

# Journal of the Senate

SECOND REGULAR SESSION

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**SIXTY-FIFTH DAY—THURSDAY, MAY 6, 2010**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“When I worship, I would rather my heart be without words than my words be without heart.” (Lamar Boschman)

Almighty God, as we complete our work here this week we do so knowing that You have helped us all along the way and we give You thanks and praise for it. We pray that our words may have our heart in them and that we share such words with those we love. May we have rest and be in Your house of prayer, refreshed and ready for what You have in store for us. 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.

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

Present—Senators

Barnitz	Bartle	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—33

Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Engler offered Senate Resolution No. 2447, regarding Devin M. Asher, Banner, which was

adopted.

Senator Engler offered Senate Resolution No. 2448, regarding Mary Beth Petry, which was adopted.

Senator Engler offered Senate Resolution No. 2449, regarding Sharon Theresa Charleville, which was adopted.

Senator Engler offered Senate Resolution No. 2450, regarding David Guemmer, which was adopted.

Senator Barnitz offered Senate Resolution No. 2451, regarding Mandi Leigh Scheulen, which was adopted.

Senator Barnitz offered Senate Resolution No. 2452, regarding John Scheppers, which was adopted.

Senator Justus offered Senate Resolution No. 2453, regarding Kristin Bail, Camdenton, which was adopted.

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

**HCS for HB 2016**, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

Was called from the Informal Calendar and taken up by Senator Mayer.

**SCS for HCS for HB 2016**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2016**

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements; and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2010 and ending June 30, 2011.

Was taken up.

Senator Mayer moved that **SCS for HCS for HB 2016** be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On motion of Senator Mayer, **SCS for HCS for HB 2016** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Crowell—1

Absent—Senator Vogel—1

Absent with leave—Senator Clemens—1

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.

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

Senator Bartle moved that **HB 1609**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS No. 2** for **SCS** for **HB 1609**, as amended, was again taken up.

Senator Rupp offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 10, Section 193.255, Line 27 of said page, by inserting after all of said line the following:

**“210.265. 1. Any individual who is a child care provider exempt from the licensure requirements under subdivision (1) of subsection 1 of section 210.211 providing care in a child care facility as defined under subdivision (2) of section 210.201, with pending criminal charges against such individual relating to a crime against a child or children, shall not continue to provide child care services for compensation in this state pending a resolution of such criminal charges in favor of the individual. Any individual who is a child care provider in violation of this section is guilty of a class B misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 15,

Section 211.031, Line 13 of said page, by inserting after all of said line the following:

“374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

2. No judge, attorney, court official, law enforcement officer, **or** state, county, or municipal employee who is either elected or appointed shall be licensed as a bail bond agent or a general bail bond agent. **No employee, contractor, or volunteer of a court or law enforcement agency, or anyone employed at the location of a jail, shall be licensed as a bail bond agent or general bail bond agent. The provisions of this subsection shall not apply to an attorney whose license status is inactive.**

3. A licensed bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent [or] **and** insurer. **The power of attorney shall be in the form and manner prescribed by the director.**

4. A person licensed as an active bail bond agent shall hold the license for at least [two] **four** years prior to owning or being an officer of a licensed general bail bond agent.

5. **A corporation, partnership, association, limited liability company, limited liability partnership, or other legal entity shall not apply for a general bail bond agent license unless operating as a surety bail bond agent.**

6. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.695 to 374.775;  
or

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695 to 374.775.

[6.] 7. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business on the general bail bond agent’s behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative, or other administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

[7.] 8. Any person who is convicted of a violation of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this section is guilty of a class D felony.

374.705. 1. The department shall administer and enforce the provisions of sections 374.695 to 374.789, prescribe the duties of its officers and employees with respect to sections 374.695 to 374.789, and promulgate, pursuant to section 374.045 and chapter 536, RSMo, such rules and regulations within the scope and purview of the provisions of sections 374.695 to 374.789 as the director considers necessary and proper for the effective administration and interpretation of the provisions of sections 374.695 to 374.789.

