

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY—MONDAY, MARCH 1, 2010

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“The man who regards life...as meaningless is not merely unfortunate but almost disqualified for life.” (Albert Einstein)

Almighty God, we are thankful for this new day and new week. We give You thanks for the opportunity to bring thought and energy to the tasks we face this week for it gives us purpose and reason for what we do here. We are thankful that we recognize the importance of each meeting and how it plays into what needs to be accomplished. We desire only to serve and so ask that You might direct our efforts and guide our actions and our words so that what happens here we may be proud and never ashamed. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, February 25, 2010 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	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1719, regarding Michael B. Hazel, Caruthersville, which was adopted.

Senator Wilson offered Senate Resolution No. 1720, regarding Mrs. Sybil R. Daniels, which was adopted.

Senator Crowell offered Senate Resolution No. 1721, regarding Tyler Tuschhoff, which was adopted.

Senator Crowell offered Senate Resolution No. 1722, regarding Denzil J. Brown, which was adopted.

Senator Crowell offered Senate Resolution No. 1723, regarding Donald Buttlerwerth III, which was adopted.

Senator Crowell offered Senate Resolution No. 1724, regarding Daniel McElreath, which was adopted.

Senator Crowell offered Senate Resolution No. 1725, regarding Cody Moore, which was adopted.

Senator Crowell offered Senate Resolution No. 1726, regarding Adam LeGrand, which was adopted.

Senator Crowell offered Senate Resolution No. 1727, regarding John McLain, which was adopted.

Senator Crowell offered Senate Resolution No. 1728, regarding Jonathan Henson, which was adopted.

Senator Crowell offered Senate Resolution No. 1729, regarding Jason Krueger, which was adopted.

Senator Crowell offered Senate Resolution No. 1730, regarding Joseph R. Wolsey, which was adopted.

Senator Crowell offered Senate Resolution No. 1731, regarding Jesse Hurt, which was adopted.

Senator Crowell offered Senate Resolution No. 1732, regarding Sebastian Starrett, which was adopted.

Senator Crowell offered Senate Resolution No. 1733, regarding the One Hundredth Birthday of Altheda Schmelig, Altenburg, which was adopted.

Senator Crowell offered Senate Resolution No. 1734, regarding Kenneth Tiffany, which was adopted.

Senator Crowell offered Senate Resolution No. 1735, regarding Gregory Sprenger, which was adopted.

Senator Justus offered Senate Resolution No. 1736, regarding Valentine Apartments, Kansas City, which was adopted.

Senator Cunningham offered Senate Resolution No. 1737, regarding Flexway Trucking, Inc., Hazelwood, which was adopted.

Senator Cunningham offered Senate Resolution No. 1738, regarding Dr. David K. Bernard, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1739, regarding Thierry Laurent Kennel, Olivette, which was adopted.

Senator Bartle offered Senate Resolution No. 1740, regarding E.J. "Jim" Hess, Grain Valley, which was adopted.

Senator Purgason offered Senate Resolution No. 1741, regarding Alicen Rothermich, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 1742, regarding Toney and Kathleen Aid, West Plains, which was adopted.

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO. 1743

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

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

WHEREAS, the 2010 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the 2010 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 27, 2010, from 1:00 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1743** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 1743** was adopted.

INTRODUCTION OF BILLS

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

SB 1016—By Mayer.

An Act to repeal sections 105.716, 143.621, 143.631, 143.831, 143.841, 144.083, 144.230, 144.240, 144.261, and 147.040, RSMo, and to enact in lieu thereof fifteen new sections relating to the collection of delinquent taxes, with penalty provisions.

SB 1017—By Mayer.

An Act to repeal sections 198.439, 208.437, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to certain provider taxes, with expiration dates.

SB 1018—By Nodler.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to nonprofit fee offices.

SB 1019—By Barnitz.

An Act to repeal sections 348.400, 348.407, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to agricultural business development loans.

SB 1020—By Barnitz.

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the hero at home program.

SB 1021—By Shoemyer.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school make up days due to incidence of the 2009 H1N1 influenza virus, with an emergency clause.

SB 1022—By Stouffer.

An Act to repeal sections 383.130 and 383.133, RSMo, and to enact in lieu thereof three new sections relating to requirements of entities employing certain licensed health care professionals.

SB 1023–By Cunningham.

An Act to repeal section 197.060, RSMo, and to enact in lieu thereof one new section relating to the criteria for hospital licensure.

SB 1024–By Cunningham.

