth grade students from St. Joseph Middle School, Cottleville.

Senator Purgason introduced to the Senate, Jim Divincen, Osage Beach.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Thursday, May 7, 2009.

SENATE CALENDAR

SIXTY-SEVENTH DAY—THURSDAY, MAY 7, 2009

FORMAL CALENDAR**THIRD READING OF SENATE BILLS**

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

HOUSE BILLS ON THIRD READING

- | | |
|----------------------------------------------------------------|------------------------------------------------------------------------|
| 1. HB 65-Wilson (119), et al (Pearce)
(In Fiscal Oversight) | 6. HCS for HB 152 (Bartle)
(In Fiscal Oversight) |
| 2. HCS for HBs 320, 39 & 662 (Mayer)
(In Fiscal Oversight) | 7. HCS for HB 62, with SCS (Bartle)
(In Fiscal Oversight) |
| 3. HB 86-Sutherland (Lager)
(In Fiscal Oversight) | 8. HB 734-Ruzicka and Hobbs, with SCS
(Lager) (In Fiscal Oversight) |
| 4. HCS for HB 580, with SCS (Dempsey)
(In Fiscal Oversight) | 9. HB 30-Brandom, et al, with SCS
(Goodman) (In Fiscal Oversight) |
| 5. HCS for HBs 46 & 434 (Mayer)
(In Fiscal Oversight) | 10. HCS for HB 22, with SCS (Nodler) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| SB 7-Griesheimer, with SS (pending) | SB 236-Lembke |
| SB 18-Bray, et al, with SCS & SS for SCS
(pending) | SB 254-Barnitz, with SS (pending) |
| SB 29-Stouffer | SBs 261, 159, 180 & 181-Bartle and Goodman,
with SCS & SS#3 for SCS (pending) |
| SBs 45, 212, 136, 278, 279, 285 &
288-Pearce and Smith, with SCS &
SS#3 for SCS (pending) | SB 264-Mayer |
| SB 57-Stouffer, with SCS & SA 1 (pending) | SB 267-Mayer and Green, with SA 1 (pending) |
| SB 72-Stouffer, with SCS | SB 284-Lembke, et al, with SA 1 (pending) |
| SB 94-Justus, et al, with SCS & SS for SCS
(pending) | SB 299-Griesheimer, with SCS & SS for SCS
(pending) |
| SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending) | SB 321-Days, et al, with SCS (pending) |
| SCS for SB 189-Shields | SB 364-Clemens and Schaefer |
| SBs 223 & 226-Goodman and Nodler, with
SCS & SA 1 (pending) | SB 409-Stouffer, with SCS (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 477-Wright-Jones, with SS (pending) |
| | SB 527-Nodler and Bray |
| | SB 555-Lager, with SCS, SS for SCS & SA 2
(pending) |
| | SB 569-Lembke, with SCS |
| | SB 572-Dempsey and Justus |
| | SJR 12-Scott, with SCS (pending) |

HOUSE BILLS ON THIRD READING

- | | |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| HCS for HBs 128 & 340, with SA 1
(pending) (Scott) | HCS for HB 495, with SCS, SS for SCS,
SA 1, SSA 2 for SA 1 & SA 1 to SSA 2
for SA 1 (pending) (Griesheimer) |
| HCS for HB 191, with SCS & SS for SCS
(pending) (Griesheimer) | SS for SCS for HCS for HB 577 (Rupp)
(In Fiscal Oversight) |
| HB 229-Ervin, with SCS, SS for SCS,
SA 8, SSA 1 for SA 8 & SA 1 to SSA 1
for SA 8 (pending) (Dempsey) | HCS for HBs 658 & 706 (Clemens) |
| HB 258-Jones (89), et al, with SCS & SA 1
(pending) (Rupp) | HB 659-Dusenberg, et al, with SCS & SA 1
(pending) (Bartle) |
| HB 287-Day, et al, with SS (pending) (Mayer) | SCS for HB 745-Loehner, et al (Clemens)
(In Fiscal Oversight) |
| HCS for HB 481 (Lembke) | HCS for HJR 10, with SS (pending) (Lembke) |
| HB 488-Schad, et al, with SCS (pending)
(Pearce) | HCS for HJR 32, with SCA 1 &
SA 1 to SCA 1 (pending) (Schaefer) |

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 (Pearce)	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)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 71-Stouffer, with HCS, as amended	SB 526-Clemens, with HA 1, HA 2, HA 3 & HA 4
SB 215-Shields, with HCS, as amended	SCS for SB 563-Smith, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 47-Scott, with HCS	SB 296-Scott, with HCS, as amended
SB 171-Griesheimer, with HCS, as amended	SS for SB 307-Dempsey, with HCS, as amended
SCS for SB 242-Pearce, with HCS, as amended	(Senate adopted CCR and passed CCS)

SB 464-Stouffer, with HCS, as amended
SB 513-Dempsey, with HA 1, as amended
HCS for HB 2, with SS for SCS (Nodler)
HCS for HB 3, with SS for SCS (Nodler)
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)
(Further conference granted)
HCS for HB 12, with SCS (Nodler)
HB 13-Icet, with SCS (Nodler)
HB 91-Pollock, with SCS (Purgason)

HCS for HB 148, with SCS#2 (Griesheimer)
HCS for HB 154, with SS, as amended (Shields)
HCS for HB 246, with SA 1 (Purgason)
HCS for HB 265, with SCS (Crowell)
HB 269-Parson, et al, with SCS, as amended
(Scott)
HCS for HB 376-Hobbs, et al, with SS for SCS,
as amended (Griesheimer)
HB 395-Nance, et al, with SS for SCS,
as amended (Stouffer)
HCS for HB 397 & HCS for HB 947, with
SCS (Ridgeway)
HCS for HB 427, with SCS, as amended (Pearce)
HB 683-Schieffer, et al, with SS for SCS,
as amended (Stouffer)

Requests to Recede or Grant Conference

SB 435-Lembke, with HCS
(Senate requests House
recede or grant conference)

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
HCS for HCR 16 (Cunningham)

✓