

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 25, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wash me through and through from my wickedness, and cleanse me from my sin.” (Psalm 51:2)

Heavenly Father, today we begin a journey that calls for us to look seriously at our lives and how best to follow Your lead. This journey of six weeks the Christian world calls Lent helps remember the journey of how they became Your people. For us, regardless of what faith we proclaim, we ask that we might learn from this time of self-exploration, especially to recognize our need of You. And so we pray that You walk with us and help us learn of You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Griesheimer assumed the Chair.

### RESOLUTIONS

Senator Goodman offered Senate Resolution No. 409, regarding Shawn Hawkins, Branson, which was adopted.

Senators Justus and Schaefer offered Senate Resolution No. 410, regarding Carol Grove and Cydney Millstein, which was adopted.

Senator Justus offered Senate Resolution No. 411, regarding Shirley Bush Helzberg, Kansas City, which was adopted.

Senators Justus and Wilson offered Senate Resolution No. 412, regarding Eagle Point Enterprises, Kansas City, which was adopted.

Senator Vogel offered the following resolution:

#### SENATE RESOLUTION NO. 413

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on Saturday, September 26, 2009, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 413** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 413** was adopted.

Senator Green offered Senate Resolution No. 414, regarding the Seventieth Birthday of Sharon Gayle Hazelwood Eckard, Falls City, Nebraska, which was adopted.

### INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 478**—By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to contracts between health carriers and health care providers.

**SB 479**—By Shoemyer.

An Act to repeal section 99.1090, RSMo, and to enact in lieu thereof one new section relating to downtown revitalization preservation redevelopment projects.

**SB 480**—By Shoemyer.

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the Missouri board on geographic names.

**SB 481**—By Ridgeway.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to income taxation.

**SB 482**—By Ridgeway.

An Act to amend chapter 324, RSMo, by adding thereto nine new sections relating to tanning facilities, with a penalty provision.

**SB 483**—By Rupp.

An Act to repeal sections 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, and 375.1057, RSMo, and to enact in lieu thereof seventeen new sections relating to annual financial reporting by certain insurers, with penalty provisions.

**SB 484**—By Rupp.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the distribution of federal highway funds.

**SB 485**—By Pearce.

An Act to repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to committee statements of organization.

**SB 486**—By Green, Callahan and Justus.

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to the right of public body employees to form and join labor organizations.

**SB 487**—By Stouffer.

An Act to repeal sections 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, and 304.028, RSMo, and to enact in lieu thereof eighteen new sections relating to the brain injury advisory council.

**SB 488**—By Vogel.

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to special road districts.

**SB 489**—By Dempsey.

An Act to repeal section 94.270, RSMo, and to enact in lieu thereof one new section relating to the taxing authority of certain cities.

**SB 490**—By Wilson and Nodler.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

**SB 491**—By Mayer.

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

**SB 492**—By Mayer.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the GED revolving fund.

**SB 493**—By Mayer.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools program.

**SB 494**—By Griesheimer.

An Act to repeal sections 650.396 and 650.399, RSMo, and to enact in lieu thereof two new sections relating to collection of sales tax for interoperable communications.

**SB 495**—By Griesheimer.

An Act to repeal sections 288.036, 288.038, 288.090, 288.120, 288.121, 288.122, and 288.330, RSMo, and to enact in lieu thereof five new sections relating to employment security, with a delayed effective date for certain sections.

**SB 496**—By Cunningham.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to extracurricular competitive activities.

**SB 497**—By Cunningham.

An Act to repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to school districts that do not maintain an accredited school.

**SB 498**—By Cunningham.

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

**SB 499**—By Cunningham.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

**SB 500**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school-sponsored clubs and extracurricular activities.

**SB 501**—By Cunningham.

An Act to repeal sections 137.073, 137.076, 137.115, and 138.380, RSMo, and to enact in lieu thereof five new sections relating to property taxation, with a contingent effective date.

**SB 502**—By Cunningham.

An Act to repeal section 171.171, RSMo, and to enact in lieu thereof one new section relating to school credit.

**SB 503**—By Cunningham.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to school superintendents.

**SB 504**—By Cunningham.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to instructional costs at public institutions of higher education.

