

# Journal of the Senate

SECOND REGULAR SESSION

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**FIFTY-FIFTH DAY—TUESDAY, APRIL 20, 2010**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Meekness is the greatest of virtues.” (Talmud 20b)

Heavenly Father, we know meekness is the quiet, peaceful sense of strength that comes from commitment to You and what is important in our life and the values we hold. It is important then that we truly are meek in ourselves so that the way we live and handle the various stresses and changes that come into our life comes from this core. And we pray that the decisions we make and the effectiveness of the bills we pass comes also from our meekness so that they produce the most helpful results that we seek to make happen. 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	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Scott—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 2234, regarding John Donald Balkenbush, Centertown, which was adopted.

Senator Engler offered Senate Resolution No. 2235, regarding John Taylor, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2236, regarding Denise Ransom, which was adopted.

Senator Stouffer offered Senate Resolution No. 2237, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Hopkins, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 2238, regarding Comfort Inn, Macon, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2239, regarding Glenna Irene West, Liberty, which was adopted.

Senator Crowell offered Senate Resolution No. 2240, regarding Meg Goodman, which was adopted.

Senator Clemens offered Senate Resolution No. 2241, regarding Edward Edgar Laughlin, Springfield, which was adopted.

**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 refuses to adopt **SCS** for **HCS** for **HB 2001** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2002** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2003** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2004** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2005** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2006** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2007** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2013** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

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 1788**, entitled:

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof two new sections relating to petition circulators, with penalty provisions.

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 **HJR 78**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2(b) of article XII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to amending the constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### PRIVILEGED MOTIONS

Senator Mayer requested unanimous consent of the Senate to be allowed to make one motion to send **SCS for HCS for HB 2001; SS for SCS for HCS for HB 2002; SS for SCS for HCS for HB 2003; SCS for HCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** to conference in one motion, which request was granted.

Senator Mayer moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2001; SS for SCS for HCS for HB 2002; SS for SCS for HCS for HB 2003; SCS for HCS for HB 2004; SCS for HCS for HB 2005; SCS for HCS for HB 2006; SCS for HCS for HB 2007; SCS for HCS for HB 2008; SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013** and grant the House a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2001**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 2002**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 2003**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2004**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2005**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2006**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2007**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2008**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2009**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2010**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2011**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2012**: Senators Mayer, Schaefer, Rupp, Bray and Green.

President Pro Tem Shields appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2013**: Senators Mayer, Schaefer, Rupp, Bray and Green.

### **REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 734**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 714**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 1677**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 **SS** for **SB 1007**, 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.

### **HOUSE BILLS ON THIRD READING**

Senator Days moved that **SCS** for **HB 1677** be called from the Informal Calendar and taken up for 3rd

reading and final passage, which motion prevailed.

On motion of Senator Days, **SCS** for **HB 1677** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators

Scott            Wright-Jones—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators

Scott            Wright-Jones—2

Vacancies—None

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

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

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

Senator Rupp assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SB 816**, introduced by Senator Lembke, entitled:

An Act to repeal section 143.811, RSMo, and to enact in lieu thereof one new section relating to interest on overpayments of taxes.

Was taken up.

On motion of Senator Lembke, **SB 816** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators

Scott                      Wright-Jones—2

Vacancies—None

The President declared the bill passed.

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

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

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

**SS** for **SCS** for **SB 734**, introduced by Senator Pearce, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 734

An Act to amend chapters 160 and 162, RSMo, by adding thereto four new sections relating to elementary and secondary education.

Was taken up.

On motion of Senator Pearce, **SS** for **SCS** for **SB 734** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Green	Griesheimer	Keaveny	McKenna	Pearce	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—22		

NAYS—Senators

Crowell	Goodman	Justus	Lager	Lembke	Mayer	Nodler	Purgason
Ridgeway—9							

Absent—Senator Bartle—1

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

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

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

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

**SS for SB 714**, introduced by Senator Crowell, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 714

An Act to repeal sections 56.809, 70.605, 104.190, 104.480, 169.020, 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof nineteen new sections relating to retirement.

