

Journal of the Senate
NINETY-FIFTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION
VETO SESSION

WEDNESDAY, SEPTEMBER 16, 2009

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“God loves you right where you are but he doesn’t want to leave you there.” (Max Lucado)

Dear God, it has been a little while since we have been together and in that short time many we have known and cared deeply about have died. We will miss them and commend them to Your loving care. We pray for their families who now walk the days in grief and ask that You may comfort them and us with Your grace and mercy. As we discern the items that call for our attention this day, may we do so with wisdom and care so all may be done as unto You, O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Engler offered the following resolution, which was read and adopted:

Journal of the Senate

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Engler offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-fifth General Assembly.

The Senate observed moments of silence in memory of Don Rackers and Marilyn Taylor Williams.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 37 entitled:

AN ACT

To repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

I disapprove of Senate Committee Substitute for Senate Bill No. 37. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 37 reflects a well-intentioned effort by the General Assembly to address the challenges being experienced by the Missouri Public Defender System. However, while I acknowledge that the public defender system is operating under significant stresses, I disagree that the solution is to allow the Public Defender Commission to establish maximum caseload standards and create waiting lists for criminal defendants.

Permitting the Public Defender Commission to unilaterally establish caseload limits will simply shift the burden to other participants in an already burdened criminal justice system. While that may understandably be preferable from the Public Defender System's perspective, it will not aid crime victims who will have to wait for justice to be imposed, prosecutors who may feel the necessity to prematurely waive jail or prison time in order to move a case forward, or criminal defendants who will have their day in court delayed.

Moreover, under Senate Committee Substitute for Senate Bill No. 37, once the maximum caseload limit is reached, management of the public defender's docket is effectively transferred from the public defender system to the trial court. Under this legislation, it is the trial court that will determine the order in which cases are placed on the waiting list for defender services. This relieves the public defender of the responsibility for their caseload at the expense of the trial court, but in no way does it actually address the caseload problem. Those cases will still exist, those defendants will still be waiting for their day in court, and those crime victims will continue to await justice.

While I commend the General Assembly for its effort in addressing this issue, after considerable thought and consideration, I have concluded that this approach vests too much unfettered discretion with the Public Defender System to set maximum caseload limits that will result in significant responsibilities shifting to the other participants in the criminal justice system to the detriment of all parties, including crime victims, without appreciable benefits being realized.

I disapprove of Senate Committee Substitute for Senate Bill No. 37 because I do not believe that it will solve the targeted problem.

It is clear to me that the problem is one of resources, not only for the Public Defender System, but all participants in the criminal justice system. I am committed to working with the General Assembly to identify additional resources that will allow criminal proceedings to proceed effectively and efficiently for all parties involved.

In accordance with the above stated reasons, I disapprove of Senate Committee Substitute for Senate Bill No. 37.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 147 entitled:

AN ACT

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

I disapprove of House Committee Substitute for Senate Bill No. 147. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 147 requires the Governor's Council on Physical Fitness and Health, established under Executive Order 02-12, to develop the Missouri healthy workplace recognition program.

While the intent of the legislation is worthy, House Committee Substitute for Senate Bill No. 147 contains a technical defect. The Governor's Council on Physical Fitness and Health was not "established under Executive Order 02-12" and does not currently exist under that executive order.

The Governor's Council on Physical Fitness and Health was established by Executive Order 86-06. Executive Order 02-12, referenced in House Committee Substitute for Senate Bill No. 147, reauthorized the council with some changes. However, Executive Order 02-12 is no longer operative, and the council as reflected in Executive Order 02-12 does not currently exist. Executive Order 02-12 was explicitly superseded by Executive Order 07-10 which established the council as it is presently constituted.

While the purpose of the legislation to recognize employers that promote more healthy lifestyles is commendable, the reference in House Committee Substitute for Senate Bill No. 147 to the incorrect executive order will lead either to an inability to implement the provisions of the bill or confusion as to appropriate composition of the Governor's Council on Physical Fitness and Health.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 147 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 153 entitled:

AN ACT

To repeal sections 265.525, 267.565, 267.600, 416.410, and 416.440, RSMo, and to enact in lieu thereof five new sections relating

to the marketing of commodities.

I disapprove of Senate Committee Substitute for Senate Bill 153. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill 153 as it relates to the Unfair Milk Sales Practices Act would allow milk processors, distributors or cooperative associations to create monopolies or unfairly manipulate trade. This represents a substantial change to longstanding regulation of milk and milk products that could have a detrimental impact on consumers.

