

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—MONDAY, APRIL 12, 2010

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“If you look for truth, you may find comfort in the end; if you look for comfort you will not get either comfort or truth...” (C.S. Lewis)

Gracious God, it is appropriate for us to heed this saying for this is not a time to seek comfort for it is a stressful time that only can be relieved by working together to find the most fair and balanced solutions that produce the most effective and helpful outcomes. So bless us with wisdom and energy to seek Your will for us and work together to fulfill it, and help us Lord to live it daily with each other. 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, April 8, 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	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 2095, regarding Dr. Mar Doering, which was adopted.

Senator Vogel offered Senate Resolution No. 2096, regarding Mark S. Schreiber, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2097, regarding Candlewood Suites, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2098, regarding Lodge of the Four Seasons, Lake Ozark, which was adopted.

Senator Engler offered Senate Resolution No. 2099, regarding Patricia Pinkley, which was adopted.

Senator Engler offered Senate Resolution No. 2100, regarding Mary Jo Teets, which was adopted.

Senator Engler offered Senate Resolution No. 2101, regarding Clara Province, which was adopted.

Senator Engler offered Senate Resolution No. 2102, regarding Ava Simnitt, which was adopted.

Senator Engler offered Senate Resolution No. 2103, regarding Denise Redinger, which was adopted.

Senator Engler offered Senate Resolution No. 2104, regarding Charlotte Elaine Gordon, which was adopted.

Senator Engler offered Senate Resolution No. 2105, regarding Mike Crabtree, which was adopted.

Senator Engler offered Senate Resolution No. 2106, regarding Joseph Lee, which was adopted.

Senator Engler offered Senate Resolution No. 2107, regarding Dr. Damon Gamble, which was adopted.

Senator Engler offered Senate Resolution No. 2108, regarding Glenda Pulley, which was adopted.

Senator Bartle offered Senate Resolution No. 2109, regarding Jacob P. Trotter, Lake Lotawana, which was adopted.

Senator Bartle offered Senate Resolution No. 2110, regarding the One Hundred Fiftieth Anniversary of First Baptist Church, Lee's Summit, which was adopted.

Senator Rupp offered Senate Resolution No. 2111, regarding Super 8 Hotel, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 2112, regarding Dr. Terry Adams, Wentzville R-IV School District, which was adopted.

Senator Cunningham offered Senate Resolution No. 2113, regarding Venus Paytocan, Hazelwood School District, which was adopted.

Senator Rupp offered Senate Resolution No. 2114, regarding Michael Aaron Carter, which was adopted.

Senators Scott and Pearce offered Senate Resolution No. 2115, regarding the 2009-2010 Class 1 State Champion Montrose High School Lady Bluejays Basketball team, which was adopted.

Senator Barnitz offered Senate Resolution No. 2116, regarding Rolla Lions Club, which was adopted.

Senator Barnitz offered Senate Resolution No. 2117, regarding the Ninetieth Birthday of Edward Handley Haydon, Branson, which was adopted.

Senator Barnitz offered Senate Resolution No. 2118, regarding Chandler Edwin Gruener, St. James,

which was adopted.

Senator Cunningham offered Senate Resolution No. 2119, regarding Jenna Wade, which was adopted.

Senator Barnitz offered Senate Resolution No. 2120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilfred C. Luebbert, Rich Fountain, which was adopted.

Senator Engler offered Senate Resolution No. 2121, regarding Matthew Edward Blum, DeSoto, which was adopted.

Senator Engler offered Senate Resolution No. 2122, regarding Patricia M. Henson, Belleview R-III School District, which was adopted.

Senator Engler offered Senate Resolution No. 2123, regarding Gleora Manley, Belleview R-III School District, which was adopted.

Senator Bray offered Senate Resolution No. 2124, regarding Doubletree St. Louis at Westport, which was adopted.

Senator Bray offered Senate Resolution No. 2125, regarding Sheraton Westport Lakeside Village, which was adopted.

Senator Bray offered Senate Resolution No. 2126, regarding Hilton St. Louis Frontenac, which was adopted.

Senator Bray offered Senate Resolution No. 2127, regarding Homewood Suites, Richmond Heights, which was adopted.