An Act to repeal sections 168.021, 168.102, 168.106, and 168.221, RSMo, and to enact in lieu thereof fourteen new sections relating to teachers.

SB 1025–By Goodman.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to trusts to pay for funeral services, facilities, or merchandise.

SB 1026–By Rupp.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to the denial of unemployment benefits.

SB 1027–By Rupp.

An Act to repeal sections 226.952, 226.957, and 226.971, RSMo, and to enact in lieu thereof three new sections relating to the highway corridor preservation process.

SB 1028–By Rupp.

An Act to repeal section 140.100, RSMo, and to enact in lieu thereof one new section relating to penalties for tax-delinquent lands.

SB 1029–By Rupp.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to conducting a study on dangerous rural lettered highways in Missouri.

SB 1030–By Rupp.

An Act to amend chapter 337, RSMo, by adding thereto ten new sections relating to the licensure of the profession of applied behavior analysis, with penalty provisions.

SB 1031–By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to property insurance.

SB 1032–By Bray.

An Act to repeal sections 409.6-601 and 409.6-607, RSMo, and to enact in lieu thereof two new sections relating to whistleblower protection for reporting securities violations.

SB 1033–By Bray.

An Act to repeal sections 160.400 and 160.405, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

SB 1034—By Bray.

An Act to repeal section 67.280, RSMo, and to enact in lieu thereof four new sections relating to state construction codes.

SB 1035—By Bray.

An Act to repeal section 431.068, RSMo, and to enact in lieu thereof one new section relating to blood donations by minors.

SB 1036—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto eighteen new sections relating to senior citizen homestead deferral of taxes.

SB 1037—By Bray.

An Act to repeal sections 260.035 and 260.080, RSMo, and to enact in lieu thereof eleven new sections relating to financing by municipalities for energy improvements.

SB 1038—By Bray.

An Act to repeal section 207.060, RSMo, and to enact in lieu thereof one new section relating to county offices within the department of social services.

SB 1039—By Pearce.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to elementary and secondary education standards.

SB 1040—By Schaefer.

An Act to repeal section 260.965, RSMo, and to enact in lieu thereof one new section relating to the regulation of dry-cleaning facilities.

SB 1041—By Schmitt.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax incentives for purchases of tangible business property by small businesses.

SB 1042—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the office of the MO HealthNet inspector general.

SB 1043—By Schmitt.

An Act to amend chapters 135, 148, and 376, RSMo, by adding thereto nine new sections relating to health insurance.

SB 1044—By Schmitt.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the establishment of a consumer health information portal.

SB 1045—By Wright-Jones.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to unlawful use of

weapons.

SB 1046—By Wright-Jones.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance age.

SB 1047—By Wright-Jones.

An Act to repeal section 542.301, RSMo, and to enact in lieu thereof one new section relating to the disposition of unclaimed seized property.

SB 1048—By Crowell.

An Act to amend chapters 104 and 476, RSMo, by adding thereto six new sections relating to retirement plans for certain state employees, state officials, and judges.

SB 1049—By Crowell.

An Act to repeal sections 104.081, 476.520, 476.535, 476.545, and 476.690, RSMo, and to enact in lieu thereof eight new sections relating to retirement plans for certain state employees, state officials, and judges.

SB 1050—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto eight new sections relating to creating a company to manage investments for public retirement systems.

SB 1051—By Crowell.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to conflicts of interest for legislators.

SB 1052—By Crowell.

An Act to repeal section 105.456, RSMo, and to enact in lieu thereof one new section relating to conflicts of interest for legislators.

SB 1053—By Crowell.

An Act to repeal sections 100.265 and 215.020, RSMo, and to enact in lieu thereof two new sections relating to conflicts of interest for statewide elected officials.

SB 1054—By Crowell.

An Act to repeal sections 135.800 and 135.802, RSMo, and to enact in lieu thereof three new sections relating to the receipt of tax credits by campaign contributors.

SB 1055—By Crowell.

An Act to repeal sections 105.711, 105.716, and 105.726, RSMo, and to enact in lieu thereof three new sections relating to the state legal expense fund.

SB 1056—By Crowell.

An Act to repeal section 208.471, RSMo, and to enact in lieu thereof two new sections relating to MO HealthNet provider taxes.

SB 1057—By Shields.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the reduction and reorganization of programs within certain state departments.

SB 1058—By Shields.

An Act to repeal section 67.456, RSMo, and to enact in lieu thereof one new section relating to neighborhood improvement district bonds.