Senate Committee Substitute for Senate Bill 153 could also adversely affect the economic well being of Missouri dairy farmers, who oppose this legislation. The bill would create incentives for the grocery industry to purchase milk from dairy producers outside the State of Missouri, which would have a negative impact on Missouri dairy producers. At a time when the state should be enacting policies that support Missouri farmers and Missouri agriculture, this legislation would be a step in the wrong direction.

In addition, Senate Committee Substitute for Senate Bill 153 could adversely affect the public health and welfare to the extent that the bill creates incentives for expanded warehousing of milk and milk products. Milk and milk products have a limited shelf life, and lengthening the amount of time it takes these products to reach consumers could increase health risks to consumers.

Although I support the changes to the Rice Advisory Council and the expansion of the scope of authority of the State Veterinarian set forth in Senate Committee Substitute for Senate Bill 153, I must reject this bill because of the amendments to the Unfair Milk Sales Practices Act.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill 153 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 156 entitled:

AN ACT

To repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

I disapprove of Senate Bill No. 156. My reasons for disapproval are as follows:

Senate Bill No. 156 is wholly contained in Senate Committee Substitute for House Bill No. 83. However, Senate Committee Substitute for House Bill No. 83 additionally requires that travel clubs demonstrate that they possess liquid assets of at least two hundred fifty thousand dollars in the form of one or more certificates of deposit or a letter of credit issued by a banking institution with assets of at least seventy-five million dollars. These liquid assets are available to the attorney general in the event the travel club is adjudged to have failed to satisfy its legal obligations to its members. This additional provision contained in Senate Committee Substitute for House Bill No. 83 is an important safeguard for consumers to recover their losses in the event of malfeasance by a travel club. I signed Senate Committee Substitute for House Bill No. 83 on July 8, 2009.

In accordance with the above stated reasons for disapproval, I am returning Senate Bill No. 156 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Wednesday, September 16, 2009

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GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 202, entitled:

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles.

I disapprove of Senate Committee Substitute for Senate Bill No. 202. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 202 repeals Missouri's 42 year old motorcycle helmet law for any motorcyclists or passengers 21 years of age or older, except on interstate highways.

Head injuries are the leading cause of death in motorcycle crashes. Without a helmet, a motorcyclist is 40 percent more likely to suffer a fatal head injury than a helmeted motorcyclist in a crash. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

It is estimated that from 1984 through 2006, helmets saved the lives of 19,230 motorcyclists and 12,320 additional lives would have been saved had helmets been worn by operators or passengers. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

In addition to safety issues, weakening or eliminating helmet laws causes a dramatic spike in the cost of treating patients who suffer injuries in motorcycle accidents. The State of Florida saw a 40 percent increase in the number of motorcyclists admitted to hospitals in the 30 months following repeal of its helmet law in 2002, with the cost for treatment more than doubling to \$44 million. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008]. According to one study, it was estimated that the total cost to treat motorcycle accident victims who were not wearing a helmet is \$250,231,734 a year more than the cost of treating victims who were wearing a helmet. [*Economic Impact of Motorcycle Helmets: From Impact to Discharge*, *Journal of Trauma-Injury, Infection & Critical Care*, 2006].

Ultimately the taxpayers must pay a significant portion of these increased costs. After Florida repealed its helmet law, 16 percent of injured motorcyclists admitted for hospital treatment were either under-insured or uninsured and the costs for another 21 percent were billed to either charitable or public sources, such as Medicaid. [*Traffic Safety Facts*, National Highway Transportation Safety Administration, January 2008].

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 202 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 216 entitled:

AN ACT

To repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

I disapprove of Senate Committee Substitute for Senate Bill No. 216. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 216 fails to provide adequate protection for consumers who do business with debt settlement providers. Strong consumer protection measures, including those contained in the Uniform Debt Management Services Act, are absent from Senate Committee Substitute for Senate Bill No. 216. Senate Committee Substitute for Senate Bill No. 216 does not require licensure or registration of debt settlement providers; does not require security bonds; does not allow consumers a penalty-free cancellation period; does not provide for adequate disclosure of services and fees to consumers; and does not provide for aggressive enforcement mechanisms against unscrupulous providers, to name just a few of the protections missing from this legislation.

