

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY—TUESDAY, MARCH 2, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is in the deed that God reveals himself in life.” (Leo Baeck)

Merciful Father, we grow a sense that the world is shrinking for what happens in one place effects the lives of people in another land. We saw the response to help when Haiti was decimated and now Chile and our people wish again to relieve suffering. In such acts of mercy we know Your desire and Your will for us is to be compassionate to our neighbors and in the deeds You reveal Your presence. May You bless our efforts and may You be an ever present comfort to Your hurting people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	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 Shields offered Senate Resolution No. 1745, regarding Brett Robert Keegan, which was adopted.

Senator Shields offered Senate Resolution No. 1746, regarding Building #2, Western Tablet & Stationery Company, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 1747, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Crites, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1748, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Flannery, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1749, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Fred Moyers, Cape Girardeau, which was adopted.

REPORTS OF STANDING COMMITTEES

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 754**, 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.

SENATE BILLS FOR PERFECTION

Senator Lembke moved that **SB 818**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 818**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 818**

An Act to repeal sections 116.010, 116.020, 116.030, 116.040, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, and 116.332, RSMo, and to enact in lieu thereof fifteen new sections relating to initiative and referendum petitions, with penalty provisions.

Was taken up.

Senator Dempsey assumed the Chair.

Senator Schmitt assumed the Chair.

Senator Lembke moved that **SCS** for **SB 818** be adopted.

At the request of Senator Lembke, **SB 818**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Cunningham moved that **SB 630**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 630**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 630**

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311,

408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 630** be adopted.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 630, Page 1, In the Title, Line 7, by inserting after the word “provisions” the following: “and an effective date”; and

Further amend said bill, page 64, section 700.539, line 17, by inserting after all of said line the following:

“Section B. The repeal of sections 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539, the repeal and reenactment of sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, and 700.630, and the enactment of sections 442.015, 700.526, and 700.528, of this act shall become effective March 1, 2011.”

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

Senator Cunningham moved that **SCS** for **SB 630**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 630**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SB 774**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 774**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 774

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to department of mental health protection measures, with penalty provisions.

Was taken up.

Senator Lembke moved that **SCS** for **SB 774** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 774, Page 2, Section 565.086, Line 30, by inserting immediately after said line the following:

“630.220. For all debts and demands whatsoever to any of the residential facilities or day programs subject to the control of the department, and for all damages for failure of contract, for trespass and other wrongs to a facility operated by the department, or any of its property thereof, real or personal, actions in any court of competent jurisdiction may be maintained in the name of the director. Interest shall be

recovered on any and all sums due any facility or program operated or funded by the department on account of any patient or resident thereof, the account therefor, certified by the [head of the facility, with the seal of the institution attached,] **director or his or her designee** shall be prima facie evidence of the amount due.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lembke moved that **SCS** for **SB 774**, as amended, be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 774**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 767** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 767** was declared perfected and ordered printed.

SB 793, with **SCS**, was placed on the Informal Calendar.

REFERRALS

President Pro Tem Shields referred **SCR 53** and **SCR 54** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SCS** for **SBs 842, 799** and **809** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

RECESS

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

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 was referred **SCR 47**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 767**; **SCS** for **SB 630**; and **SCS** for **SB 774**, 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.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1750, regarding Jim Hendrickson, Cape Girardeau, which was adopted.

Senator Bartle offered Senate Resolution No. 1751, regarding Alexander Ramsey Eschmann, Lee’s Summit, which was adopted.

Senator Barnitz offered Senate Resolution No. 1752, regarding the Crocker R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1753, regarding the Waynesville R-VI School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1754, regarding the Rolla 31 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1755, regarding the St. James R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1756, regarding the Osage County R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1757, regarding the Osage County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1758, regarding the Osage County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1759, regarding the Montgomery County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1760, regarding the Wellsville Middletown R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1761, regarding the Maries County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1762, regarding the Gasconade County R-I School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1763, regarding the Gasconade County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1764, regarding the North Wood R-IV School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1765, regarding the Sullivan School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1766, regarding the Dent-Phelps R-III School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1767, regarding the Green Forest R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1768, regarding the Salem R-80 School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1769, regarding the Crawford County R-II School District, which was adopted.

