

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY—MONDAY, MARCH 29, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He who carries God in his heart bears heaven with him wherever he goes.” (St. Ignatius of Loyola)

Gracious God, we are grateful that You have watched our “going out and coming in” knowing You cared about us and helped us be responsible as we drove here. Continue to be with us and guide our thoughts and actions throughout this week helping us be part of the solutions that our people need and a caring, compassionate response to those in need. 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 Journals for Thursday, March 25, 2010 and Friday, March 26, 2010 were 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 Cunningham offered Senate Resolution No. 2011, regarding Andrew Wilson Jones, Chesterfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2012, regarding Kinley Elizabeth Kemna, St. Elizabeth, which was adopted.

Senator Vogel offered Senate Resolution No. 2013, regarding Regina Marie Boeckman, St. Elizabeth, which was adopted.

Senators Vogel and McKenna offered Senate Resolution No. 2014, regarding Pete Rahn, which was adopted.

Senator Schaefer offered Senate Resolution No. 2015, regarding Brian Hoffer, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 2016, regarding Cindy Stein, Columbia, which was adopted.

Senator Scott offered Senate Resolution No. 2017, regarding Lowry City, which was adopted.

Senator Scott offered Senate Resolution No. 2018, regarding Harold J. Johnston, Sedalia, which was adopted.

Senator Crowell offered Senate Resolution No. 2019, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Guy Seabaugh, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2020, regarding the One Hundredth Birthday of Napoleon B. Braswell, Marquand, which was adopted.

Senator Engler offered Senate Resolution No. 2021, regarding Frankie L. Shirrell, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2022, regarding James D. Fox, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 2023, regarding Richard T. Baker, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 2024, regarding the Boys & Girls Clubs of Missouri, which was adopted.

Senator Bartle offered Senate Resolution No. 2025, regarding Kansas City Power & Light's Sibley Generating Station, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 928** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Lager offered **SS** for **SB 928**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 928

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to the sales tax treatment of sales for resale, with an emergency clause.

Senator Lager moved that **SS** for **SB 928** be adopted.

Senator Rupp assumed the Chair.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 928, Page 3, Section 144.018, Line 12, by inserting immediately after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the

installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010, RSMo. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, in the transportation of persons or property;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, “processing” means any mode of treatment, act or series of acts performed upon

materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to

foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or

condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material

recovery processing plant as defined in subdivision (4) of this subsection;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo;

(38) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(39) All purchases by a sports complex authority created under section 64.920, RSMo;

(40) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance

of aircraft, aircraft power plants, and aircraft accessories;

(41) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer assumed the Chair.

Senator Lager moved that **SS** for **SB 928**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SB 928**, as amended, was declared perfected and ordered printed.

Senator Rupp moved that **SB 747** be taken up for perfection, which motion prevailed.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 747, Page 1, Section 376.805, Line 16, by striking “nor shall”; and further amend lines 17-19, by striking all of said lines and inserting in lieu thereof the following: “**except by an optional rider for which there must be paid an additional premium.**”

Senator Bray moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 747**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Shields moved that **SB 868** be taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SB 868** was placed on the Informal Calendar.

Senator Lembke moved that **SB 984** be taken up for perfection, which motion prevailed.

Senator Lembke offered **SS** for **SB 984**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 984

An Act to repeal sections 313.805 and 313.830, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts on excursion gambling boats, with penalty provisions.

Senator Lembke moved that **SS** for **SB 984** be adopted, which motion prevailed.

On motion of Senator Lembke, **SS** for **SB 984** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 25, 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:

Jerry F. Bagby, Democrat, 701 Saddle Spur Road, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2012, and until his successor is duly appointed and qualified; vice, Joseph Paulsmeyer, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 25, 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 Brewer, 4700 Clark Lane, #104, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Michael Brewer, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 25, 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:

Don W. Cook, 677 Dougherty Terrace Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Don W. Cook, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 25, 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:

Dale S. Dowell, 17 Tripoli, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, Dale S. Dowell, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Peter Gregory, 3547 Penn Street, Saint Joseph, Buchanan County, Missouri 64507, as the student representative of the Missouri Western State University Board of Governors, for a term ending December 31, 2011, and until his successor is duly appointed and qualified; vice, Dillon L. Harp, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

John Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Brian P. Kelly, 871 Covington Court, Brentwood, Saint Louis County, Missouri 63144, as the student representative of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2012, and until his successor is duly appointed and qualified; vice, Leni R. Fluegge, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Toni Smith, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 25, 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:

Eric S. Latimer, 1801 West Finley River Drive, Nixa, Stone County, Missouri 65714, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2013, and until his successor is duly appointed and qualified; vice, Joseph Salomone, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 25, 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:

Lewis B. Moye, 4472 Bircher Boulevard, Saint Louis City, Missouri 63115 as a member of the State Board of Mediation, for a term ending April 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo 295.030.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 25, 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:

Nina N. Murphy, Democrat, 3447 Pestalozzi Street, Saint Louis City, Missouri 63118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Diane M. Pepper, Democrat, 9909 North Revere Avenue, Kansas City, Platte County, Missouri 64154 as a member of the Platte County Election Board, for a term ending January 12, 2013 and until her successor is duly appointed and qualified; vice, Mary Burns, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Douglas L. Riggs, 553 Bambury Way, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011, and until his successor is duly appointed and qualified; vice, Joann Noll, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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.