SB 1059—By Shields.

An Act to repeal section 630.060, RSMo, and to enact in lieu thereof one new section relating to the department of mental health's cooperation agreements with other agencies and groups.

SB 1060—By Bartle.

An Act to repeal sections 478.240, 478.245, and 517.081, RSMo, and to enact in lieu thereof three new sections relating to court procedures.

SB 1061—By Bartle.

An Act to repeal sections 208.080 and 454.475, RSMo, and to enact in lieu thereof two new sections relating to the appeals process for programs administered by the department of social services.

SB 1062—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to health care data standardization and transparency, with penalty provisions.

SB 1063—By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto sixteen new sections relating to the licensing of clinical laboratory science personnel, with penalty provisions.

SB 1064—By Lembke.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property taxes.

SB 1065—By Lager.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the reduction and reorganization of programs within certain state departments, with an expiration date.

SJR 43—By Mayer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to creation of tax free zones.

SJR 44—By Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to reducing the number of state departments.

Senator Stouffer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 842, SB 799 and SB 809**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 842, 799 and 809, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 842, 799 and 809

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet division's authority to collect from third-party payors.

Was taken up.

Senator Schmitt moved that **SCS for SBs 842, 799 and 809** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS for SBs 842, 799 and 809** was declared perfected and ordered printed.

Senator Rupp moved that **SB 801** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 801** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 895, SB 813, SB 911, SB 924, SB 922 and SB 802**, with **SCS**, were placed on the Informal Calendar.

Senator Dempsey moved that **SB 773** be taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 773** was declared perfected and ordered printed.

President Kinder assumed the Chair.

THIRD READING OF SENATE BILLS

SB 753, introduced by Senator Dempsey, entitled:

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to the investment of certain cemetery trust funds.

Was called from the Consent Calendar and taken up.

On motion of Senator Dempsey, **SB 753** 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	Keaveny
Lager	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson—31	

NAYS—Senators—None

Absent—Senators

Lembke Wright-Jones—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Dempsey assumed the Chair.

SB 669, introduced by Senator Justus, entitled:

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 669** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

NAYS—Senator Cunningham—1

Absent—Senators

Green Lembke—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 668, introduced by Senator Justus, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 668** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Days	Dempsey
Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—29			

NAYS—Senator Cunningham—1

Absent—Senators

Crowell	Green	Lembke—3
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Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 649, introduced by Senators Days and Wright-Jones, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Girl Scout day.

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

On motion of Senator Days, **SB 649** 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	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Lembke—2
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Absent with leave—Senator Vogel—1

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 804, introduced by Senator Schmitt, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to epilepsy awareness day.

Was called from the Consent Calendar and taken up.

On motion of Senator Schmitt, **SB 804** 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	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green Lembke—2

Absent with leave—Senator Vogel—1

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

SB 772, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

SCS for **SB 772**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 772

An Act to repeal sections 166.420 and 166.532, RSMo, and to enact in lieu thereof one new section relating to higher education savings programs.

Was taken up.

Senator Scott moved that **SCS** for **SB 772** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 772** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Goodman	Griesheimer	Justus	Keaveny	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

NAYS—Senator Engler—1

Absent—Senators

Green	Lembke—2
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Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 771, introduced by Senator Scott, entitled:

An Act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new sections relating to depositories for public funds, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 771** 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	Keaveny	Lager
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green	Lembke—2
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Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 782, with **SCS**, introduced by Senator McKenna, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail.

Was called from the Consent Calendar and taken up.

SCS for **SB 782**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 782

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the authority of the department of revenue to provide certain statutory notifications by electronic mail, with an effective date.

Was taken up.

Senator McKenna moved that **SCS** for **SB 782** be adopted, which motion prevailed.

Senator McKenna moved that **SCS** for **SB 782** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Shields referred **SCS** for **SB 782** to the Committee on Governmental Accountability and Fiscal Oversight.

SB 684, introduced by Senator Rupp, entitled:

An Act to repeal section 453.170, RSMo, and to enact in lieu thereof one new section relating to adoptions occurring in a foreign country.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 684** 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	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 841, introduced by Senator Schmitt, **SB 657**, introduced by Senator Mayer and **SB 751**, introduced by Senator Lembke, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial highway designations.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

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

SCS for **SBs 841, 657** and **751**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 841, 657 and 751

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof four new sections relating to memorial highway designations.

Was taken up.