The fee structure and the insurance provision set forth in Senate Committee Substitute for Senate Bill No. 216, moreover, do not provide the breadth or the depth of consumer protection that is necessary in the debt settlement provider industry. Under Senate Committee Substitute for Senate Bill No. 216, a consumer could be required to pay twenty percent of the principal amount of the consumer's debt in "aggregate fees" to the debt settlement provider, and an "enrollment fee" representing an additional four percent of the consumer's debt. This means that consumers who already find themselves in debt will be required to pay thousands of dollars in fees to debt settlement providers.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 216 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 235 entitled:

AN ACT

To repeal sections 137.016, 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.052, 408.140, 408.233, 408.250, 408.300, 436.350, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof thirty-seven new sections relating to manufactured homes, with penalty provisions.

I disapprove of House Committee Substitute for Senate Bill No. 235. My reasons for disapproval are as follows:

House Committee Substitute for Senate Bill No. 235 contains some good provisions, however, I strongly believe that the provision permitting the sale of a deficiency waiver addendum, guaranteed asset protection or similar product purchased as part of a loan transaction fails to include adequate consumer protections and will be harmful to Missourians. That provision was also contained in Senate Committee Substitute for Senate Bill No. 243 which I have also vetoed today.

With regard to the sale of deficiency waiver addendums and similar products, House Committee Substitute for Senate Bill No. 235 does not allow a consumer to cancel coverage or require a refund of premiums in the event the consumer pays off the underlying loan early. By contrast, federal regulations require national banks to refund to the customer any unearned fees paid. Federal regulations permit a national bank to offer a no refund contract only if the bank also offers that customer "a bona fide option to purchase a comparable contract that provides a refund." House Committee Substitute for Senate Bill No. 235 fails to incorporate any such consumer protection.

House Committee Substitute for Senate Bill No. 235 fails to provide the consumer a "free look" period during which the consumer may cancel the contract if the consumer determines that they do not need it or cannot afford it.

House Committee Substitute for Senate Bill No. 235 does not require that the consumer sign for the product acknowledging that they wish to purchase it. The failure to require this affirmative acknowledgment by the consumer heightens the chance that a consumer will unknowingly "purchase" the product.

For the above stated reasons, I am returning House Committee Substitute for Senate Bill No. 235 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 entitled:

AN ACT

To repeal section 204.569, RSMo, and to enact in lieu thereof three new sections relating to sewer districts, with an emergency clause for a certain section.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242. My reasons for disapproval are as follows:

Under current law, the issuance of revenue bonds by an unincorporated sewer subdistrict of a common sewer district requires the approval of four-sevenths of the voters of the subdistrict voting on the question. Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 would allow voters to be bypassed and a subdistrict to issue revenue bonds with only the written assent of three-quarters of the political subdivisions within the subdistrict. I believe the voters of these subdistricts are entitled to be heard at the ballot box on bond issuances. That voice is recognized in current law and will be protected by my action today.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 243 entitled:

AN ACT

To repeal section 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

I disapprove of Senate Committee Substitute for Senate Bill No. 243. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 243 permits the sale of a deficiency waiver addendum, guaranteed asset protection or similar product purchased as part of a loan transaction, provided the cost of the product is disclosed in the loan contract. This bill fails to include adequate consumer protections and will be harmful to Missourians.

Senate Committee Substitute for Senate Bill No. 243 does not allow a consumer to cancel coverage or require a refund of premiums in the event the consumer pays off the underlying loan early. By contrast, federal regulations require national banks to refund to the customer any unearned fees paid. Federal regulations permit a national bank to offer a no refund contract only if the bank also offers that customer “a bona fide option to purchase a comparable contract that provides a refund.” Senate Committee Substitute for Senate Bill No. 243 fails to incorporate any such consumer protection.

Senate Committee Substitute for Senate Bill No. 243 fails to provide the consumer a “free look” period during which the consumer may cancel the contract if the consumer determines that they do not need it or cannot afford it.

Senate Committee Substitute for Senate Bill No. 243 does not require that the consumer sign for the product acknowledging that they wish to purchase it. The failure to require this affirmative acknowledgment by the consumer heightens the chance that a consumer will unknowingly “purchase” the product.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 243 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 entitled:

AN ACT

To repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fifteen new sections relating to public employee retirement systems.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 would require substantial payments from the Missouri Development Finance Board to the Missouri State Employees Retirement System to compensate the System for the accrued actuarial liability of employees who choose to transfer into the state retirement system. The effect of these payments would be to provide a windfall of public funds to a select number of individuals. Any bill that would permit Board employees to enter into the state retirement system should be on a cost-neutral basis.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 13, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 entitled:

AN ACT

To repeal sections 143.441, 147.010, 148.370, 301.560, 303.024, 374.456, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 375.1224, 376.428, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-six new sections relating to the regulation of insurance, with penalty provisions and an emergency clause for a certain section.