2. The director shall set the amount of all fees authorized and required by the provisions of sections 374.695 to 374.789 by rules and regulations promulgated pursuant to chapter 536, RSMo. All such fees shall be set at a level designed to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 374.695 to 374.789. However, such fees shall not exceed [one] **three** hundred [fifty] dollars every two years for biennial licenses and renewable licenses for general bail bond agents as provided for in section 374.710. **Fees for filing quarterly financial statements shall not exceed fifty dollars per filing.**

374.710. 1. Except as otherwise provided in sections 374.695 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him or her a license, to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail bond agent.

2. An applicant for a bail bond and general bail bond agent license shall submit with the application proof that he or she has received [twenty-four] **forty** hours of initial basic training in areas of instruction in subjects determined by the director deemed appropriate to professionals in the bail bond profession. Bail bond agents and general bail bond agents who are licensed at the date which this act becomes law shall be exempt from such [twenty-four] **forty** hours of initial basic training.

3. In addition to the [twenty-four] **forty** hours of initial basic training to become a bail bond agent or general bail bond agent, there shall be eight hours of biennial continuing education for all bail bond agents and general bail bond agents to maintain their state license. The director shall determine said appropriate areas of instruction for said biennial continuing education. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide the initial basic training and the biennial continuing education instruction. The department may allow state institutions, organizations, associations, or individuals to provide courses for the initial basic training and the biennial continuing education training. [The cost shall not exceed two hundred dollars for the initial basic training and one hundred fifty dollars for biennial continuing education.]

4. Upon completion of said basic training or biennial continuing education and the licensee meeting the other requirements as provided under sections 374.695 to 374.789, the director shall issue a two-year license for the bail bond agent or general bail bond agent for a fee not to exceed [one] **three** hundred [fifty] dollars.

5. Nothing in sections 374.695 to 374.775 shall be construed to prohibit any person from posting or otherwise providing a bail bond in connection with any legal proceeding, provided that such person receives no fee, remuneration or consideration therefor.

374.715. 1. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and [meets the qualifications for surety on bail bonds as provided by supreme court rule] **has not had a final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude**. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section. **The requirement to not have a final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude shall not apply to bail bond agents and general bail bond agents who are licensed on or before August 28, 2010.**

2. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant or, if the applicant is a corporation, **partnership, association, limited liability company, limited liability partnership, or other legal entity**, that each officer thereof has completed at least [two] **four** years as a bail bond agent, and that the applicant [possesses liquid] **has**

**transferred to and deposited with the department, for the security of its outstanding surety bond obligations,** assets of at least ten thousand dollars[, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. The assignment required by this section shall be in the form and executed in the manner prescribed by the department] **in the financial institution of the department's choosing. Such deposits shall be in the form of cash, certificates of deposit, bonds, or treasury notes issued by the United States, bonds of the state of Missouri, or bonds of any school district or political subdivision of this state, and in all cases not to be received at a rate above their par value, nor above their current market value.** The director may require by regulation conditions by which additional [assignments of] assets of the general bail bond agent may [occur] **be required** when the circumstances of the business of the general bail bond agent [warrants] **warrant** additional funds. However, such additional funds shall not exceed [twenty-five] **fifty** thousand dollars.

374.716. 1. Every bail bond agent shall account for each power of attorney assigned by the general bail bond agent on a weekly basis and remit all sums collected and owed to the general bail bond agent pursuant to his or her written contract. The general bail bond agent shall maintain the weekly accounting and remittance records for a period of three years. Such records shall be subject to inspection by the director or his or her designee during regular business hours or at other reasonable times.