Senator Schmitt moved that **SCS** for **SBs 841, 657** and **751** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SBs 841, 657** and **751** 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	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

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

SB 812, introduced by Senator Schmitt, **SB 752**, introduced by Senator Lembke and **SB 909**, introduced by Senator Green, with **SCS**, entitled respectively:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license

plates.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a special license plate.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

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

SCS for SBs 812, 752 and 909, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 812, 752 and 909**

An Act to amend chapter 301, RSMo, by adding thereto three new sections relating to special license plates.

Was taken up.

Senator Schmitt moved that **SCS for SBs 812, 752 and 909** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS for SBs 812, 752 and 909** 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	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

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

SB 583, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal sections 375.932, 375.936, 376.1100, and 376.1109, RSMo, and to enact in lieu thereof five new sections relating to the regulation of the insurance market for the protection of senior citizens.

Was called from the Consent Calendar and taken up.

SCS for SB 583, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal section 376.1109, RSMo, and to enact in lieu thereof two new sections relating to the refund of unearned premiums on certain cancelled insurance policies.

Was taken up.

Senator Champion moved that **SCS for SB 583** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for SB 583** 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	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Vogel—1

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 834, with **SCS**, introduced by Senator Rupp, entitled:

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

Was called from the Consent Calendar and taken up.

SCS for SB 834, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 834

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

Was taken up.

Senator Rupp moved that **SCS for SB 834** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 834** 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	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 773**; **SB 801**; and **SCS** for **SBs 842, 799** and **809**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 24, 2010

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

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

Charles Adams, Democrat, 220 State Highway C, Senath, Dunklin County, Missouri 63876, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2012 and until his successor is duly appointed and qualified; vice, Sharon Oetting, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 24, 2010

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

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

Patrice E. Boehler, Democrat, 19078 Bear Trail Road, Glencoe, Saint Louis County, Missouri 63038 , as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2011, and until her successor is duly appointed and qualified; vice, Thomas F. Myers, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 24, 2010

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

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

Daniel Buxton, Democrat, 1942 Highway H, Farmington, Saint Francois County, Missouri 63640, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2011, and until his successor is duly appointed and qualified; vice, Richard Frueh, deceased.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 24, 2010

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

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

Kyle W. Drury, Republican, 2437 Wimbledon Estates Drive, Festus, Jefferson County, Missouri 63028, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2010, and until his successor is duly appointed and qualified; vice, Gerald Engemann, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 24, 2010

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

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

Michael R. Foresman, Republican, 901 Stonebrook Manors Court, Saint Louis, Saint Louis County, Missouri 63122, as a member of

the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Gregory B. Canuteson, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 26, 2010

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

The following addendum should be made to the appointment of Larry D. Evert to the Missouri Genetic Advisory Committee, submitted on February 24, 2010. Line 2 should be amended as follows:

“member of the Missouri Genetic Advisory Committee, for a term ending April”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 26, 2010

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

The following addendum should be made to the appointment of John J. Puetz to the Missouri Genetic Advisory Committee, submitted on February 24, 2010. Line 2 should be amended as follows:

“63005, as a member of the Missouri Genetic Advisory Committee, for a term”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

REFERRALS

President Pro Tem Shields referred **SCR 50**, **SCR 51** and **SCR 52** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 1544**, with **SCS**, entitled:

An Act to repeal section 288.062, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation, with an emergency clause.

Was taken up by Senator Pearce.

SCS for HCS for HB 1544, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1544**

An Act to repeal sections 288.062 and 288.500, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS for HCS for HB 1544** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS for HCS for HB 1544** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator Vogel—1

Vacancies—None

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.

Senator Griesheimer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 754**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 754

An Act to repeal sections 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550, RSMo, and to enact in lieu thereof twenty-nine new sections relating to cemeteries, with penalty provisions.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 754** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 754, Page 1, Section A, Line 9, by inserting immediately after all of said line the following:

“137.1040. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as the “Cemetery Maintenance Trust Fund” to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.

2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution, for any city, town, village, or county with a tax levy at or above the limitations provided under article X, section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called

for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

“Shall (insert the name of the city, town, village, or county) impose a tax on all real property situated in (name of the city, town, village, or county) at a rate of (insert rate not to exceed one quarter of one cent per one hundred dollars assessed valuation) for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?”

