

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 22, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Stand at the crossroads, and look, and ask for the ancient paths, where the good way lies; and walk in it, and find rest for your souls.”
(Jeremiah 6:16)

Praise to You, O God, source of all and giver of Life. Your love sustains this planet earth and by Your hand all things living are cared for. Help us, we pray, to do what we can to care for and restore the earth. Together let us find the good way for all of God’s creation. Make us mindful of the balance of all life as it contributes one to the other and help us do our part to keep that balance rightly. Make us see, truly see, the beauty of our state as we return home to loved ones and see the love that created it all. 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 Goodman 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	Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Bartle Clemens—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 2272, regarding Richard T. McGuire, Jr., Ph.D., Columbia, which was adopted.

Senator Pearce offered Senate Resolution No. 2273, regarding Western Johnson County Medical Clinic, Kingsville, which was adopted.

Senator Champion offered Senate Resolution No. 2274, regarding Dolores B. Brooks, Springfield, which was adopted.

Senator Schaefer offered Senate Resolution No. 2275, regarding the 2009-2010 Class 2 State Champion Sturgeon High School Boys Bulldogs Basketball team, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Justus moved that **HB 1268**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Justus, **SS** for **HB 1268** was withdrawn.

Senator Dempsey assumed the Chair.

Senator Justus offered **SS No. 2** for **HB 1268**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1268

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof nine new sections relating to public holidays, with an emergency clause for a certain section.

Senator Justus moved that **SS No. 2** for **HB 1268** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 1268, Page 3, Section 9.170, Line 25, by inserting immediately after said line the following:

“9.172. The first week of November of each year shall be known as “RSV Awareness Week”, and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV).”; and

Further amend the title and enacting clause accordingly.

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

Senator Justus moved that **SS No. 2** for **HB 1268**, as amended, be adopted, which motion prevailed.

Senator Justus moved that **SS No. 2** for **HB 1268**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS No. 2** for **HB 1268** to the Committee on Governmental

Accountability and Fiscal Oversight.

HB 1336, introduced by Representative Brandom, et al, entitled:

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

Was taken up by Senator Days.

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

SENATE AMENDMENT NO. 1

Amend House Bill No. 1336, Page 1, Section 9.167, Lines 1-2, by striking said lines and inserting in lieu thereof the following:

“9.167. The twelfth day of March of each year shall be known as “Girl Scout Day”, and the general assembly recommends to the people of the state that the”.

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

On motion of Senator Days, **HB 1336**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	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—31	

NAYS—Senator Cunningham—1

Absent—Senators—None

Absent with leave—Senators

Bartle	Clemens—2
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Vacancies—None

The President declared the bill passed.

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

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

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

HB 1691, introduced by Representative Kraus, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

Was taken up by Senator Pearce.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1691, Page 1, Section A, Line 2, by inserting after all of said line the following:

“9.157. The fourteenth of September of each year shall be known as “Organ Donor Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of organ donation.

9.158. The sixteenth of November of each year shall be known as “Adenoid Cystic Carcinoma Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of adenoid cystic cancer. Adenoid cystic carcinoma (AdCC) is a rare cancer that usually occurs in areas of the head and neck, but can develop in other parts of the body as well. Adenoid cystic carcinoma is usually slow-growing, but the growth can be relentless.” and

further amend said bill and page, section 9.164, lines 1-2 by striking said lines and inserting in lieu thereof the following:

“9.164. 1. The month of October of each year shall be known as “Walk & Bike to School Month” and the first Wednesday of October of each year shall be known as”; and

Further amend said bill and page, Section 9.165, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

“9.165. The month of May of each year shall be known as “Missouri Bicycle Month”, the third Friday of May of each year shall be known as “Bike to Work Day”.”; and

further amend line 8 by inserting after all of said line the following:

“9.167. The twelfth day of March of each year shall be known as “Girl Scout Day”, and the general assembly recommends to the people of the state that the day be appropriately observed in recognition of the Girl Scout program which seeks to promote the social welfare of young women, build self-esteem, and teach values such as honesty, fairness, courage, compassion, character, sisterhood, confidence, and citizenship through activities including camping, community service, learning first aid, and earning badges by acquiring practical skills.

9.168. The first of December of each year shall be known as “World AIDS Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of HIV and AIDS.