2. For every bond written in this state, the [licensee] **general bail bond agent** shall provide to the [principal] **parties** a copy of the bail contract **and receipts for any funds paid.**

**3. For every bond written in this state in which the premium is financed by the licensee, the licensee shall provide, in writing, to all parties of the contract the following:**

- (1) The bond amount;**
- (2) The premium amount agreed to by all parties;**
- (3) The terms of the financial agreement;**
- (4) A receipt for the acceptance of any money; and**
- (5) The date and signatures of all parties to the contract.**

374.720. 1. Each applicant for licensure as a general bail bond agent, after complying with this section and the provisions of section 374.715, shall [be issued a license by the department unless grounds exist under section 374.755 for denial of a license] **appear for examination at the time and place specified by the department. Such examination shall be prescribed by the director as provided under section 375.018 and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a general bail bond agent, as defined in sections 374.700 to 374.775, in particular. The applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the department, retake the examination.**

2. Each applicant for examination and licensure as a bail bond agent, after complying with the provisions of section 374.715, shall appear for examination at the time and place specified by the department. Such examination shall be as prescribed by the director as provided under section 375.018, RSMo, and shall be designed to test the applicant's knowledge and expertise in the area of surety bonds in general and the practice of a bail bond agent, as defined in sections 374.700 to 374.775, in particular. The

applicant shall be notified of the result of the examination within twenty working days of the examination. Any applicant who fails such examination may, upon reapplication and payment of the reexamination fee set by the department, retake the examination.

374.730. **1.** All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be in the form and manner prescribed by the department and shall be accompanied by the renewal fee set by the department.

**2. The department shall provide the director of the department of revenue with the name and social security number of each:**

**(1) Bail bond agent, general bail bond agent, or surety recovery agent applicant for licensure within one month of the date the application is filed; and**

**(2) Bail bond agent, general bail bond agent, or surety recovery agent licensee applying for renewal at least one month prior to the anticipated renewal of the bail bond agent's, general bail bond agent's, or surety recovery agent's license.**

**The director of the department of revenue shall verify if the applicant or licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years. If such information is verified, the director of the department of revenue shall send notice to the department and the licensee or applicant. In the case of such delinquency or failure to file, the application shall be denied or the license shall not be renewed within ninety days after notice of such delinquency or failure to file, unless the director of the department of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. An applicant or licensee shall be considered to have paid his or her state taxes under this section for tax liability paid in protest or reasonably founded disputes with such liability.**

374.740. Any person applying to be licensed as a nonresident general bail bond agent who has been licensed in another state shall devote fifty percent of his or her working time in the state of Missouri and shall file proof with the director of the department of insurance, financial institutions and professional registration as to his or her compliance, and accompany his or her application with the fees set by the director by regulation [and, if applying for a nonresident general bail bond agent's license, with a duly executed assignment of]. **Nonresident general bail bond agents shall also transfer and deposit with the department, for the security of its outstanding surety bond obligations, assets of twenty-five thousand dollars [to the state of Missouri, which assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. Failure to comply with this section will result in revocation of the nonresidence license. The assignment required by this section shall be in the form and executed in the manner prescribed by the department]. These assets shall be held in a Missouri financial institution of the department's choosing. Such deposits shall be held in the form of cash, certificates of deposit, bonds or treasury notes issued by the United States, bonds of the state of Missouri, or bonds of any school district or political subdivision of this state, and in all cases not to be received at a rate above their par value, nor above their current market value. The director may require by rule conditions by which additional assets of the general bail bond agent may be required when the circumstances of the business of the nonresident general bail bond agent warrant additional funds. However, such additional assets shall not exceed fifty thousand dollars.** All licenses issued pursuant to this section shall be subject to the same renewal requirements set for other licenses issued pursuant to sections 374.695 to 374.789.

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.695 to 374.775 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.695 to 374.775;

(2) Final adjudication or a plea of guilty or nolo contendere [within the past fifteen years] in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude whether or not a sentence is imposed[, prior to issuance of license date];

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or in obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.695 to 374.775 by means of fraud, deception or misrepresentation;

(5) Misappropriation of the premium, collateral, or other things of value given to a bail bond agent or a general bail bond agent for the taking of bail, incompetency, **financial irresponsibility, untrustworthiness**, misconduct, gross negligence, fraud, or misrepresentation in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775;

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas;

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.695 to 374.789 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.695 to 374.789 who is not currently licensed and eligible to practice pursuant to sections 374.695 to 374.789;