**SB 505**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to teacher transfers in failing districts.

**SJR 15**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to legislative response to asserted state court jurisdiction.

President Pro Tem Shields assumed the Chair.

#### **REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 235**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred **SB 165**, **SB 164**, **SB 248** and **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 96**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 297**, begs leave to report that it has considered the same and recommends that the bill do pass

and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Protection and Outdoor Resources, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Food Protection and Outdoor Resources, to which was referred **SB 153**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 368**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 114**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 263**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 277**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS for SB 37**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Shields referred **SCS** for **SB 37** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Griesheimer assumed the Chair.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 128**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 128

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

Was taken up.

On motion of Senator Rupp, **SS** for **SCS** for **SB 128** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Bray	Purgason	Ridgeway—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Bray	Ridgeway—2
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Absent—Senators

Purgason          Wilson—2

Absent with leave—Senators—None

Vacancies—None

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

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

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

**SB 215**, introduced by Senator Shields, entitled:

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof nineteen new sections relating to port authorities.

Was taken up.

At the request of Senator Shields, **SB 215** was placed on the Informal Calendar.

**SB 243**, with **SCS**, introduced by Senator Pearce, entitled:

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to the sale of deficiency waiver addendums and other similar products associated with certain loan transactions.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 243**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 243

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.

Was taken up.

Senator Pearce moved that **SCS** for **SB 243** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator 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.

**SB 157**, with **SCS**, introduced by Senator Schmitt, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 157

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to autism as addressed by the division of developmental disabilities.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 157** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 157** 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	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 9**, with **SCS No. 2**, introduced by Senator Champion, entitled:

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

Was called from the Consent Calendar and taken up.

**SCS No. 2** for **SB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 9

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

Was taken up.

Senator Champion moved that **SCS No. 2** for **SB 9** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS No. 2** for **SB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 152**, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to nurse student loans.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 152

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to nurse student loans.

Was taken up.

Senator Clemens moved that **SCS** for **SB 152** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 152** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Green           Lembke—2

Absent with leave—Senators—None

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.

**SB 55**, introduced by Senator Days, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district records.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 55** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Lembke           Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 79**, introduced by Senator Wilson, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

Was called from the Consent Calendar and taken up.

On motion of Senator Wilson, **SB 79** 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 Wilson, title to the bill was agreed to.

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

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

**SB 179**, with **SCS**, introduced by Senator Wright-Jones, entitled:

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 179**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 179

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state

highways and transportation commission.

Was taken up.

Senator Wright-Jones moved that **SCS** for **SB 179** be adopted, which motion prevailed.

On motion of Senator Wright-Jones, **SCS** for **SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wright-Jones, title to the bill was agreed to.

Senator Wright-Jones moved that the vote by which the bill passed be reconsidered.

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

**SB 15**, with **SCS**, introduced by Senator Nodler, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 15

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

Was taken up.

Senator Nodler moved that **SCS** for **SB 15** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 15**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator 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.

**SB 217**, introduced by Senator Goodman, entitled:

An Act to repeal section 351.225, RSMo, and to enact in lieu thereof one new section relating to corporate shareholders' meetings.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, **SB 217** 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	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Shoemyer—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.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 261, SB 159, SB 180 and SB 181**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 261, 159, 180 and 181**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 195.214, 195.217, 195.218, 566.147, 566.149, 566.226, 570.030 and 575.150, RSMo, and to enact in lieu thereof eight new sections relating to crime, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 261, 159, 180 and 181** be adopted.

Senator Bartle offered **SS** for **SCS** for **SBs 261, 159, 180 and 181**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 195.214, 195.217, 195.218, 556.036, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, and 577.029, RSMo, section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof twenty-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS** for **SCS** for **SBs 261, 159, 180 and 181** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 32, Section 577.029, Line 24 of said page, by inserting after all of said line the following:

**“578.255. 1. As used in this section, “alcohol beverage vaporizer” means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.**

**2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any [solvent, particularly toluol] of the following substances:**

- (1) Solvents, particularly toluol; or**
- (2) Ethyl alcohol.**

**3. This section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.**

[2.] **4. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by section 578.250 and this section.**