Senator Bray offered Senate Resolution No. 2128, regarding Sheraton Westport Plaza, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2129, regarding Southside Wellness Center, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2130, regarding Earl Wilson, Jr., Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2131, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Armand Peterson, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 2132, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bart Shaw, Trenton, 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 815**, 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.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended for **HCS** for **HB 2014** and has taken up and passed **SCS** for **HCS** for **HB 2014**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 88**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to state sovereignty.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1543**, entitled:

An Act to repeal sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.650, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.221, 177.161, 177.171, and 210.102, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with penalty provisions, with an effective date for a certain section and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1787**, entitled:

An Act to repeal sections 407.500, 407.505, 563.011, 563.031, 571.030, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof eight new sections relating to criminal justice, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2048**, entitled:

An Act to repeal sections 105.716 and 144.083, RSMo, and to enact in lieu thereof six new sections relating to sales tax collection, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 8, 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:

Christine J. Bierman, Democrat, 58 Stoneleigh Towers, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Lorene James, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 8, 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:

Kenneth A. Haller, 4146 Flora Place, Saint Louis City, Missouri 63110, as a member of the Drug Utilization Review Board, for a term ending October 15, 2012, and until his successor is duly appointed and qualified; vice, David Campbell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 8, 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.

Nancy S. Maus, 12826 West State Highway TT, Republic, Greene County, Missouri 65738, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2014, and until her successor is duly appointed and qualified; vice, Tia Strait, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 8, 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:

Allen Nelson, 1940 South Maple Tree Lane, Bolivar, Polk County, Missouri 65613, 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, Robert O'Dell, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 8, 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:

Kirk A. Nelson, 2515 Peppermill Lake Court, Wildwood, Saint Louis County, Missouri 63005, as a member of the Drug Utilization Review Board, for a term ending October 15, 2012, and until his successor is duly appointed and qualified; vice, Joseph Yasso, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 8, 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:

Russell C. Still, Democrat, 2000 South Country Club Drive, Columbia, Boone County, Missouri 65201, as a member of the State Board of Education, for a term ending March 17, 2017, and until his successor is duly appointed and qualified; vice, Russell Thompson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 8, 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:

Greg L. Roberts, Democrat, #9 Chesterfield Lakes Road, Chesterfield, Saint Louis County, Missouri 63005, as a member of the State Committee of Marital and Family Therapists for a term ending January 26, 2014, and until his successor is duly appointed and qualified; vice, Lois Linton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 8, 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:

Jacqueline A. Swinnie, 1314 Eaglebrooke Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011 and until her successor is duly appointed and qualified; vice, Christine Gardner, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 8, 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 D. Turvey, 16601 Kehrgrove Drive, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2010, and until his 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

April 8, 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.

Tommy J. Waddell, Republican, 1924 Lake Terrace, Independence, Jackson County, Missouri 64055, as a member of the Dam and Reservoir Safety Council, for a term ending April 03, 2012, and until his successor is duly appointed and qualified; vice, William Shumake, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 8, 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:

Angela Wasson-Hunt, 412 Northwest 43rd Terrace, Kansas City, Jackson County, Missouri 64116, as a member of the Kansas City Board of Police Commissioners, for a term ending March 07, 2014 and until her successor is duly appointed and qualified; vice, Mark Thompson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

THIRD READING OF SENATE BILLS

SCS for **SB 826**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 826

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, 321.552, and 321.711, RSMo, and to enact in lieu thereof six new sections relating to the imposition of a sales tax by ambulance and fire protection districts in certain counties.

Was taken up by Senator Griesheimer.

At the request of Senator Griesheimer, **SCS** for **SB 826** was placed on the Informal Calendar. Senator Griesheimer assumed the Chair.

SENATE BILLS FOR PERFECTION

SB 943 was placed on the Informal Calendar.

SB 631, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 940** be taken up for perfection, which motion prevailed.

On motion of Senator Pearce, **SB 940** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 631**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 631

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up.

Senator Pearce assumed the Chair.

Senator Cunningham moved that **SCS** for **SB 631** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 631, Page 34, Section 556.037, Line 3, by striking the opening bracket “[” immediately before the word “must”; and further amend said line by striking the closing bracket “]” immediately after the word “must”; and further amend said line by striking the word “may”; and further amend said line by striking the opening bracket “[” immediately before the word “within”; and further amend said line by striking the word “twenty” and inserting in lieu thereof the following: “**thirty**”; and further amend said bill and section, line 6, by striking the closing bracket “]” immediately after the word “commenced”.