Was taken up.

Senator Griesheimer assumed the Chair.

On motion of Senator Crowell, **SS for SB 714** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt	Shields
Stouffer	Vogel	Wilson—27					

NAYS—Senators

Barnitz	Bray	Justus	Schaefer	Shoemyer—5
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Absent—Senators—None

Absent with leave—Senators

Scott Wright-Jones—2

Vacancies—None

The President declared the bill passed.

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

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

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

**SS for SB 943**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 943

An Act to repeal sections 163.031, 163.036, 168.500, and 168.515, RSMo, and to enact in lieu thereof



five new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Shields, **SS** for **SB 943** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Clemens	Days	Dempsey	Engler	Green	Griesheimer
Justus	Keaveny	Lager	Mayer	McKenna	Pearce	Purgason	Ridgeway
Schaefer	Shields	Shoemyer	Stouffer	Vogel	Wilson—22		

NAYS—Senators

Bartle	Bray	Cunningham	Goodman	Lembke	Nodler	Rupp	Schmitt—8
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Absent—Senators

Champion	Crowell—2
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Absent with leave—Senators

Scott	Wright-Jones—2
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Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Barnitz	Callahan	Clemens	Days	Dempsey	Engler	Green	Griesheimer
Justus	Lager	Mayer	McKenna	Pearce	Purgason	Ridgeway	Schaefer
Shields	Shoemyer	Stouffer	Vogel	Wilson—21			

NAYS—Senators

Bartle	Bray	Crowell	Cunningham	Goodman	Lembke	Nodler	Rupp
Schmitt—9							

Absent—Senators

Champion	Keaveny—2
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Absent with leave—Senators

Scott	Wright-Jones—2
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Vacancies—None

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Lembke moved that **SB 878**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 878** was again taken up.

Senator Lembke offered **SS** for **SCS** for **SB 878**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 878

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

Senator Lembke moved that **SS** for **SCS** for **SB 878** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Lembke, **SB 878**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SB 1007** to the Committee on Governmental Accountability and Fiscal Oversight.

**MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 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:

Janine M. Burkett, 9718 Sappington Road, Sappington, Saint Louis County, Missouri 63128, as a member of the State Board of Pharmacy, for a term ending April 18, 2015, and until her successor is duly appointed and qualified; vice, Gary Sobocinski, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment 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 **HBs 1524** and **2260**—General Laws.

**HCS** for **HB 2081**—General Laws.

**HCS** for **HB 2070**—Jobs, Economic Development and Local Government.

**HCS for HB 1404**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1871**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1244**—Ways and Means.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

### **RECESS**

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

### **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 2242, regarding Judith A. Holt, which was adopted.

Senator Stouffer offered Senate Resolution No. 2243, regarding Bernice Wagner, which was adopted.

Senator Stouffer offered Senate Resolution No. 2244, regarding Jill Diane Terrill, which was adopted.

Senator Stouffer offered Senate Resolution No. 2245, regarding Penny Rich, which was adopted.

Senator Stouffer offered Senate Resolution No. 2246, regarding Melissa Kay “Missy” Fotopulos, which was adopted.

Senator Stouffer offered Senate Resolution No. 2247, regarding Cyndi Abney, which was adopted.

Senator Stouffer offered Senate Resolution No. 2248, regarding Karen Mercedes Shackelford, which was adopted.

Senator Stouffer offered Senate Resolution No. 2249, regarding Judy Ann Tye, which was adopted.

Senator Bray offered Senate Resolution No. 2250, regarding Rabbi Mark L. Shook, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2251, regarding Edna Iona Moore, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 2252, regarding the Greater Missouri Chapter of the March of Dimes, which was adopted.