**5. No person shall possess or use an alcoholic beverage vaporizer.**

**6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, RSMo, or nonintoxicating beer, as defined by section 312.010, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Ridgeway offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 27, Section 577.023, Line 17 of said page, by inserting immediately after “(3)” the following: **““Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690, RSMo;**

**(4)”**; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, page 29, line 18 of said page, inserting immediately after “court.” the following: **“In addition to any other terms or conditions of probation or parole, the court shall consider, as a condition of probation or parole for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court.”**; and further amend line 20 of said page, by inserting immediately after “imprisonment.” the following: **“However, the court may suspend execution of up to thirty days of this term if, as a condition of such probation or parole, such person abstains from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of six times per day as scheduled by the court, for not less than sixty days nor more than one hundred and twenty days as determined by the court.”**; and further amend line 22 of said page, by inserting immediately after the word “imprisonment” the following: **“; except, the court may, acting under section 559.115, RSMo, grant probation if, as a condition of such probation, such person abstains from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of six times per day as scheduled by the court, for not less than six months nor more that two years as determined by the court”**.

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

Senator Pearce assumed the Chair.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 4, Section 195.218, Line 17 of said page, by inserting after all of said line the following:

**“306.109. 1. No person shall possess or use beer bongs or other drinking devices used to consume similar amounts of alcohol on the rivers of this state. As used in this section, the term “beer bong” includes any device that is intended and designed for the rapid consumption or intake of an alcoholic beverage, including but not limited to funnels, tubes, hoses, and modified containers with additional vents.**

**2. No person shall possess or consume any alcoholic substance that is produced in a gelatin form, commonly known as a “jello shot”, on the rivers of this state.**

**3. No person shall possess or use any large volume alcohol containers that hold more than one gallon of an alcoholic beverage on the rivers of this state.**

**4. No person shall distribute bead necklaces commonly associated with Mardi Gras festivities or similar paraphernalia intended to cause behavior associated with, but not limited to, fighting, solicitation of nudity, obscene language or other lewd behavior on the rivers of this state.**

**5. No person shall possess expanded polypropylene coolers on or within fifty feet of any river of this state, except in developed campgrounds, picnic areas, landings, roads and parking lots located within fifty feet of such rivers. This subsection shall not apply to high density bait containers used solely for such purpose.**

**6. Any person who violates the provisions of this section is guilty of a class A misdemeanor.**

**7. The provisions of this section shall not apply to persons on the Mississippi river, Missouri river, or Osage river.”; and**

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Smith offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 1, Section 306.109, Lines 10-12, by striking all of said lines from the amendment; and

Further amend said page and section, by striking lines 16-20; and

Further amend the amendment by renumbering the remaining subsections accordingly.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261, SB 159, SB 180 and SB 181**, with **SCS, SS** for **SCS, SA 3** and **SA 1 to SA 3** (pending), were placed on the Informal Calendar.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

**RECESS**

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

**CONCURRENT RESOLUTIONS**

Senators Bray, Days, Wilson, Smith and Justus offered the following concurrent resolution:

## SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, every person in Missouri and in the United States deserves access to affordable, quality health care; and

WHEREAS, there is a growing crisis in health care in the United States of America, manifested in rising health care costs, increased premiums, out-of-pocket spending, decreased international business competitiveness, and massive layoffs; and

WHEREAS, approximately 729,564 Missourians lacked health insurance in 2007; and

WHEREAS, those insured now often experience unacceptable medical debt and sometimes life-threatening delays in obtaining health care; and

WHEREAS, one-half of all personal bankruptcies are due to illnesses or medical bills; and

WHEREAS, the rising cost of insuring state employees and teachers can best be met not by limiting benefits, but by expanding them under a national, publicly-funded health insurance program; and

WHEREAS, the complex bureaucracy arising from our system of fragmented, for-profit, multi-payer system of health care financing consumes approximately 30% of United States health care spending; and

WHEREAS, independent research by Kenneth E. Thorpe, PhD. found in 2003 that if Missouri adopted a single-payer, universal health program with benefits more generous than 75% of all private insurance benefits in the state, Missouri health care spending would decline by a savings of \$1.3 billion in administrative costs alone under a streamlined administrative structure; and

WHEREAS, United States Representative John Conyers has introduced H.R. 676, the United States National Health Insurance Act, in the United States House of Representatives, and this act would provide a universal, comprehensive, single-payer system of high quality national health insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby respectfully urge the United States Congress to enact the United States National Health Insurance Act sponsored by Representative Conyers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for President Barack Obama and each member of the Missouri congressional delegation.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 506**—By Callahan.