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the city, town, village, or county collector. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. The tax imposed under this section shall be known as the “Cemetery Maintenance Tax”. Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the “Cemetery Maintenance Trust Fund”. The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the jurisdiction of such commission or body.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey moved that **SCS for SB 754**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS for SB 754**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1744, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE RESOLUTION NO. 1744

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, Second Regular Session, that Senate Rules 94, 95, 96, 97, 98, 99, 100, 101, and 102, be amended to read as follows:

“Rule 94. On or before January 15th of each year, every employee of the senate, including employees of individual senators and the majority and minority caucuses, that has earned income of five thousand dollars or more during the previous calendar year, apart from income earned from the senate, shall file a statement with the secretary of the senate. Such statement shall consist only of all

sources of non-senate income and the general nature of the business conducted in connection with such income. The actual monetary amount of such income shall not be provided. The provisions of this rule shall not apply to duly elected members of the senate.

Rule 95. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

Rule [95] 96. No senator shall absent himself or herself from the session of the senate unless he or she has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

Rule [96] 97. 1. Laptop computers may be used by the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

Rule [97] 98. In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

Rule [98] 99. No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

Rule [99] 100. No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his or her vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

Rule [100] 101. A roll call vote of the senate shall be taken upon any question at the request of five senators.

Rule [101] 102. All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

Rule [102] 103. Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.”.

CONCURRENT RESOLUTIONS

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 53

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and
WHEREAS, the founders of the Constitution created an ingenious template of checks and balances, with divisions and distributions of

power to provide for and protect the highest sovereignty--that of each individual citizen; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only and retained sovereignty for the states and each individual citizen over all other purposes; and

WHEREAS, the Founding Fathers determined that equal representation of the states in the Senate of the United States recognized the individual sovereignty of each state and provided an impediment against encroachment into the sovereignty of the states by the federal government; and

WHEREAS, James Madison, in the Federalist Papers, No. 62, wrote on the appointment of senators by the state legislatures that it gives the "...State governments such an agency in the formation of the federal government as must secure the authority of the former..."; and

WHEREAS, because of the differing modes of representation and election in the House and Senate prior to 1913, each branch provided a more perfect balance of legislative power against, and an independent check upon, the other; and

WHEREAS, James Madison explained this independent check against improper acts of legislation in Federalist Papers, No. 62, "No law or resolution can now be passed, without the concurrence, first, of a majority of the people, and then of a majority of the States."; and

WHEREAS, the ratification of the 17th Amendment in 1913 changed the election of the United States Senators from the state legislatures to the popular vote of the people of the states, thereby divesting the states of any direct voice in the federal government and has diluted the power of the separate states, unbalanced federalism, and has resulted in the increased power of the federal government; and

WHEREAS, the Congress of the United States has, since the ratification of the 17th Amendment, steadily encroached upon the sovereignty of this and the other states united by and under the Constitution of the United States; and

WHEREAS, a Senator's general responsibility should be, as intended by our founders, to represent state government and the state legislature; and

WHEREAS, the state legislature has a role in compelling accountability from United States Senators:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare defective the current process of choosing United States Senators, request Congress to transmit for consideration by the states of the United States, an amendment to the 17th Amendment to the United States Constitution that provides for state legislatures to elect members of the United States Senate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 54

WHEREAS, the governor in his budget plan for 2011 relied on \$300 million in funds from the federal government that have not been approved by Congress and may never come to fruition; and

WHEREAS, revenues in Missouri continue to fall well below estimates prepared by the state, forcing the governor to cut funds already appropriated by the legislature in order to balance the budget; and

WHEREAS, at the same time revenues have declined, state government has grown over the years, producing unnecessary programs and inefficient allocations of funds; and

WHEREAS, the Missouri General Assembly through careful planning must identify inefficient and unnecessary areas of government spending in order to ensure the state's resources are being put to a use that most benefits the citizens of this state:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Reducing the Size of State Government; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:

1. Examining each department, and agency within each department, to determine programs or bureaucracies within such department that should be eliminated or reduced; and

2. Developing recommendations, strategies and plans for:

(1) Reducing the size of state government;

- (2) Identifying inefficient and unnecessary uses of state funds;
- (3) Addressing budget shortfalls; and
- (4) Other areas that the Committee determines are vital to reducing the size of state government; and

3. Reporting its recommendations to the House Budget Committee and the Senate Appropriations Committee by December 31, 2010; and

4. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, three majority party members, and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fifth General Assembly through December 31, 2010; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

INTRODUCTION OF BILLS

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

SB 1066—By Wright-Jones.

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof seven new sections relating to state contracts.

SB 1067—By Shields.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on Missouri's promise.