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

Senator Cunningham moved that **SCS** for **SB 631**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 631**, as amended, was declared perfected and ordered printed.

Senator Crowell moved that **SB 714**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 714** was again taken up.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 714, Page 15, Section 104.1091, Lines 17-20 of said page, by striking said lines and inserting in lieu thereof the following: “**provisions of section 104.081, such member's attainment of at least age sixty or, the attainment of at least age fifty-five with ten years of credited service;**”; and

Further amend said bill and section, Page 16, Line 9 of said page, by inserting after “ninety” the following: “; **or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service**”; and further amend line 10 of said page, by inserting after “member” the following: “, **other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081,**”; and further amend lines 12 to 16 of said page, by striking said lines and inserting in lieu thereof the following: “**completion of at least ten years of**”; and

Further amend said bill and section, Page 19, Lines 24 to 28 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly.

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

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 714, Page 23, Section 104.1500, Line 15 of said page, by inserting after “subjects.” the following: “**The governor shall have the right to reject any or all persons recommended by the executive directors or by the board members. In the event the governor rejects any or all persons recommended by the executive directors or by the board members, the executive**

directors or the board members shall submit a list of two persons, not previously recommended, for each position on the board that remains vacant. This process shall continue until no position remains vacant.”.

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

President Kinder assumed the Chair.

Senator Crowell moved that **SS** for **SB 714**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SB 714**, as amended, was declared perfected and ordered printed.

President Pro Tem Shields assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 940** and **SCS** for **SB 631**, 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.

REFERRALS

President Pro Tem Shields referred **SCR 57**, **SCR 58** and **SCR 59** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCRs 25, 29** and **39**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NOS. 25, 29 & 39

Whereas, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

Whereas, the people of the state of Missouri are not united with the people of the other forty-nine states that comprise the United States of America on a principle of unlimited submission to their federal government; and

Whereas, all power not delegated by the people to government is retained; 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

Whereas, this resolution affirms Missouri's sovereignty under the Tenth Amendment to the Constitution of the United States and demands the federal government to halt its practice of assuming powers and imposing mandates upon the state for purposes not enumerated by the Constitution of the United States; and

Whereas, Article I, Section 1 of the Missouri Constitution states:

“That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”; and

Whereas, the Tenth Amendment to the Constitution of the United States reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

Whereas, the Tenth Amendment to the Constitution of the United States assures that each sovereign State possesses rights the federal government may not usurp; and

Whereas, the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, the First Amendment to the Constitution guarantees to “the right of the people...to petition the Government for a redress of grievances”; and

Whereas, today, in 2010, the states are demonstrably treated as agents of the federal government; and

Whereas, many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, Article IV, Section 4 of the Constitution of the United States reads that “The United States shall guarantee to every State in this Union a Republican Form of Government” and the Ninth Amendment to the Constitution of the United States reads that “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”; and

Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States and the Missouri Constitution:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

Be it further resolved that this concurrent resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and

Be it further resolved that all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

Be it further resolved that the sovereign State of Missouri reserves the right to declare any such Act void by the Congress of the United States, Executive Order of the President of the United States of America, or Judicial Order by the Judicatories of the United States of America which assumes a power not delegated to the government of the United States of America by the Constitution of the United States of America and which serves to diminish the liberty of any of the several States or their citizens are unconstitutional under the Constitution of the United States of America by the government of the United States of America; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy 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, the Speaker of the House of Representatives and President of the Senate of each state's legislature, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

Senator Crowell submitted the following:

April 12, 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.

HCS for HB1840 - Modifies criteria for certain representatives on the Rice Advisory Council

HB1268 - Requires the Governor to issue an annual proclamation designating November 16 as "Adenoid Cystic Carcinoma Awareness Day"

HB1336 - Requires the Governor to issue an annual proclamation designating March 12 as "Girl Scout Day"

HB1691 - Requires the Governor to issue annual proclamations designating "Walk & Bike to School Month," "Walk & Bike to School Day," "Missouri Bicycle Month," and "Bike to Work Week".