9.169. The second week of May of each year shall be known as “Sickle Cell Awareness Week” and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of sickle cell disease and its related symptoms.

9.170. The fourteenth of February of each year shall be known as “Epilepsy Awareness Day”, and the general assembly recommends to the people of the state that the day be appropriately observed through activities which will increase awareness of epilepsy and its related symptoms.

9.172. The first week of November of each year shall be known as “RSV Awareness Week”, and the general assembly recommends to the people of this state that the week be appropriately observed so that public officials and the citizens of Missouri are encouraged to observe the week with appropriate activities and educational outreach to parents and the medical community, as well as

programs to raise awareness about the causes of, symptoms of, and ways of preventing respiratory syncytial virus (RSV).”; and

further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend House Bill No. 1691, Page 1, In the Title, Line 2, by striking the word “bicycling state” and inserting in lieu thereof the following: “public”.

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

On motion of Senator Pearce, **HB 1691**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wright-Jones—28				

NAYS—Senators

Cunningham	Lembke	Purgason—3
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Absent—Senator Wilson—1

Absent with leave—Senators

Bartle	Clemens—2
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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.

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

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 **SJR 44**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 793**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 793**, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 793

An Act to repeal sections 188.027, 188.039, and 376.805, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

Was taken up.

President Pro Tem Shields assumed the Chair.

On motion of Senator Mayer, **SS** for **SCS** for **SB 793** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna	Nodler	Pearce
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel—26						

NAYS—Senators

Bray	Days	Justus	Wilson	Wright-Jones—5
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Absent—Senator Green—1

Absent with leave—Senators

Bartle	Clemens—2
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Vacancies—None

The President Pro Tem declared the bill passed.

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

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

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

SB 1022, introduced by Senator Stouffer, entitled:

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

Was taken up.

Senator Pearce assumed the Chair.

On motion of Senator Stouffer, **SB 1022** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle	Clemens—2
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Vacancies—None

The President declared the bill passed.

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

Senator Stouffer 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 Shields moved that **SJR 45**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Shields, **SS No. 2** for **SCS** was withdrawn, rendering **SA 2** and **SSA 1** for **SA 2** moot.

Senator Shields offered **SS No. 3** for **SCS** for **SJR 45**, entitled:

SENATE SUBSTITUTE NO. 3 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, with an effective date.

Senator Shields moved that **SS No. 3** for **SCS** for **SJR 45** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 3, by striking the word “**four**” and inserting in lieu thereof the word “**six**”.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 3, by striking the word “**four**” and inserting in lieu thereof the following: “**six**”; and further amend lines 5-7 by striking all of said lines and inserting in lieu thereof the following:

“one to eight years, respectively] **two years for two members, four years for two members, and six years for two members.** While attending to the duties of their office.”

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Section 2(a), Line 13, by striking the following: “**a seamless**” and inserting in lieu thereof the following: “**an**”; and further amend line 14 by striking the word “**and**”; and further amend said line by inserting immediately after the first use of the word “**of**” the following: “**public**”.

Senator Ridgeway moved that the above amendment be adopted.

At the request of Senator Ridgeway, **SA 2** was withdrawn.

Senator Ridgeway offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 2, Section 2(a), Line 17 of said page, by inserting immediately after said line the following:

“Section 2(b). The board shall select and appoint a commissioner of education as its chief administrative officer, who shall be a citizen and resident of the state, and removable at its discretion. **The appointment and selection of the commissioner shall require the advice and consent of the senate.** The board shall prescribe his duties and fix his compensation, and upon his recommendation shall appoint the professional staff and fix their compensation. The board shall succeed the state board of education heretofore established, with all its powers and duties, and shall have such other powers and duties as may be prescribed by law.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Champion offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute No. 3 for Senate Committee Substitute for Senate Joint Resolution No. 45, Page 1, Line 9, by inserting immediately after the first use of the word “his” the following: “**or her**”; and further amend said line by inserting immediately after the second use of the word

“his” the following: “**or her**”; and further amend line 10 by inserting after the word “his” the following: “**or her**”.

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

SA 3, as amended, was again taken up.

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

Senator Shields moved that **SS No. 3** for **SCS** for **SJR 45**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS No. 3** for **SCS** for **SJR 45**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for **SJR 44**, introduced by Senator Shields, 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.