### **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 taken up and passed **HCS for HJR 64**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting four new sections relating to voter identification.

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 1966**, entitled:

An Act to repeal sections 115.278, 115.279, 115.281, 115.287, 115.291, 115.292, and 115.427, RSMo, and to enact in lieu thereof nine new sections relating to elections, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### 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, after examination of **HB 1612**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 56**, 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 was referred **SCR 55**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SJR 44** be taken up for perfection, which motion prevailed.

Senator Shields offered **SS** for **SJR 44**, entitled:

#### SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 12 and 52 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of education.

Senator Shields moved that **SS** for **SJR 44** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SJR 44** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 1022** be taken up for perfection, which motion prevailed.

On motion of Senator Stouffer, **SB 1022** was declared perfected and ordered printed.

**SB 639**, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SJR 45**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 45**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a)

of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

Was taken up.

Senator Shields moved that **SCS** for **SJR 45** be adopted.

Senator Shields offered **SS** for **SCS** for **SJR 45**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 45

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

Senator Shields moved that **SS** for **SCS** for **SJR 45** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 3, Section 2(a), Line 8, by inserting immediately after the word “established” the following: “**as well as the coordinating board for higher education and the department of higher education**”; and further amend line 9 by inserting after all of said line the following:

**“5. The provisions of this section shall become effective July 1, 2011.”.**

Senator Shields moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Line 4, by inserting immediately after the first use of the word “education” the following: “, **except with regard to the state university established under Article IX, Sections 9(a) and 9(b)**,”.

Senator Schaefer moved that the above amendment be adopted.

At the request of Senator Schaefer, **SA 1** to **SA 1** was withdrawn.

**SA 1** was again taken up.

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

Senator Nodler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Lines 20-21, by striking all of said lines and inserting in lieu thereof the following: “**include, but not be limited to, the allocation of moneys appropriated by the general assembly to the board for**

**each public institution of higher education in the state”.**

Senator Nodler moved that the above amendment be adopted.

At the request of Senator Shields, **SJR 45**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Keaveny moved that **SB 643**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 643**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 643

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new sections relating to the St. Louis police force.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 643** be adopted.

Senator Keaveny offered **SS** for **SCS** for **SB 643**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 643

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof seven new sections relating to the St. Louis police force, with an effective date and an expiration date for certain sections.

Senator Keaveny moved that **SS** for **SCS** for **SB 643** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 643, Page 11, Section B, Line 18 of said page, by striking all of said line and inserting in lieu thereof the following: “on the date the board of alderman of such city not within a county is reduced from twenty-eight members to not more than twelve members with two members representing each ward and the charter of such city provides for not more than three city wide officers appointed under the provisions of the city's charter.”.

Senator Lembke moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 643, Page 1, Section B, Lines 5-6, by striking the words “with two members representing each ward”; and

further amend line 7 by striking the word “appointed” and inserting the word “elected”.

Senator Lembke moved that the above amendment be adopted.

At the request of Senator Keaveny, **SB 643**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending),

was placed on the Informal Calendar.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

### **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 **SR 1744**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1022** and **SS** for **SJR 44**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 20, 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:

Richard H. Gray, 703 North 13<sup>th</sup> Street, Loft 408, Saint Louis City, Missouri 63103, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2014, and until his successor is duly appointed and qualified; vice, Julius Hunter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 20, 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:

Barrett Hatches, Democrat, 10023 North Revere Court, Kansas City, Platte County, Missouri 64154, as a member of the Missouri Gaming Commission, for a term ending April 29, 2013, and until his successor is duly appointed and qualified; vice, Larry W. Plunkett, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 20, 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:

Jack L. Merritt, Republican, 4352 South Farm Road 85, Republic, Greene County, Missouri 65738, as a member of the Missouri Gaming Commission, for a term ending April 29, 2013, and until his successor is duly appointed and qualified; vice, Suzanne Bradley, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

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

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

**RECESS**

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

**SENATE BILLS FOR PERFECTION**

Senator Schaefer moved that **SB 880**, **SB 780** and **SB 836**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 880**, **780** and **836**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 880, 780 and 836

An Act to repeal sections 302.309, 478.003, 478.009, 479.010, 577.010, 577.012, 577.023, 577.039, and 577.041, RSMo, and to enact in lieu thereof twelve new sections relating to intoxication-related offenses, with penalty provisions.