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

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, representatives of Ozark Bible Institute, Neosho.

On behalf of Senator Pearce, the President introduced to the Senate, Sheriff Dwight Diehl, Cass County.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Tuesday, April 13, 2010.

SENATE CALENDAR

FIFTY-FIRST DAY-TUESDAY, APRIL 13, 2010

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HJR 88-Nieves, et al
HCS#2 for HB 1543

HCS for HB 1787
HCS for HB 2048

THIRD READING OF SENATE BILLS

- | | |
|--|--|
| 1. SB 627-Justus (In Fiscal Oversight) | 8. SCS for SB 622-Shoemyer
(In Fiscal Oversight) |
| 2. SJR 20-Bartle (In Fiscal Oversight) | 9. SS for SCS for SB 734-Pearce
(In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight) | 10. SCS for SB 815-Bartle |
| 4. SCS for SB 944-Shields
(In Fiscal Oversight) | 11. SB 940-Pearce |
| 5. SB 816-Lembke (In Fiscal Oversight) | 12. SCS for SB 631-Cunningham |
| 6. SB 1026-Rupp (In Fiscal Oversight) | |
| 7. SS for SCS for SB 884-Schaefer
(In Fiscal Oversight) | |

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------|-----------------|
| SB 1016-Mayer, with SCS | SB 1057-Shields |
| SB 1007-Dempsey | SJR 44-Shields |
| SB 1014-Bartle, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|---|---------------------------------------|
| 1. HCS for HJR 86, with SCS (Stouffer)
(In Fiscal Oversight) | 10. HCS for HB 2005, with SCS (Mayer) |
| 2. HB 1741-Pratt | 11. HCS for HB 2006, with SCS (Mayer) |
| 3. HB 1677-Hoskins (80), with SCS (Days) | 12. HCS for HB 2007, with SCS (Mayer) |
| 4. HB 1778-Walton Gray, et al, with SCS | 13. HCS for HB 2008, with SCS (Mayer) |
| 5. HCS for HB 2198, with SCS (Griesheimer) | 14. HCS for HB 2009, with SCS (Mayer) |
| 6. HCS for HB 2001, with SCS (Mayer) | 15. HCS for HB 2010, with SCS (Mayer) |
| 7. HCS for HB 2002, with SCS (Mayer) | 16. HCS for HB 2011, with SCS (Mayer) |
| 8. HCS for HB 2003, with SCS (Mayer) | 17. HCS for HB 2012, with SCS (Mayer) |
| 9. HCS for HB 2004, with SCS (Mayer) | 18. HCS for HB 2013, with SCS (Mayer) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|----------------------------|---------------------|
| SCS for SB 826-Griesheimer | SB 1001-Griesheimer |
|----------------------------|---------------------|

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 579-Shields, with SCS | SB 596-Callahan, with SCS
(pending) |
| SB 587-Nodler and Cunningham, with SCS &
SA 1 (pending) | SB 606-Stouffer |

SBs 607, 602, 615 & 725-Stouffer, with
SCS & SA 1 (pending)
SB 698-Griesheimer, with SCS, SS for SCS
& SA 1 (pending)
SB 705-Griesheimer
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 810-Lager, with SCS
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 878-Lembke, with SCS (pending)
SBs 880, 780 & 836-Schaefer, with SCS
SBs 895, 813, 911, 924, 922 &
802-Dempsey, et al, with SCS, SS for
SCS, SA 1, SSA 1 for SA 1 & SA 1 to
SSA 1 for SA 1 (pending)

SB 896-Shields and Crowell, with SA 1
(pending)
SB 905-Bray, et al, with SCS & SS for
SCS (pending)
SB 943-Shields
SB 999-Schaefer
SB 1017-Mayer, with SCS (pending)
SJR 22-Callahan
SJR 25-Cunningham, et al, with SCS, SS#2
for SCS & SA 5 (pending)
SJR 29-Purgason and Cunningham, with SCS
& SS#2 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)

HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al
(Nodler) (In Fiscal Oversight)

HCS#2 for HB 1472 (Schaefer)

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 (Lembke)
SCR 52-Lager
HCS for HCRs 34 & 35 (Schmitt)

To be Referred

HCS for HCRs 25, 29 & 39

✓