An Act to amend chapter 320, RSMo, by adding thereto thirteen new sections relating to fire sprinklers, with penalty provisions.

**SB 507**—By Callahan.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

**SB 508**—By Bray, Smith and Days.

An Act to repeal sections 184.350 and 184.362, RSMo, and to enact in lieu thereof two new sections relating to metropolitan zoological park and museum districts.

**SB 509**—By Scott.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to review of advanced practice registered nurses by collaborating physicians.

**SB 510**—By Lager.

An Act to repeal sections 92.110, 92.160, 92.210, and 92.250, RSMo, and to enact in lieu thereof four new sections relating to city earnings taxes.

**SB 511**—By Nodler.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to a community-based developmental disability provider tax, with an expiration date and an emergency clause.

**SB 512**—By Dempsey.

An Act to repeal sections 70.655, 70.660, 70.695, 70.710, 70.720, and 70.730, RSMo, and to enact in lieu thereof six new sections relating to the Missouri local government employees' retirement system.

**SB 513**—By Dempsey.

An Act to repeal section 429.609, RSMo, and to enact in lieu thereof one new section relating to real estate broker's liens.

**SB 514**—By Dempsey.

An Act to repeal sections 21.445, 21.450, 23.080, 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, 23.200, and 33.810, RSMo, and to enact in lieu thereof twelve new sections relating to the general assembly, with a penalty provision.

**SB 515**—By Cunningham.

An Act to repeal section 160.540, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

**SB 516**—By Cunningham.

An Act to repeal sections 165.111, 169.010, and 169.020, RSMo, and to enact in lieu thereof four new sections relating to education personnel, with a penalty provision and an emergency clause for a certain section.

**SB 517**—By Lembke.

An Act to repeal sections 192.068 and 374.426, RSMo, and to enact in lieu thereof four new sections relating to health care transparency, with a penalty provision.

**SB 518**—By Lembke.

An Act to amend chapter 86, RSMo, by adding thereto one new section relating to the police retirement system.

**SB 519**—By Shields.

An Act to repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 44.227, 162.1060, 166.203, 170.250, 192.745, 208.275, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof ten new sections relating to the repeal and reduction of certain committees and commissions, with

an expiration date for certain sections.

**SB 520**—By Wright-Jones.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to physical education classes for students in the primary grades.

**SB 521**—By Wright-Jones.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to physical education classes for students.

**SB 522**—By Stouffer.

An Act to repeal sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326, RSMo, and to enact in lieu thereof six new sections relating to the sole purpose of regulating commercial drivers' licenses, with penalty provisions.

**SB 523**—By Bartle.

An Act to repeal sections 115.435, 115.491, and 115.493, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and an effective date for a certain section.

**SB 524**—By Griesheimer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for printed products.

**SB 525**—By Griesheimer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to the regulation of certain off-highway vehicles.

**SJR 16**—By Lager.

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

**SJR 17**—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, adding thereto one new section relating to prohibited use of public funds as to certain life sciences.

#### **SENATE BILLS FOR PERFECTION**

Senator Bray moved that **SB 18**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 18**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 18**

An Act to repeal sections 208.151 and 208.640, RSMo, and to enact in lieu thereof four new sections relating to the Missouri universal health assurance program.

Was taken up.

Senator Bray moved that **SCS** for **SB 18** be adopted.

Senator Bray offered **SS** for **SCS** for **SB 18**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 18

An Act to repeal sections 103.003, 103.005, 103.036, 208.151, and 208.640, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri universal health assurance program.

Senator Bray moved that **SS** for **SCS** for **SB 18** be adopted.

At the request of Senator Bray, **SB 18**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Pearce moved that **SB 255** be taken up for perfection, which motion prevailed.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 255, Page 1, Section 172.030, Lines 1 to 8, by deleting all of said lines and inserting in lieu thereof the following:

“172.030. **1.** The board of curators of the University of the state of Missouri shall hereafter consist of nine members, who shall be appointed by the governor, by and with the advice and consent of the senate; provided, that not more than one person shall be appointed upon said board from the same congressional district, **except as provided in subsection 2 of this section**, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his appointment. Not more than five curators shall belong to any one political party.