Was taken up.

On motion of Senator Shields, **SS** for **SJR 44** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators

Bartle	Clemens	Days—3
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Vacancies—None

The President declared the joint resolution passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John C. Morris, as a member of the Alzheimer's State Plan Task Force;

Also,

Janine M. Burkett, as a member of the State Board of Pharmacy;

Also,

Pamela Ross, as a member of the Linked Deposits Review Committee;

Also,

Cara Canon, as a member of the Missouri Workforce Investment Board;

Also,

Oliver G. Boyer, as a member of the Peace Officer Standards and Training Commission;

Also,

Jacqueline A. Swinnie and Michael Brewer, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Melodee Colbert-Kean, Democrat, as a member of the Missouri Women's Council;

Also,

Karen Winn, as a member of the Administrative Hearing Commission;

Also,

Edna L. Chavis, Democrat, as a member of the State Board of Senior Services;

Also,

Dale D. Turvey, as a member of the Missouri State Employees' Voluntary Life Insurance Commission.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 2048**, 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 Ways and Means, to which was referred **HCS** for **HBs 1408** and **1514**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1424**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1942**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 1806**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1612**, 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 Jobs, Economic Development and Local Government, to which was referred **HB 1595**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 1340**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 1290**, 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 Jobs, Economic Development and Local Government, to which was referred **HCS** for **HB 2297**, begs leave to report that it has considered the same and recommends that the

Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1270**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 1894**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1898**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HCS** for **HB 1977**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 2270**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1609**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1060**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535 and 1811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Stouffer submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1840**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS** for **HB 1848**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1903**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 2317**, 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 General Laws, to which was referred **HCS** for **HB 2231**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1893**, begs leave to report that it has considered the same and recommends that the bill do pass with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1893, Page 1, In the Title, Lines 2-3, by striking “the distribution and use of gaming funds” and inserting in lieu thereof the following: “excursion gambling boats”; and

Further amend said bill, Page 5, Section 161.215, Line 103, by inserting after all of said line the following:

“313.807. 1. A person may apply to the commission for a license to conduct gambling games on an excursion gambling boat or to operate an excursion gambling boat as provided in sections 313.800 to 313.850. The application for such licenses shall be filed with the commission and shall identify the excursion gambling boat upon which gambling games will be authorized, shall specify the exact location where the excursion gambling boat will be docked, shall specify the extent of the land-based economic development or impact and an affirmative action plan for ownership, contracting and recruiting, training and hiring of minorities and women in all employment classifications for that area, a lease with a home dock city or county, or in lieu thereof a resolution adopted by a city or county supporting or opposing the docking and land-based economic development or impact plan of the operator, and shall be in a form and contain information as the commission prescribes. If a city or county fails to pass a resolution, such action shall not adversely affect the application which shall be deemed complete. The applicant for such license shall file with the application a nonrefundable fee of fifty thousand dollars or fifteen thousand dollars for each person to be investigated, whichever amount is greater. The applicant shall be responsible for the total cost of the investigation. If the cost of the investigation exceeds the total amount of fees filed by the applicant in this subsection, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee

and the actual cost of the investigation. The initial license and first subsequent license renewal of an excursion gambling boat operator shall be for a period of one year. Thereafter, license renewal periods shall be two years. However, the commission may reopen licensing hearings at any time. The annual fee for anyone licensed pursuant to this subsection shall be set by the commission at a minimum of twenty-five thousand dollars.

2. A person may apply to the commission for a license to conduct an occupation within excursion gambling boat operations which the commission has identified as requiring a license. The commission shall establish and charge holders of occupational licenses an annual license fee for each occupation in amounts determined appropriate by the commission and shall be charged each year the license is in effect. The commission shall set a nonrefundable filing fee to cover the cost of any investigation. Each applicant for a license pursuant to this subsection shall annually file for a license.

3. A supplier shall annually apply for a license. The application fee shall be a nonrefundable amount set by the commission to cover the cost of any investigation. The annual fee for such license shall be set by the commission. The commission shall set all standards for equipment and supplies.

4. A licensee licensed to conduct gambling games shall acquire all gambling games or implements of gambling from a licensed supplier or from a person or entity approved by the commission. A licensee shall not sell or give gambling games or implements of gambling to another licensee without the commission's prior written approval. Any licensed supplier shall have a registered agent within this state.