Joel P. Rhodes, 2001 Yorktown, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Historical Records Advisory Board, for a term ending November 01, 2010, and until his successor is duly appointed and qualified; vice, Steve Gietschier, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Gary D. Sharpe, Democrat, 700 Briarwood Court, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board

for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Duane Schreimann, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Glenn Talboy, Jr., 3547 Penn Street, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Drug Utilization Review Board, for a term ending October 15, 2011, and until his successor is duly appointed and qualified; vice, Sharad Parikh, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Theresa A. Valdes, 825 Cari Ann Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010 and until her successor is duly appointed and qualified; vice, Theresa Valdes, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Petrice L. Welch, 3530 Kenwood Avenue, Kansas City, Jackson County, Missouri 64109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until her successor is duly appointed and qualified; vice, Shelley Shetley, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 25, 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:

Karen Winn, 814 Primrose Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Administrative Hearing Commission, for a term ending March 16, 2016, and until her successor is duly appointed and qualified; vice, John Kopp, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

HOUSE BILLS ON SECOND READING

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

HCS for HB 2001—Appropriations.

HCS for HB 2002—Appropriations.

HCS for HB 2003—Appropriations.

HCS for HB 2004—Appropriations.

HCS for HB 2005—Appropriations.

HCS for HB 2006—Appropriations.

HCS for HB 2007—Appropriations.

HCS for HB 2008—Appropriations.

HCS for HB 2009—Appropriations.

HCS for HB 2010—Appropriations.

HCS for HB 2011—Appropriations.

HCS for HB 2012—Appropriations.

HCS for HB 2013—Appropriations.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2026, regarding Nancy Thompson, which was adopted.

Senator Crowell offered Senate Resolution No. 2027, regarding Alisha Turley, which was adopted.

Senator Crowell offered Senate Resolution No. 2028, regarding Christy Shinn, which was adopted.

Senator Crowell offered Senate Resolution No. 2029, regarding Shannon Heisserer, which was adopted.

Senator Crowell offered Senate Resolution No. 2030, regarding Tammy Ernstmeyer, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2031, regarding Throwing and Growing-The Myrle

Mensey Foundation, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Keaveny introduced to the Senate, Stephanie Krauss, St. Louis.

Senator Justus introduced to the Senate, Chere Chaney, Kansas City.

Senator Schaefer introduced to the Senate, officials from Ukraine.

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

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, MARCH 30, 2010

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2198
HCS for HB 1207
HB 1842-Wilson (130)
HCS for HB 1446

HCS#2 for HBs 1692, 1209, 1405, 1499,
1535 & 1811
HCS for HJR 87

THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)
SS for SB 786-Rupp (In Fiscal Oversight)

SCS for SB 944-Shields (In Fiscal Oversight)
SB 816-Lembke (In Fiscal Oversight)
SB 894-Dempsey and Crowell
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 819-Lembke
SB 739-Lembke
SB 999-Schaefer
SB 1058-Shields
SB 848-Barnitz

SB 1026-Rupp
SB 705-Griesheimer
SB 733-Pearce, with SCS
SB 734-Pearce, with SCS

HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

HCS for HB 2014, with SCS (Mayer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS
SB 587-Nodler and Cunningham,
with SCS & SA 1 (pending)
SB 596-Callahan, with SCS (pending)
SB 606-Stouffer
SBs 607, 602, 615 & 725-Stouffer,
with SCS & SA 1 (pending)
SB 625-Justus and Keaveny, with SCS
SB 698-Griesheimer, with SCS (pending)
SB 714-Crowell
SB 738-Crowell, with SCS
SB 747-Rupp, et al, with SA 1 (pending)
SB 784-Schaefer and Pearce
SB 792-Dempsey and Rupp, with SS (pending)
SB 793-Mayer, et al, with SCS,
SA 1 & SA 1 to SA 1 (pending)
SB 797-Green
SB 818-Lembke, with SCS (pending)
SB 839-Wright-Jones, with SCS
SB 852-Lager, et al, with SS,
SA 1 & SSA 1 for SA 1 (pending)

SB 868-Shields
SB 877-Keaveny
SB 878-Lembke, with SCS (pending)
SBs 880, 780 & 836-Schaefer, with SCS
SBs 895, 813, 911, 924, 922 &
802-Dempsey, et al, with SCS (pending)
SB 896-Shields and Crowell
SB 905-Bray, et al, with SCS (pending)
SBs 991 & 645-Scott, with SCS (pending)
SJR 22-Callahan
SJR 25-Cunningham, et al, with SCS,
SS#2 for SCS and SA 5 (pending)
SJR 29-Purgason and Cunningham,
with SCS & SS for SCS (pending)
SJR 31-Scott
SJR 33-Bartle, with SA 1 (pending)
SJR 34-Goodman, et al, with SA 1 (pending)
SJR 38-Ridgeway
SJR 40-Goodman, with SA 1 (pending)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18, with SA 1 (pending) (Rupp)

SCR 46-Stouffer
HCR 38-Icet, et al, with SCA 1

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