**2. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the board shall be a student curator who shall have the right to vote on any matter before the board, including the hiring or firing of the president of the University of Missouri system, the chancellors of each of the university campuses, the general counsel of the university, the secretary of the board of curators, and all other general officers of the university. However, the student curator shall be excluded from all other decisions regarding hiring or firing of faculty or staff. The student curator may be from any congressional district, and his or her district may be the same as one member of the board. The first student curator shall be appointed in January 2011 and shall serve a two-year term provided the person maintains the status of a full-time student. The student curator appointed under this subsection shall replace the nonvoting student representative appointed under section 172.035; however, such student curator shall be appointed in the manner prescribed in section 172.035, and he or she shall meet all other requirements of section 172.035.**

172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, **unless the student representative position on the board is converted to a student curator position, as provided under section 172.030.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus. **If, after August 28, 2009, the university adds another campus or campuses, then such campus or campuses shall be inserted into the aforementioned rotation following the St. Louis campus in the order in which such campus or campuses are admitted into the university.**

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.040. **Except as provided in subsection 2 of section 172.030 for student curators,** the term of service of the curators shall be six years, the terms of three expiring every two years; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said curators, while attending the meetings of the board, shall receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in subsection 2 of section 172.030 for student curators,** all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Days, Barnitz, Callahan and Smith.

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

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 255, Page 2, Section 172.030, Lines 1, 7, 9, 11 and 13, by replacing the word “student” to “parent”; and

Page 2, Lines 12 and 13, by striking the words on said line “provided the person maintains the status of a full-time student”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 255**, with **SA 1** and **SA 1 to SA 1** (pending), was placed on the Informal Calendar.

Senator Purgason moved that **SB 84** be taken up for perfection, which motion prevailed.

At the request of Senator Purgason, **SB 84** was placed on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

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

**SB 399**—Jobs, Economic Development and Local Government.

**SB 400**—Financial and Governmental Organizations and Elections.

**SB 401**—General Laws.

**SB 402**—Judiciary and Civil and Criminal Jurisprudence.

**SB 403**—Ways and Means.

**SB 404**—Ways and Means.

**SB 405**—General Laws.

**SB 406**—Financial and Governmental Organizations and Elections.

**SB 407**—Financial and Governmental Organizations and Elections.

**SB 408**—Financial and Governmental Organizations and Elections.

**SB 409**—Agriculture, Food Production and Outdoor Resources.

**SB 410**—Health, Mental Health, Seniors and Families.

**SB 411**—Veterans’ Affairs, Pensions and Urban Affairs.

**SB 412**—Health, Mental Health, Seniors and Families.

**SB 413**—Health, Mental Health, Seniors and Families.

**SB 414**—Health, Mental Health, Seniors and Families.

**SB 415**—Health, Mental Health, Seniors and Families.

**SB 416**—Jobs, Economic Development and Local Government.

**SB 417**—General Laws.

**SB 418**—Health, Mental Health, Seniors and Families.

**SB 419**—Agriculture, Food Production and Outdoor Resources.

**SB 420**—Governmental Accountability and Fiscal Oversight.

**SB 421**—Financial and Governmental Organizations and Elections.

**SB 422**—Education.

**SB 423**—General Laws.

**SB 424**—Jobs, Economic Development and Local Government.

**SB 425**—Health, Mental Health, Seniors and Families.

**SB 426**—Jobs, Economic Development and Local Government.

**SB 427**—Commerce, Consumer Protection, Energy and the Environment.

**SB 428**—Jobs, Economic Development and Local Government.

**SB 429**—Education.

**SB 430**—Agriculture, Food Production and Outdoor Resources.

**SB 431**—Governmental Accountability and Fiscal Oversight.

**SB 432**—Health, Mental Health, Seniors and Families.

**SB 433**—Commerce, Consumer Protection, Energy and the Environment.

**SB 434**—General Laws.

**SB 435**—Financial and Governmental Organizations and Elections.

**SB 436**—Ways and Means.

**SB 437**—Ways and Means.

**SB 438**—Education.

**SB 439**—Education.

### SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 84** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Crowell offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 84, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following:

“designation of state highways and bridges.”; and

Further amend said bill, page 1, Section A, line 2 by inserting after all of said line the following:

**“227.297. 1. This section establishes an interstate interchange designation program, to be known as the “Heroes Way Interstate Interchange Designation Program”, to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the armed forces**

in Afghanistan or Iraq on or after September 11, 2001. The signs shall be placed upon the interstate interchanges in accordance with this section, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States armed forces who was killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who was a resident of this state at the time he or she was killed in action, may apply for an interstate interchange designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate interchange designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate interchange for which the designation is sought and the proposed name of the interstate interchange. The application shall include the name of at least one current member of the general assembly who will sponsor the interstate interchange designation. The application may contain written testimony for support of the interstate interchange designation;

(2) Proof that the family member killed in action was a member of the United States armed forces and proof that such family member was in fact killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts;

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States armed forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interstate interchange signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of an interstate interchange signs shall be deposited in the state treasury to the credit of the state road fund.

5. The documents and fees required under this section shall be submitted to the department of transportation.

6. The department of transportation shall submit for approval or disapproval all applications for interstate interchange designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795, RSMo. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for an interstate interchange designation.

7. The department of transportation shall give notice of any proposed interstate interchange designation under this section in a manner reasonably calculated to advise the public of such

proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

8. If the memorial interstate interchange designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

9. Two signs shall be erected for each interstate interchange designation processed under this section.

10. No interstate interchange may be named or designated after more than one member of the United States armed forces killed in action. Such person shall only be eligible for one interstate interchange designation under the provisions of this section.

11. Any highway signs erected for any interstate interchange designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the interstate interchange may be designated to honor persons other than the current designee. An existing interstate interchange designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 84, Page 1, Section A, Line 2, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving risk reduction awareness program. The provisions of this section shall be known as “David's Law”. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the

time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words “Drunk Driving Victim!”, the initials of the victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase “Who's Next?”. The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term “immediate family member” shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer 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 Green moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Purgason, **SB 84**, as amended, was declared perfected and ordered printed.

## **RESOLUTIONS**

Senator Smith offered Senate Resolution No. 415, regarding Christopher Pulphus, St. Louis, which was adopted.

Senator Smith offered Senate Resolution No. 416, regarding Chanel Hess, St. Louis, which was adopted.

Senator Champion offered Senate Resolution No. 417, regarding Steelman Transport, Incorporated, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 418, regarding Harvey Williams, Rochelle, Texas, which was adopted.

Senator Champion offered Senate Resolution No. 419, regarding Robert Conger, Enosburg Falls, Vermont, which was adopted.

Senator Scott offered Senate Resolution No. 420, regarding Holly Dawes, Stockton, which was adopted.

Senator Scott offered Senate Resolution No. 421, regarding Barry Lee Edwards, Warsaw, which was adopted.

Senator Shields offered Senate Resolution No. 422, regarding Jan Mehl, Saint Joseph, which was adopted.

Senator Goodman offered Senate Resolution No. 423, regarding Howard and Jill Trimble, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 424, regarding Dave and April Williams, Shell Knob, which was adopted.

Senator Goodman offered Senate Resolution No. 425, regarding Britten Scott House, which was adopted.

## COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 24, 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 Women's Council**

Dear Ms. Spieler,

Pursuant to Section 186.007, RSMo, I am appointing Senators Norma Champion and Rita Heard Days to the Missouri Women's Council. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Senator Callahan submitted the following:

February 25, 2009

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

Dear Ms. Spieler:

Pursuant to the provisions of section 21.820 I hereby appoint the following senators to the joint committee on Governmental Accountability:

Senator Victor Callahan  
Senator Rita Days

Senator Tim Green.

Sincerely,  
/s/ Victor E. Callahan  
Victor Callahan

Also,

February 25, 2009

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

Dear Ms. Spieler:

Pursuant to the provisions of section 620.1887 I hereby appoint Senator Ryan McKenna to the Quality Jobs Advisory Task Force.