(11) Acting in the capacity of an attorney at a trial or hearing of a person for whom the attorney is acting as surety;

(12) Failing to provide a copy of the bail contract, [renumbered] **prenumbered** written receipt for acceptance of money, or other collateral for the taking of bail to the principal, if requested by any person who is a party to the bail contract, or any person providing funds or collateral for bail on the principal's behalf;

**(13) Submitting a fraudulent, deceptive, or misleading financial statement or statement of outstanding bonds to the department or a court in this state.**

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or

more of the causes stated in subsection 1 of this section have been met, the director may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint at the administrative hearing commission, the director and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the director may issue a cease and desist order or may seek an injunction in a court of competent jurisdiction pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license or violating any other provisions of sections 374.695 to 374.789.

374.757. 1. Any agent licensed by sections 374.695 to [374.775] **374.789** who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a [violation of] **cause for discipline under** section 374.755 or **374.787** and may in addition be punished pursuant to that section.

2. The surety recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

374.760. **1.** Each general bail bond agent shall file, [between the first and tenth day of each month, sworn affidavits with the department stating that there are no unsatisfied judgments against him. Such affidavits shall be in the form and manner prescribed by the department] **with the initial application for licensure and annually with the March thirty-first quarterly financial statement thereafter, the following information:**

**(1) A financial statement in a form determined by the department to be used as proof of security for bail bonds written in this state. Acceptable assets for security consist of the following:**

**(a) Real estate located in the state of Missouri;**

**(b) Certificates of deposit issued by a FDIC-insured or NCUA-insured financial institution located in the state of Missouri or cash held on deposit by such institutions;**

**(c) Amounts of joint deposit in accordance with subsection 2 of section 374.715 or section 374.740;**  
**or**

**(d) Any asset that is not in the form of real estate, cash, or certificates of deposit issued by a FDIC-insured or NCUA-insured financial institution that has been specifically approved by the department;**

**(2) If the property used as an asset is real estate, the general bail bond agent shall submit to the department:**

**(a) A complete real estate appraisal conducted within the last two years by a Missouri licensed real estate appraiser showing the total market value of the property and a general description of such property or a true copy of the current real estate tax assessment thereof;**

**(b) An ownership and encumbrance report from a Missouri licensed title company; and**

**(c) When applicable, a copy of the mortgage statement from any federal or state financial institution showing the amounts due under any obligations secured by liens or similar encumbrances against the real estate, including any delinquent taxes, within one year of the date of submission. At its discretion, the department may require additional documentation to verify these amounts;**

**(3) Each general bail bond agent shall notify the director within ten days of any transfer or encumbrance of real estate included in the general bail bond agent's statement of assets;**

**(4) If the property used as an asset is a certificate of deposit or cash, a true and complete copy of a bank statement or other documentation from a financial institution dated within one month of the date of submission showing the value of the account shall be submitted as verification.**

**2. Each general bail bond agent shall file a quarterly financial statement within thirty days of the end of each calendar quarter after initial licensure as a general bail bond agent or more often if so directed by the department. Each general bail bond agent shall file a statement of outstanding bonds with the department within five days of the first day of each month. Such statement of outstanding bonds shall be in the form and manner prescribed by the department. Failure to file the quarterly financial statement or monthly statement of outstanding bonds will result in immediate removal of the general bail bond agent from the preapproved list of general bail bond agents kept by the department and is a cause to file a complaint against the general bail bond agent under section 374.755.**

**(1) To verify the value of the quarterly reported assets and liabilities, the general bail bond agent shall submit copies of the monthly bank statements reporting the value of the reported certificates of deposit and cash balances received since the initial application or prior quarterly financial statement filed with the department. The general bail bond agent may, at his or her discretion, submit updated appraisals as often as desired to support the market value of any real estate.**

**(2) The amount of bonds a general bail bond agent may issue shall not exceed the limitations set forth in subsections 3 and 4 of this section. The department may, at its discretion, request copies of all issued bonds reported on the statement of outstanding bonds.**