5. The commission may issue a limited license to operate an excursion gambling boat as defined pursuant to subdivision (7) of section 313.800 at a dock other than its home dock, if such city or county where such dock is located has approved gambling games on excursion gambling boats pursuant to subsection 10 of section 313.812.

6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property.

7. Prior to any further consideration or solicitation of interest by the Missouri gaming commission for a gaming license, the Missouri gaming commission shall first conduct a comprehensive market study to determine the economic and financial impact of an additional gaming license and facility on existing licensees as well as the impact that anticipated adjoining state gaming facilities will have on existing licensees and shall take such impact into consideration when determining whether an additional license shall be issued.

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on General Laws, to which was referred HCS for **HB 2081**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 2161**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 1965**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS** for **HB 1764**, 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 Small Business, Insurance and Industry, to which was referred **HB 1713**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1831**, 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 Education, to which was referred **HCS** for **HBs 2147** and **2261**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan assumed the Chair.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1788**—Financial and Governmental Organizations and Elections.

HJR 78—Financial and Governmental Organizations and Elections.

HCS for **HJR 64**—Financial and Governmental Organizations and Elections.

HCS for **HB 1966**—Financial and Governmental Organizations and Elections.

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 **HB 1316**, entitled:

An Act to repeal sections 137.180 and 137.355, RSMo, and to enact in lieu thereof two new sections relating to property tax assessment notices.

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 **HB 1444**, entitled:

An Act to repeal section 610.020, RSMo, and to enact in lieu thereof one new section relating to notice for certain public meetings, 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 **HCS** for **HB 1786**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to public funding to attract sporting events to Missouri.

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 1473**, entitled:

An Act to repeal sections 173.1104, 173.1105, and 173.1108, RSMo, and to enact in lieu thereof three new sections relating to the Access Missouri Scholarship, with an emergency clause.

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 1584**, entitled:

An Act to repeal sections 137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537,

700.539, and 700.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

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 **HB 1636**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special event motor vehicle auction licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Carl Freter, M.D., Columbia.

Senator Keaveny introduced to the Senate, Lindsey Weinburg.

Senator Shields introduced to the Senate, Curt and Diane Kretzinger, St. Joseph.

Senator Champion introduced to the Senate, adults and sixty-six fourth grade students from Mark Twain Elementary School, Springfield; and Wesley Timm was made an honorary page.

Senator Callahan introduced to the Senate, twenty-five students from Van Horn High School, Independence.

Senator Scott introduced to the Senate, John and Peggy Neuenschwander, Lowry City.

Senator Justus introduced to the Senate, MaryKate and Matthew Grimaldi, Kansas City; and MaryKate and Matthew were made honorary pages.

Senator Mayer introduced to the Senate, his wife, Nancy, Luke Robinson, Samantha Midgett, Stephanie Gee and Joy Ward, Dexter.

Senator Dempsey introduced to the Senate, seventh grade students from Zion Lutheran School, Harvester.

Senator Crowell introduced to the Senate, Teri Jones and fourth grade students from Clippard Elementary School.

Senator Shields introduced to the Senate, Bill Freund and eighth grade students from St. Therese School, Parkville; and Mariah Ramirez, Matthew Knight and Marisa Garitz were made honorary pages.

Senator Shields introduced to the Senate, his wife, Brenda, St. Joseph.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, April 26, 2010.

SENATE CALENDAR

 FIFTY-EIGHTH DAY—MONDAY, APRIL 26, 2010

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1316	HCS for HB 1473
HB 1444-Jones (89), et al	HCS for HB 1584
HCS for HB 1786	HB 1636-Wasson

THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SS for SCS for SB 884-Schaefer (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SCS for SB 622-Shoemyer (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SS for SB 1057-Shields (In Fiscal Oversight)
SCS for SB 944-Shields (In Fiscal Oversight)	SS for SB 1007-Dempsey (In Fiscal Oversight)
SB 1026-Rupp (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

SB 1060-Bartle, with SCS	SB 969-Keaveny, with SCS
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HOUSE BILLS ON THIRD READING