Senator Barnitz offered Senate Resolution No. 1770, regarding the Fortieth Anniversary of the Rolla

Area Sheltered Workshop, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Shoemyer introduced to the Senate, representatives of Kraft Foods.

Senator Shoemyer introduced to the Senate, W. Thomas Lemons, D.D.S., Palmyra.

Senator Pearce introduced to the Senate, Diann R. White, Robert R. Gaines, Robert M. V. Gaines, Ken Buell, Glen Coleman, Kevin and Leslie Iseman, Hannah Bartholomew, Erin Wagner, Alex Olsen and Scott White, representatives of Cass County Extension.

Senator Rupp introduced to the Senate, Cheryl Wood and her children, Katie and Jack, Homeschoolers from St. Charles; and Katie and Jack were made honorary pages.

Senator Schaefer introduced to the Senate, Jeremy Brant, Tipton.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher Young, M.D., Ladue.

On behalf of Senator Stouffer and himself, Senator Scott introduced to the Senate, Lydia Doctorian and her children, Elayna and Evan, Homeschoolers from Macon.

Senator Ridgeway introduced to the Senate, Meredith Brinkow, Helen Alpern, Cynthia Hughes and representatives of Clay County Extension.

Senator Ridgeway introduced to the Senate, Dr. Melinda Daniel and representatives of MSTA, Clay County.

Senator Cunningham introduced to the Senate, Kimberly Koechner, Tipton.

Senator Lembke introduced to the Senate, Elaine Pontius and her daughter, Tatiana, Homeschoolers from South St. Louis County; and Tatiana was made an honorary page.

Senator Dempsey introduced to the Senate, Dr. Larry Davis, St. Charles.

Senator Schmitt and Senator Lembke introduced to the Senate, the Jones and the Schmidt families, Homeschoolers from South St. Louis County.

Senator McKenna introduced to the Senate, ninth grade students from Festus High School.

Senator Schaefer introduced to the Senate, Coaches Craig Brumfield and Steve Humphreys and members of the Daniel Boone National League Little League All-Stars, Connor Brumfield, Ben Humphreys, Matt Echelmeier, Eric Kuse, Carter Gerling, Nick Vandegriffe, Vincent Milburn, Andrew Wooldridge, Josh Ripley, Sam Giles, Dirk Adams and Joe Barbee, Boone County.

Senator Scott introduced to the Senate, Mel, Lila and Brock Jenkins; and Charlene, Christine and Heather Huff, Pittsburg.

Senator Engler introduced to the Senate, Lt. Col. Wenninger and members of Farmington ROTC.

Senator Schmitt introduced to the Senate, Paul Ward, Kirkwood.

Senator Wright-Jones introduced to the Senate, John Haigler, Bill Luster, Jacque Land and representatives of One Hundred Black Men, St. Louis.

Senator Wright-Jones introduced to the Senate, Bob and Jill Johnson and their children, Brandon and Miriam, Homeschoolers from St. Louis.

Senator Crowell introduced to the Senate, forty-four ninth grade students from St. Vincent's School, Perryville.

Senator Barnitz introduced to the Senate, Wanda Rehagen, Sharon Breese and members of Fatima Team Spirit, Tanner Buschmann, Aleesa Breese, Shelbi Becker, Kelsey Boehm, Nolan Greer, Taylor Otto, Kyle Tellman, Ethan Mueller and Emily Wildhaber.

Senator Rupp introduced to the Senate, Karla Boyer and her daughter, Lexie, Homeschoolers from O'Fallon.

Senator McKenna introduced to the Senate, Shannon Patricia-Grace and Ryan Taylor Dickson, Lilyana and Logan Schafer, Noah Alan and Emma Rose Sandidge, and Drew and Delaney Dodd, Homeschoolers from Imperial; and Shannon, Ryan, Lilyana, Logan, Noah, Emma, Drew and Delaney were made honorary pages.