**3. The director shall provide a list of all preapproved general bail bond agents to the courts in a form and manner prescribed by the director on at least a monthly basis. A general bail bond agent shall be preapproved to write outstanding bonds totaling fifteen times the general bail bond agent's assets less encumbrances. When the amount of a general bail bond agent's outstanding bonds is equal to or greater than fifteen times the general bail bond agent's assets less encumbrances, the general bail bond agent shall be removed from the preapproved list until the general bail bond agent can demonstrate to the department that either the amount of outstanding bonds has been reduced below fifteen times the amount of the general bail bond agent's assets or that additional assets have been secured to allow outstanding bonds to fall below fifteen times the amount of the general bail bond**

agent's assets. Such additionally secured assets shall be submitted on a revised quarterly financial statement with the appropriate supporting documentation. The department shall update the preapproved list of general bail bond agents on at least a monthly basis.

**4. For general bail bond agents acting as property bail bondsmen, the value of any particular bond issued shall not exceed fifty percent of the general bail bond agent's secured assets less encumbrances unless specifically approved by the court. The general bail bond agent shall, within ten days of its issuance, notify the department and provide a copy of such bond and the court's approval.**

**5. Intentionally providing fraudulent, deceptive, or misleading financial statements or statements of outstanding bonds to the department or a court in this state is a class D felony.**

374.763. 1. [If any final judgment ordering forfeiture of a defendant's bond is not paid within a six-month period of time, the court shall extend the judgment date or notify the department of the failure to satisfy such judgment.] **If a bond is posted by a surety, who charges or receives compensation for signing a bond, and the defendant fails to appear at a required court appearance, the court shall immediately issue a warrant for arrest for the defendant, and shall enter a bond forfeiture in favor of the state or municipality and against the general bail bond agent and insurer. The general bail bond agent shall be allowed at least ninety days after the defendant's failure to appear before a forfeiture shall be considered a final judgment, subject to the provisions set forth in this section. The forfeiture automatically becomes a final judgment on the ninetieth day unless the court extends the time for final judgment entry. The clerk of the court shall immediately provide notice of the forfeiture order to the general bail bond agent or insurer at the address on file with the court. This section shall apply to all divisions of the circuit court hearing such matters, including municipal divisions.**

**2. At any time, upon request of the general bail bond agent, bail bond agent, or surety recovery agent, the clerk of the court shall, for the usual cost for certified copies, provide a certified copy of the bond to such agent.**

**3. The court shall extend the date for entry of final judgment no less than ninety additional days, if the agent tenders to the court the full amount of the criminal appearance bond.**

**4. The forfeiture order shall be set aside, if before final judgment or within thirty days after the date of final judgment, the general bail bond agent establishes:**

**(1) The defendant is incarcerated somewhere in the United States and is unavailable for return to the court;**

**(2) The defendant was incarcerated somewhere in the United States after the date the defendant failed to appear but prior to the date of final judgment;**

**(3) The defendant is being held in another jurisdiction and has asked the court for leave to return to the court issuing the warrant;**

**(4) The defendant has been deported;**

**(5) The defendant has died; or**

**(6) Other just causes accepted by the court.**

**5. When the judgment under this section is final, the clerk of the court shall immediately notify the department. Except in municipal divisions, when the judgment is final, the clerk of the court shall**

file a copy of the final judgment in the office of the clerk of the circuit court. The clerk of the circuit court shall file such judgment and enter it in the record of the circuit court for judgments and decrees under the procedure prescribed for filing transcripts of judgments.