1. HCS for HB 1675, with SCS (Ridgeway) (In Fiscal Oversight)	12. HB 1595-Dugger, et al (Purgason)
2. HJR 76-Dethrow, et al, with SCS (Purgason) (In Fiscal Oversight)	13. HB 1340-Dugger (Clemens)
3. HB 2111-Faith, et al, with SCS (Stouffer)	14. HCS for HB 1290, with SCS (Griesheimer)
4. HB 1941-Parson, with SCS (Scott)	15. HCS for HB 2297, with SCS (Wilson)
5. HCS for HB 2048, with SCS	16. HB 1270-Meiners (Justus)
6. HCS for HBs 1408 & 1514	17. HB 1894-Bringer (Bray)
7. HB 1424-Franz, with SCS	18. HCS for HB 1898 (Dempsey)
8. HB 1942-Parson (Scott)	19. HCS for HB 1977 (Griesheimer)
9. HCS for HB 1806 (Goodman)	20. HB 2270-Cooper (Shields)
10. HB 1643-Brown (50), et al (Wilson)	21. HB 1609-Diehl, with SCS (Bartle)
11. HB 1612-Molendorp and Scavuzzo, with SCS (Pearce)	22. HCS#2 for HBs 1692, 1209, 1405, 1499, 1535 & 1811, with SCS
	23. HCS for HB 1840 (Mayer)
	24. HCS for HB 1848 (Justus)

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| 25. HCS for HB 1903, with SCS | 31. HCS for HB 1965, with SCS (Cunningham) |
| 26. HB 2317-Tracy, with SCS | 32. HCS for HB 1764, with SCS (Rupp) |
| 27. HCS for HB 2231 (Goodman) | 33. HB 1713-Sander, et al (Schaefer) |
| 28. HCS for HB 1893, with SCA 1 (Schaefer) | 34. HCS for HB 1831, with SCS (Stouffer) |
| 29. HCS for HB 2081 (Goodman) | 35. HCS for HBs 2147 & 2261 (Pearce) |
| 30. HCS for HB 2161 (Goodman) | |

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

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| SB 579-Shields, with SCS | SB 878-Lembke, with SCS & SS for SCS
(pending) |
| SB 587-Nodler and Cunningham, with SCS &
SA 1 (pending) | SBs 880, 780 & 836-Schaefer, with SCS,
SS for SCS & SA 1 (pending) |
| SB 596-Callahan, with SCS (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 606-Stouffer | SB 896-Shields and Crowell, with SA 1 (pending) |
| SBs 607, 602, 615 & 725-Stouffer, with SCS &
SA 1 (pending) | SB 905-Bray, et al, with SCS & SS for
SCS (pending) |
| SB 639-Schmitt, with SCS & SS for SCS
(pending) | SB 999-Schaefer |
| SB 643-Keaveny, with SCS, SS for SCS, SA 1 &
SA 1 to SA 1 (pending) | SB 1016-Mayer, with SCS |
| SB 698-Griesheimer, with SCS, SS for SCS
& SA 1 (pending) | SB 1017-Mayer, with SCS (pending) |
| SB 705-Griesheimer | SJR 22-Callahan |
| SB 738-Crowell, with SCS | SJR 25-Cunningham, et al, with SCS, SS#2
for SCS & SA 5 (pending) |
| SB 747-Rupp, et al, with SA 1 (pending) | SJR 29-Purgason and Cunningham, with SCS
& SS#2 for SCS (pending) |
| SB 784-Schaefer and Pearce | SJR 31-Scott |
| SB 792-Dempsey and Rupp, with SS (pending) | SJR 33-Bartle, with SA 1 (pending) |
| SB 797-Green | SJR 34-Goodman, et al, with SA 1 (pending) |
| SB 810-Lager, with SCS | SJR 38-Ridgeway |
| SB 818-Lembke, with SCS (pending) | SJR 40-Goodman, with SA 1 (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 | |

HOUSE BILLS ON THIRD READING

SS#2 for HB 1268-Meiners (Justus)
(In Fiscal Oversight)

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

HCS#2 for HB 1472 (Schaefer)

HB 2109-Ruzicka, with SCS (Lager)

HCS for HJR 86, with SCS & SS for SCS
(pending) (Stouffer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 1392-Kirkton, et al, with SCS (Bray)

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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