I disapprove of the Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464. My reasons for disapproval are as follows:

Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464, and particularly Section 376.502, RSMo, would impose different underwriting requirements on different life insurers, based on company size, and create the possibility of disparate consumer protection. This section would permit unfair discrimination in life insurance underwriting by a select group of insurance companies, with gross written premiums of less than three hundred million dollars per year, based on the applicant's or insured's past or future lawful travel destinations. The fundamental theory of life insurance underwriting involves grouping applicants who share similar risks into pools who are charged a similar premium. The size of the insurer is irrelevant to this determination. Consumers in Missouri should not be subject to the arbitrary underwriting standard permitted in this section.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 2, 2009

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 542, entitled:

AN ACT

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

I disapprove of Senate Committee Substitute for Senate Bill No. 542. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 542 contains technical differences with House Committee Substitute for House Bill No. 883, which I signed on June 29, 2009. The differences could cause unnecessary confusion and unintended consequences if both bills are signed.

This veto has no substantive effect. House Committee Substitute for House Bill No. 883 contains all the provisions contained in Senate Committee Substitute for Senate Bill No. 542.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 542 without my approval.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Engler moved that the Senate proceed to the order of business, Vetoed Bills, and that the calender be called, which motion prevailed.

SCS for **SB 37** was called thereafter and no motion was taken thereon.

HCS for **SB 147** was called thereafter and no motion was taken thereon.

SCS for **SB 153** was called thereafter and no motion was taken thereon.

SB 156 was called thereafter and no motion was taken thereon.

SCS for **SB 202** was called thereafter and no motion was taken thereon.

SCS for **SB 216** was called thereafter and no motion was taken thereon.

HCS for **SB 235** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SCS** for **SB 242** was called thereafter and no motion was taken thereon.

SCS for **SB 243** was called thereafter and no motion was taken thereon.

HCS for **SCS** for **SB 411** was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 464** was called thereafter and no motion was taken thereon.

SCS for **SB 542** was called thereafter and no motion was taken thereon.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2009 Constitutional Veto Session and ready for consideration of business.

Senator Engler announced that photographers from the Kansas City Star and KOMU 8 were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Engler offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 37; House Committee Substitute for Senate Bill No. 147; Senate Committee Substitute for Senate Bill No. 153; Senate Bill No. 156; Senate Committee Substitute for Senate Bill No. 202; Senate Committee Substitute for Senate Bill No. 216; House Committee Substitute for Senate Bill No. 235; Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 242; Senate Committee Substitute for Senate Bill No. 243; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 411; Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464 and Senate Committee Substitute for Senate Bill No. 542 when the bills were so called by the President.

Senator Stouffer offered Senate Resolution No. 4, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Delbert Crabtree, Warrensburg, which was adopted.

Senator McKenna offered Senate Resolution No. 5, regarding the Fiftieth Anniversary of St. Pius X High School, Festus/Crystal City, which was adopted.

On motion of Senator Engler, the Senate recessed until 1:30 p.m.

RECESS

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS for SS for SCS for HCS for HB 2, CCS for SS for SCS for HCS for HB 3, CCS for SCS for HCS for HB 4, CCS for SCS for HCS for HB 8, CCS for SCS for HCS for HB 9, CCS for SCS for HCS for HB 10, CCS#2 for SCS for HCS for HB 11, CCS for SCS for HCS for HB 12, CCS for SCS for HB 13, SCS for HCS for HB 21, SS for SCS for HCS for HB 22, HB 116, CCS for SCS#2 for HCS for HB 148, SCS for HB 171, HCS for HB 251, HCS for HB 306, HB 373, HB 644 and HB 751** when the bills were called by the Speaker.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

August 4, 2009

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

RE: Appointment to the Alzheimer's State Plan Task Force

Dear Ms. Spieler,

Pursuant to the passage of House Bill 272, I am appointing Senator Bill Stouffer to the Alzheimer's State Plan Task Force.

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 4, 2009

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

RE: Appointments to the Joint Committee on Missouri's Energy Future

Dear Ms. Spieler,

Pursuant to the passage of House Bill 734, I am appointing the following Senators to the Joint Committee on Missouri's Energy Future:

Senator Tim Green

Senator Jolie Justus

Senator Brad Lager

Senator Rob Mayer
Senator Kurt Schaefer

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

Sincerely,
/s/ Charlie
Charles W. Shields

Also,

August 4, 2009
Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointment to the Missouri Veterans Commission

Dear Ms. Spieler,

Pursuant to the passage of House Bill 427, I am appointing Senator David Pearce to the Missouri Veterans Commission.