COMMUNICATIONS

Senator Crowell submitted the following:

February 26, 2010

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 777- Allows for the sale of deficiency waiver addendums and guaranteed asset protection products under certain conditions

SB 808 - Modifies compensation and continuing education requirements for public administrators

SB 791 - Modifies provisions pertaining to sewer districts

SB 625 - Modifies provisions on child care subsidies

SB 920 - Specifies how tenancy by the entireties property is treated when transferred to certain trusts

SB 687 - Requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damages to a vehicle during an inspection

SB 778 - Removes an expiration date on state universities being able to convey land without authorization from the General Assembly

SB 844 - Allows statewide officials to request the office of administration to determine the lowest and best bidders for their purchasing, printing, and service contracts

Thank you.

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

Also,

February 26, 2010

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bill be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB820 - Updates Missouri's traffic laws to reflect that the majority of pedestrian control signals now display the international symbols for pedestrian control.

Thank you.

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

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

SENATE CALENDAR

THIRTIETH DAY—TUESDAY, MARCH 2, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1003-Pearce
SB 1004-Schaefer
SB 1005-Schaefer

SB 1006-Schaefer
SB 1007-Dempsey
SB 1008-Bray

SB 1009-Bray	SB 1040-Schaefer
SB 1010-Bray	SB 1041-Schmitt
SB 1011-Griesheimer	SB 1042-Schmitt
SB 1012-Lager	SB 1043-Schmitt
SB 1013-Lembke	SB 1044-Schmitt
SB 1014-Bartle	SB 1045-Wright-Jones
SB 1015-Clemens	SB 1046-Wright-Jones
SB 1016-Mayer	SB 1047-Wright-Jones
SB 1017-Mayer	SB 1048-Crowell
SB 1018-Nodler	SB 1049-Crowell
SB 1019-Barnitz	SB 1050-Crowell
SB 1020-Barnitz	SB 1051-Crowell
SB 1021-Shoemyer	SB 1052-Crowell
SB 1022-Stouffer	SB 1053-Crowell
SB 1023-Cunningham	SB 1054-Crowell
SB 1024-Cunningham	SB 1055-Crowell
SB 1025-Goodman	SB 1056-Crowell
SB 1026-Rupp	SB 1057-Shields
SB 1027-Rupp	SB 1058-Shields
SB 1028-Rupp	SB 1059-Shields
SB 1029-Rupp	SB 1060-Bartle
SB 1030-Rupp	SB 1061-Bartle
SB 1031-Bray	SB 1062-Schmitt
SB 1032-Bray	SB 1063-Clemens
SB 1033-Bray	SB 1064-Lembke
SB 1034-Bray	SB 1065-Lager
SB 1035-Bray	SB 1066-Wright-Jones
SB 1036-Bray	SB 1067-Shields
SB 1037-Bray	SJR 43-Mayer
SB 1038-Bray	SJR 44-Shields
SB 1039-Pearce	

HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HBs 1311 & 1341
HCS for HB 1497	HCS for HB 1498
HCS for HB 1675	HB 1741-Pratt
HCS for HB 1750	

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SS#2 for SCS for SB 577-Shields
SB 627-Justus (In Fiscal Oversight)	SB 773-Dempsey
SJR 20-Bartle (In Fiscal Oversight)	SB 801-Rupp
SB 779-Bartle (In Fiscal Oversight)	SCS for SBs 842, 799 & 809-Schmitt

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|--------------------------|
| 1. SB 818-Lembke, with SCS | 8. SB 852-Lager, et al |
| 2. SB 630-Cunningham, with SCS | 9. SB 685-Rupp, with SCS |
| 3. SB 774-Lembke, with SCS | 10. SB 900-Rupp |
| 4. SB 767-Bartle | 11. SB 897-Lager |
| 5. SB 793-Mayer, et al, with SCS | 12. SB 768-Bartle |
| 6. SB 896-Shields and Crowell | 13. SB 614-Wilson |
| 7. SB 781-McKenna, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SJR 22-Callahan
SB 596-Callahan, with SCS (pending)	SJR 29-Purgason and Cunningham, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SJR 31-Scott
SB 738-Crowell, with SCS	SJR 33-Bartle, with SA 1 (pending)
SB 839-Wright-Jones, with SCS	SJR 40-Goodman, with SA 1 (pending)
SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18 (Rupp)
SCR 34-Lembke, et al

SCR 33-Nodler
SCR 46-Stouffer

To be Referred

SCR 53-Purgason

SCR 54-Purgason

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