Sincerely,  
/s/ Victor E. Callahan  
Victor Callahan

### **INTRODUCTIONS OF GUESTS**

Senator Days introduced to the Senate, Breanna Tarkington, Normandy Senior High School.

Senator Stouffer introduced to the Senate, Hilary McCorkendale, Hardin-Central High School.

Senator Goodman introduced to the Senate, Hillary Merick, Zalma High School.

Senator Justus introduced to the Senate, Jesse Brown, Grandview High School.

Senator Crowell introduced to the Senate, Melissa Thomas, Scott City R-1 Junior High School.

Senator Pearce introduced to the Senate, Jaclyn Birchmeier and Lindsey Avitt, Northwest Missouri State University.

Senator Nodler introduced to the Senate, Breann Ferguson, Seneca High School.

Senator Purgason introduced to the Senate, Leslie Caldwell, Thayer High School.

Senator Wilson introduced to the Senate, Mackenzie Neil, Northwest Missouri State University.

Senator Wilson introduced to the Senate, Tenique Hays, Northwest Missouri State University.

Senator Vogel introduced to the Senate, Christa Moore, Eldon High School.

Senator Champion introduced to the Senate, Kelsey Cox, Lamont High School.

Senator Engler introduced to the Senate, Nita Dunn, West County High School.

Senator Shields introduced to the Senate, Megan Ryer and Lisa Hodges, Northwest Missouri State University.

Senator Schaefer introduced to the Senate, Brittney Apel, Westran High School.

Senator Ridgeway introduced to the Senate, Sean Serroque, Kansas City.

Senator Ridgeway introduced to the Senate, Martin Estrada, North Kansas City High School.

Senator Clemens introduced to the Senate, representatives of Missouri Young Cattleman's Association.

Senator Mayer introduced to the Senate, Samantha Stark, Holcomb High School.

Senator Green introduced to the Senate, Dick Kellett and Joe Donahue, St. Louis.

Senator Cunningham introduced to the Senate, Rockwood School District Parents as Teachers, Carroll Cranch and Joy Sobelman, Chesterfield; and Denise Hall, Barbara Rogers and Mary Lynn Schmidt, Ballwin.

Senator Scott introduced to the Senate, Shayna Stuckey, Cole Camp R-1.

Senator Scott introduced to the Senate, Pat O'Neal and eighth grade students from Wheatland R-II.

On behalf of Senator Griesheimer, the President introduced to the Senate, Elizabeth Abraham, Hermann High School.

Senator Clemens introduced to the Senate, members of the Missouri Nurses Association.

Senator Lager introduced to the Senate, Lauren Schoonover, Mound City.

Senator Schaefer introduced to the Senate, Columbia School Teachers, Laura Sandstedt, Maurice Guerin, Mary Skyvalidas, Andy Dager, Cynthia Waltman, Kari Schuster, Nick Kremer, Sarah Sicht, Tessa VonBehren, Rebecca Rembold and Beulahre Robinson.

Senator Stouffer introduced to the Senate, Coaches Pat Richard and Mitch Comstock and members of the Class 1A State Champion Orrick football team.

Senator Mayer introduced to the Senate, Tabitha Allen, Bonnie Hackley, Lisa Bertrand, Cheri Fuemmeler and Lori Scheeter, members of Southeast Leadership Academy.

Senator Ridgeway introduced to the Senate, Scott Nielsen, Kansas City.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene H. Leroux, M.D., Doniphan.

Senator Smith introduced to the Senate, Maggie Williams, St. Louis.

Senator Shields introduced to the Senate, members of the Greater Missouri Chapter of the March of Dimes from Cape Girardeau, Jefferson City, Kansas City, Springfield, St. Joseph and St. Louis.

Senator Mayer introduced to the Senate, Dexter Parents as Teachers, Melanie Stoelting, Dana Lovins, Jennifer Bess and Debbie Blunt.

Senator Scott introduced to the Senate, Erica Trussell, El Dorado Springs.

Senator Pearce introduced to the Senate, members of the Missouri Circuit Clerks Association.

Senator Green introduced to the Senate, his wife, Lisa and students from the Goldfarb School of Nursing at Barnes-Jewish College, St. Louis.