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

Sincerely,
/s/ Charlie
Charles W. Shields

Also,

August 6, 2009

Senator Charles Shields
President Pro Tem
Missouri State Senate
Missouri State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Shields:

This letter is to inform that I am resigning from my position on the Missouri Consolidated Health Care Plan Board of Trustees.

Sincerely,
/s/ Delbert Scott
Delbert Scott

Also,

August 6, 2009
Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointment to the Missouri Consolidated Health Care Plan Board of Trustees

Dear Ms. Spieler,

I am appointing Senator Tom Dempsey to fill Senator Scott's place on the Missouri Consolidated Health Care Plan Board of Trustees.

Wednesday, September 16, 2009

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 20, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

RE: Appointment to the Emancipation Day Commission

Dear Ms. Spieler,

Pursuant to Section 9.161, RSMo, I am appointing Senator Yvonne Wilson to the Emancipation Day Commission.

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 28, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Legislative Research

Dear Ms. Spieler:

Pursuant to Section 23.010, RSMo, I am appointing Senator Robin Wright-Jones to the Joint Committee on Legislative Research.

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 31, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Corrections

Dear Ms. Spieler:

Pursuant to Section 21.440, RSMo, I am appointing Senator Rita Heard Days to the Joint Committee on Corrections.

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

August 28, 2009

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

RE: Appointments to the Joint Committee on Corrections

Dear Ms. Spieler:

Pursuant to Section 21.440, RSMo, I am appointing the following Senators to the Joint Committee on Corrections:

Senator Dan Clemens
Senator Carl Vogel
Senator Yvonne Wilson
Senator Robin Wright-Jones

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

September 3, 2009

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

RE: Appointment to the Missouri Senate Healthy Missourians 2020 Committee

Dear Ms. Spieler,

Pursuant to SR303, I am appointing Senator Kurt Schaefer to the Missouri Senate Healthy Missourians 2020 Committee.

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

Sincerely,

/s/ Charlie

Charles W. Shields

Also,

September 3, 2009

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

RE: Appointment to the Joint Committee on Transportation Oversight

Dear Ms. Spieler:

Wednesday, September 16, 2009

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Pursuant to Section 21.795, RSMo, I am appointing Senator Dan Clemens to the Joint Committee on Transportation Oversight. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields.

Also,

Senator Callahan submitted the following:

August 14, 2009

Terry Spieler – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Terry:

In the 2009 session the Missouri General Assembly passed – and the Governor has now signed – House Bill 427, the provisions of which will become effective shortly. Section 42.007 of House Bill 427 changes the make up of the Missouri Veterans Commission and provide me – acting within capacity as Senate Minority Floor Leader – an appointment to the commission of a member of the Senate Minority Caucus. Please let this correspondence serve as my appointment of Senator Frank Barnitz to serve on the Missouri Veterans Commission.

Sincerely,

/s/ Victor Callahan

Victor Callahan

Also,

September 15, 2009

The Honorable Senator Charlie Shields
President Pro-Tem of the Missouri Senate
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Shields:

I hereby appoint Senator Wes Shoemyer to the Joint Committee on Transportation Oversight.

Sincerely,

/s/ Victor Callahan

Victor Callahan

Senator Shields submitted the following:

September 16, 2009

The Honorable Michael Wolff
Chair
Missouri Sentencing Advisory Commission
PO Box 104480
Jefferson City, MO 65110

Dear Judge Wolff,

I would like to appoint Senator Kurt Schaefer to serve on the Missouri Sentencing Advisory Commission. Senator Schaefer's appointment to the commission will replace Senator Jack Goodman. Thank you.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Also,

September 16, 2009

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

RE: Appointment to the Missouri Minority Business Advocacy Commission

Dear Ms. Spieler,

Pursuant to Section 33.752, RSMo, I am appointing Senator Robin Wright-Jones to the Missouri Minority Business Advocacy Commission. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Joe Keaveny, St. Louis.

Senator Cunningham introduced to the Senate, John Lamping, St. Louis.

Senator Shoemyer introduced to the Senate, Director Krista Flowers, teachers Marshall Suddarth and Gordon Downs and students from Pike-Lincoln Technical College, Eolia.

Senator Shields introduced to the Senate, Ed Wallace, Kansas City, Kansas.

Senator Lembke introduced to the Senate, David and Beth Vordtriede and their children, Caroline and Victoria, St. Louis County; and Caroline and Victoria were made honorary pages.

Senator Rupp introduced to the Senate, Mike Martin, Troy.

On motion of Senator Engler, the Senate of the Veto Session of the First Regular Session of the 95th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

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