Was taken up.

Senator Schaefer moved that **SCS** for **SBs 880**, **780** and **836** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SBs 880**, **780** and **836**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 880, 780 and 836

An Act to repeal sections 302.309, 302.541, 478.001, 478.003, 478.009, 479.170, 577.010, 577.012, 577.023, 577.039, and 577.041, RSMo, and to enact in lieu thereof fifteen new sections relating to intoxication-related offenses, with penalty provisions.

Senator Schaefer moved that **SS** for **SCS** for **SBs 880**, **780** and **836** be adopted.

Senator Justus offered **SA 1**:



SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 880, 780 and 836, Page 10, Section 478.001, Lines 11-12 of said page, by striking said lines and inserting in lieu thereof the following:

**“2. Under sections 478.001 to 478.007, a DWI docket may be established by a circuit court or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, to provide an alternative for the”;** and

Further amend said bill, Page 11, Section 478.007, Line 16 of said page by inserting after the word “court” the following: **“or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010,”**.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Schaefer, **SB 880, SB 780 and SB 836**, with **SCS, SS for SCS and SA 1** (pending), was placed on the Informal Calendar.

**REFERRALS**

President Pro Tem Shields referred **SS** for **SJR 44** to the Committee on Governmental Accountability and Fiscal Oversight.

**INTRODUCTIONS OF GUESTS**

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Tyler Freeman, Springfield; and Tyler was made an honorary page.

Senator McKenna introduced to the Senate, Richard and Julie Ferrell and their children, Aric and Tiffany, Arnold.

Senator Stouffer introduced to the Senate, Mrs. Tatum Reed and fourth grade students from Atlanta C-3 Schools.

Senator Schmitt introduced to the Senate, twenty-seven Homeschoolers from Evangelical Free Church, Manchester; and Leah Votava, Livvy Coleman, Rachel Urban, Courtney Pinnell and Mira Roberts were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeffery L. Craver, Clayton.

Senator Shoemyer introduced to the Senate, Dennis Miller and Homeschoolers from Kirksville.

Senator Crowell introduced to the Senate, eighth grade students from Perry County Middle School.

Senator Stouffer introduced to the Senate, Stephanie Overstreet, Fayette; and twenty Homeschoolers from Howard County.

On motion of Senator Engler, the Senate adjourned until 9:30 a.m., Wednesday, April 21, 2010.

## SENATE CALENDAR

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 FIFTY-SIXTH DAY—WEDNESDAY, APRIL 21, 2010
 

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 1788  
HJR 78-Smith (150), et al

HCS for HJR 64  
HCS for HB 1966

## THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SB 627-Justus (In Fiscal Oversight)                     | 8. SS for SB 1057-Shields (In Fiscal Oversight)         |
| 2. SJR 20-Bartle (In Fiscal Oversight)                     | 9. SS for SCS for SB 793-Mayer<br>(In Fiscal Oversight) |
| 3. SB 779-Bartle (In Fiscal Oversight)                     | 10. SS for SB 1007-Dempsey<br>(In Fiscal Oversight)     |
| 4. SCS for SB 944-Shields (In Fiscal Oversight)            | 11. SB 1022-Stouffer                                    |
| 5. SB 1026-Rupp (In Fiscal Oversight)                      | 12. SS for SJR 44-Shields (In Fiscal Oversight)         |
| 6. SS for SCS for SB 884-Schaefer<br>(In Fiscal Oversight) |   |
| 7. SCS for SB 622-Shoemyer<br>(In Fiscal Oversight)        |   |