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

SENATE CALENDAR

THIRTY-FIRST DAY—WEDNESDAY, MARCH 3, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1003-Pearce	SB 1023-Cunningham
SB 1004-Schaefer	SB 1024-Cunningham
SB 1005-Schaefer	SB 1025-Goodman
SB 1006-Schaefer	SB 1026-Rupp
SB 1007-Dempsey	SB 1027-Rupp
SB 1008-Bray	SB 1028-Rupp
SB 1009-Bray	SB 1029-Rupp
SB 1010-Bray	SB 1030-Rupp
SB 1011-Griesheimer	SB 1031-Bray
SB 1012-Lager	SB 1032-Bray
SB 1013-Lembke	SB 1033-Bray
SB 1014-Bartle	SB 1034-Bray
SB 1015-Clemens	SB 1035-Bray
SB 1016-Mayer	SB 1036-Bray
SB 1017-Mayer	SB 1037-Bray
SB 1018-Nodler	SB 1038-Bray
SB 1019-Barnitz	SB 1039-Pearce
SB 1020-Barnitz	SB 1040-Schaefer
SB 1021-Shoemyer	SB 1041-Schmitt
SB 1022-Stouffer	SB 1042-Schmitt

SB 1043-Schmitt	SB 1057-Shields
SB 1044-Schmitt	SB 1058-Shields
SB 1045-Wright-Jones	SB 1059-Shields
SB 1046-Wright-Jones	SB 1060-Bartle
SB 1047-Wright-Jones	SB 1061-Bartle
SB 1048-Crowell	SB 1062-Schmitt
SB 1049-Crowell	SB 1063-Clemens
SB 1050-Crowell	SB 1064-Lembke
SB 1051-Crowell	SB 1065-Lager
SB 1052-Crowell	SB 1066-Wright-Jones
SB 1053-Crowell	SB 1067-Shields
SB 1054-Crowell	SJR 43-Mayer
SB 1055-Crowell	SJR 44-Shields
SB 1056-Crowell	

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

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|---|--|
| 1. SS for SB 618-Rupp (In Fiscal Oversight) | 8. SCS for SBs 842, 799 & 809-Schmitt
(In Fiscal Oversight) |
| 2. SB 627-Justus (In Fiscal Oversight) | 9. SCS for SB 754-Dempsey |
| 3. SJR 20-Bartle (In Fiscal Oversight) | 10. SB 767-Bartle |
| 4. SB 779-Bartle (In Fiscal Oversight) | 11. SCS for SB 630-Cunningham |
| 5. SS#2 for SCS for SB 577-Shields | 12. SCS for SB 774-Lembke |
| 6. SB 773-Dempsey | |
| 7. SB 801-Rupp | |

SENATE BILLS FOR PERFECTION

SB 896-Shields and Crowell	SB 900-Rupp
SB 781-McKenna, with SCS	SB 897-Lager
SB 852-Lager, et al	SB 768-Bartle
SB 685-Rupp, with SCS	SB 614-Wilson

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 895, 813, 911, 924, 922 &
SB 596-Callahan, with SCS (pending)	802-Dempsey, et al, with SCS
SBs 607, 602, 615 & 725-Stouffer, with	SJR 22-Callahan
SCS & SA 1 (pending)	SJR 29-Purgason and Cunningham, with SCS
SB 738-Crowell, with SCS	SJR 31-Scott
SB 793-Mayer, et al, with SCS	SJR 33-Bartle, with SA 1 (pending)
SB 818-Lembke, with SCS (pending)	SJR 40-Goodman, with SA 1 (pending)
SB 839-Wright-Jones, 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 862-Callahan, with SCS
SB 863-Callahan, with SCS	

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1	SCR 33-Nodler
HCS for HCR 18 (Rupp)	SCR 46-Stouffer
SCR 34-Lembke, et al	SCR 47-Engler and Callahan

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