**6. Unless notice of appeal of the final judgment is filed, thirty days after final judgment, the court shall distribute the amount tendered in accordance with the law and notify the department of the satisfaction. If notice of appeal is filed, the amount tendered shall not be distributed, and shall remain as tendered to the court pending appeal.**

**7. Thirty days after final judgment, if the bond forfeiture has not been paid, the general bail bond agent's authorization to write bail bonds in the state of Missouri shall immediately be suspended until that judgment has been satisfied, vacated, or otherwise discharged by order of the court and the director shall draw upon the assets of the surety, remit the sum to the court, and obtain a receipt of such sum from the court. The director may take action as provided by section 374.755, regarding the license of the surety and any bail bond agents writing upon the surety's liability. The department shall notify the courts when a general bail bond agent's authorization to write bail bonds in the state of Missouri has been suspended and when it has been reinstated.**

**8. Thirty days after final judgment, if an insurer fails to pay a bond forfeiture, the insurer's authorization to transact surety business in the state of Missouri shall immediately be suspended until that judgment has been satisfied, vacated, or otherwise discharged by order of the court. The department shall notify the courts when an insurer's authorization to transact surety business in the state of Missouri has been suspended and when it has been reinstated.**

[2.] **9.** The department shall furnish to the presiding judge of each circuit court of this state, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and general bail bond agents whose licenses are not subject to pending suspension or revocation proceedings, and who are not subject to unsatisfied bond forfeiture judgments. In lieu of such list, the department may provide this information to each presiding judge in an electronic format.

[3.] **10.** All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirement, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule. **In all cases where the court has set a bond requiring a percentage deposit, a licensed surety may satisfy such bond by posting a surety bond in the full face amount of the bond.**

**374.766. 1. If the director determines that a person has engaged in or is engaging in An Act, practice, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued or pursuant thereto, or that a person has materially aided or is materially aiding an act, omission, or course of constituting a violation of sections 374.702 to 374.789 or a rule adopted or order pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, and 374.789 is a level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a level three violation under section 374.049. A violation of section 374.788 is a level four violation under section 374.049.**

**2. If the director believes that a person has engaged in or is engaging in An Act, practice, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding An Act practice,**

**omission, or course of business constituting a violation of sections 374.702 to 374.789 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048. A violation of sections 374.702, 374.710, 374.716, 374.719, 374.775, 374.783, or 374.789 is a level two violation under section 374.049. A violation of sections 374.717 or 374.757 is a level three violation under section 374.049. A violation of section 374.788 is a level four violation under section 374.049.**

374.770. [1. If there is a breach of the contract of the bond, the court in which the case is pending shall declare a bond forfeiture, unless the surety upon such bond informs the court that the defendant is incarcerated somewhere within the United States. If forfeiture is not ordered because the defendant is incarcerated somewhere within the United States, the surety is responsible for the return of the defendant. If bond forfeiture is ordered and the surety can subsequently prove the defendant is incarcerated somewhere within the United States, then the bond forfeiture shall be set aside and the surety be responsible for the return of the defendant. When the surety notifies the court of the whereabouts of the defendant, a hold order shall be placed by the court having jurisdiction on the defendant in the state in which the defendant is being held.

2.] In all instances in which a bail bond agent or general bail bond agent duly licensed by sections 374.700 to 374.775 has given his bond for bail for any defendant who has absented himself in violation of the condition of such bond, the bail bond agent or general bail bond agent shall have the first opportunity to return such defendant to the proper court. If he is unable to return such defendant, the state of Missouri shall return such defendant to the proper court for prosecution, and all costs incurred by the state in so returning a defendant may be levied against the bail bond agent or general bail bond agent in question.

374.775. [When issuing bonds of one thousand dollars or less, licensed bail bond agents or general bail bond agents may charge a minimum premium of fifty dollars. In connection with such] **For bonds of one thousand dollars or less, except for the initial premium agreed to,** no bail bond agent, general bail bond agent, or corporation shall charge or receive any additional fee for investigations or services rendered in connection with the execution of the bond.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.783 to 374.789. Licensed bail bond agents and general bail bond agents may perform fugitive recovery without being licensed as a surety recovery agent.

2. The director shall have authority to license all surety recovery agents in this state. The director shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.783 to 374.789.

3. The director shall have the power to:

(1) Set and determine the amount of the fees authorized and required pursuant to sections 374.783 to 374.789. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.783 to 374.789. However, such fees shall not exceed [one] **three** hundred [fifty] dollars for a two-year license; and

(2) Determine the sufficient qualifications of applicants for a license.