## HOUSE BILLS ON THIRD READING

HCS for HB 1675, with SCS (Ridgeway)  
(In Fiscal Oversight)  
HJR 76-Dethrow, et al, with SCS  
(Purgason) (In Fiscal Oversight)  
HB 2109-Ruzicka, with SCS (Lager)  
HB 1662-Brown (149), et al (Clemens)

HB 1268-Meiners (Justus)  
HB 1336-Brandom, et al (Days)  
HB 1691-Kraus, et al (Pearce)  
HB 2111-Faith, et al, with SCS (Stouffer)  
HB 1941-Parson, with SCS (Scott)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 631-Cunningham  
(In Fiscal Oversight)

SCS for SB 826-Griesheimer  
SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SBs 880, 780 & 836-Schaefer, with SCS, SS for SCS & SA 1 (pending)
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	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 596-Callahan, with SCS (pending)	SB 896-Shields and Crowell, with SA 1 (pending)
SB 606-Stouffer	SB 905-Bray, et al, with SCS & SS for SCS (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 999-Schaefer
SB 639-Schmitt, with SCS	SB 1016-Mayer, with SCS
SB 643-Keaveny, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 1017-Mayer, with SCS (pending)
SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)	SJR 22-Callahan
SB 705-Griesheimer	SJR 25-Cunningham, et al, with SCS, SS#2 for SCS & SA 5 (pending)
SB 738-Crowell, with SCS	SJR 29-Purgason and Cunningham, with SCS & SS#2 for SCS (pending)
SB 747-Rupp, et al, with SA 1 (pending)	SJR 31-Scott
SB 784-Schaefer and Pearce	SJR 33-Bartle, with SA 1 (pending)
SB 792-Dempsey and Rupp, with SS (pending)	SJR 34-Goodman, et al, with SA 1 (pending)
SB 797-Green	SJR 38-Ridgeway
SB 810-Lager, with SCS	SJR 40-Goodman, with SA 1 (pending)
SB 818-Lembke, with SCS (pending)	SJR 45-Shields, with SCS, SS for SCS & SA 2 (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 & SS for SCS (pending)	

HOUSE BILLS ON THIRD READING

SS for SCS for HB 1442-Jones (89), et al (Nodler) (In Fiscal Oversight)	HCS for HB 2198, with SCS (Griesheimer)
HCS#2 for HB 1472 (Schaefer)	HCS for HJR 86, with SCS & SS for SCS (pending) (Stouffer)

CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1290, with SCS (Griesheimer)

HB 1392-Kirkton, et al, with SCS

HB 2056-Diehl (Bartle)  
 HB 1654-Zimmerman, et al (Goodman)  
 HB 2182-Munzlinger and Smith (150)  
 (Clemens)

HB 1892-Nasheed, et al, with SCS  
 (Cunningham)  
 HCS for HB 1858, with SCS (Shoemyer)

**BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES**

**In Conference**

HCS for HB 2001, with SCS (Mayer)  
 HCS for HB 2002, with SS for SCS (Mayer)  
 HCS for HB 2003, with SS for SCS (Mayer)  
 HCS for HB 2004, with SCS (Mayer)  
 HCS for HB 2005, with SCS (Mayer)  
 HCS for HB 2006, with SCS (Mayer)  
 HCS for HB 2007, with SCS (Mayer)

HCS for HB 2008, with SCS (Mayer)  
 HCS for HB 2009, with SCS (Mayer)  
 HCS for HB 2010, with SCS (Mayer)  
 HCS for HB 2011, with SCS (Mayer)  
 HCS for HB 2012, with SCS (Mayer)  
 HCS for HB 2013, with SCS (Mayer)

**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)  
 SCR 56-Schmitt, et al  
 SCR 55-Nodler  
 SR 1744-Shields

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