Senator Vogel introduced to the Senate, Bill Hohulin, Blake Winkelmann and Adam Jones, Missouri University of Science and Technology, Rolla.

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

SENATE CALENDAR

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TWENTY-NINTH DAY—THURSDAY, FEBRUARY 26, 2009

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 440-Schaefer	SB 474-Wright-Jones
SB 441-Schaefer	SB 475-Wright-Jones
SB 442-Callahan	SB 476-Wright-Jones
SB 443-Days and Mayer	SB 477-Wright-Jones
SB 444-Wilson	SB 478-Shoemyer
SB 445-Rupp	SB 479-Shoemyer
SB 446-Rupp	SB 480-Shoemyer
SB 447-Pearce	SB 481-Ridgeway
SB 448-Pearce	SB 482-Ridgeway
SB 449-Purgason	SB 483-Rupp
SB 450-Cunningham	SB 484-Rupp
SB 451-Cunningham	SB 485-Pearce
SB 452-Cunningham	SB 486-Green, et al
SB 453-Mayer	SB 487-Stouffer
SB 454-Mayer	SB 488-Vogel
SB 455-Mayer	SB 489-Dempsey
SB 456-Lager	SB 490-Wilson and Nodler
SB 457-Lager	SB 491-Mayer
SB 458-Lager	SB 492-Mayer
SB 459-Lager	SB 493-Mayer
SB 460-Nodler	SB 494-Griesheimer
SB 461-Callahan	SB 495-Griesheimer
SB 462-Crowell	SB 496-Cunningham
SB 463-Days, et al	SB 497-Cunningham
SB 464-Stouffer	SB 498-Cunningham
SB 465-Pearce	SB 499-Cunningham
SB 466-Smith	SB 500-Cunningham
SB 467-Justus	SB 501-Cunningham
SB 468-Justus	SB 502-Cunningham
SB 469-Justus	SB 503-Cunningham
SB 470-Ridgeway	SB 504-Cunningham
SB 471-Ridgeway	SB 505-Cunningham
SB 472-Ridgeway	SB 506-Callahan
SB 473-Bray	SB 507-Callahan

SB 508-Bray, et al	SB 519-Shields
SB 509-Scott	SB 520-Wright-Jones
SB 510-Lager	SB 521-Wright-Jones
SB 511-Nodler	SB 522-Stouffer
SB 512-Dempsey	SB 523-Bartle
SB 513-Dempsey	SB 524-Griesheimer
SB 514-Dempsey	SB 525-Griesheimer
SB 515-Cunningham	SJR 14-Wilson
SB 516-Cunningham	SJR 15-Cunningham
SB 517-Lembke	SJR 16-Lager
SB 518-Lembke	SJR 17-Lembke

#### HOUSE BILLS ON SECOND READING

HCS for HB 96

#### THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al (In Fiscal Oversight)

SCS for SB 37-Goodman (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 88-Stouffer, with SCS

SB 126-Rupp

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SB 215-Shields

#### SENATE BILLS FOR PERFECTION

SB 18-Bray, et al, with SCS & SS for SCS  
(pending)  
SB-29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 58-Stouffer

SB 72-Stouffer, with SCS  
SB 89-Stouffer, with SCS, SA 1 & SSA 1  
for SA 1 (pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)

SB 255-Pearce, with SA 1 & SA 1 to SA 1  
(pending)  
SBs 261, 159, 180 & 181-Bartle and  
Goodman, with SCS, SS for SCS, SA 3  
& SA 1 to SA 3 (pending)

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/25

SB 235-Cunningham  
SBs 165, 164, 248 & 168-Justus, with SCS  
SB 242-Pearce, with SCS  
SB 96-Justus, et al, with SCS  
SB 297-Scott  
SB 293-Barnitz, et al, with SCS  
SB 153-Clemens, with SCS

SB 71-Stouffer, with SCS  
SB 368-Stouffer  
SB 114-Crowell  
SB 263-Mayer  
SB 280-Rupp and Cunningham  
SB 277-Cunningham

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 207-Lembke and Smith, with SCS & SS  
for SCS (pending)  
SCR 11-Bartle, et al  
SCR 8-Shoemyer  
SCR 16-Pearce

#### To be Referred

SCR 22-Bray, et al

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