4. The director shall license for a period of two years all surety recovery agents in this state who meet the requirements of sections 374.783 to 374.789.

374.784. 1. Applications for examination and licensure as a surety recovery agent shall be submitted on forms prescribed by the department and shall contain such information as the department requires, along with a copy of the front and back of a photographic identification card.

2. Each application shall be accompanied by proof satisfactory to the director that the applicant is a citizen of the United States, is at least twenty-one years of age, and has a high school diploma or a general educational development certificate (GED). An applicant shall furnish evidence of such person's qualifications by completing an approved surety recovery agent course with at least [twenty-four] **forty** hours of initial minimum training. The director shall determine which institutions, organizations, associations, and individuals shall be eligible to provide said training. Said instructions and fees associated therewith shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

3. In addition to said twenty-four hours of initial minimum training, licensees shall be required to receive eight hours of biennial continuing education of which said instructions and fees shall be identical or similar to those prescribed in section 374.710 for bail bond agents and general bail bond agents.

4. Applicants for surety recovery agents licensing shall be exempt from said requirements of the twenty-four hours of initial minimum training if applicants provide proof of prior training as a law enforcement officer with at least two years of such service within the ten years prior to the application being submitted to the department.

5. The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621, RSMo.

374.785. 1. The director shall issue a license for a period of two years to any surety recovery agent who is licensed in another jurisdiction and who:

(1) Has no violations, suspensions, or revocations of a license to engage in fugitive recovery in any jurisdiction; and

(2) Is licensed in a jurisdiction whose requirements are substantially equal to or greater than the requirements for a surety recovery agent license in Missouri at the time the applicant applies for a license.

2. Any surety recovery agent who is licensed in another state shall also be subject to the same training requirements as in-state surety recovery agents prescribe to under section 374.784.

3. [For the purpose of surrender of the defendant, a surety recovery agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

4.] Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as required of resident applicants. Within the limits provided in this section, the director may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.788. 1. A bail bond agent having probable grounds to believe a subject free on his or her bond has

failed to appear as directed by a court, has breached the terms of the subject's surety agreement, or has taken a substantial step toward absconding may utilize all lawful means to apprehend the subject. To surrender a subject to a court, a licensed bail bond or surety recovery agent having probable grounds to believe the subject is free on his or her bond may:

(1) Detain the subject in a lawful manner, for a reasonable time, provided that in the event travel from another state is involved, the detention period may include reasonable travel time not to exceed seventy-two hours;

(2) Transport a subject in a lawful manner from **another** state to **within the state of Missouri**, and **from** county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a lawful manner to execute apprehension of a subject.

2. A surety recovery agent who apprehends a subject pursuant to the provisions of subsection 1 of this section shall surrender custody of the subject to the court of jurisdiction.

3. When a surety recovery agent is in the process of performing fugitive recovery, a photographic identification card shall be prominently displayed on his or her person.

**4. For the purpose of surrender of the defendant, a bail bond agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.”; and**

Further amend said bill, page 94, section B, line 21 of said page, by inserting after all of said line the following:

“Section C. The enactment of section 374.766 and the repeal and reenactment of sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788 of section A of this act shall become effective January 1, 2011.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 94, Section 571.030, Line 13 of said page, by inserting after all of said line the following:

“[226.095. Upon request of the plaintiff in a negligence action against the department of transportation as defendant, the case shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo.]”;

Further amend the title and enacting clause accordingly.

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

Senator Goodman offered **SA 8**:

## SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 69, Section 494.455, Line 9 of said page, by inserting after all of said line the following:

“511.580. 1. Satisfaction may be entered by the plaintiff in person, by his attorney of record, or by his agent duly authorized, in writing, under the hand of the plaintiff.

**2. When a judgment from any other state or territory of the United States is paid or presumed to be paid and satisfied by operation of law in that state or territory, it shall have the same effect in this state.**

**3. When a judgment under subsection 2 of this section is deemed satisfied, the judgment debtor may file a verified motion in any action seeking to enforce such satisfied judgment to acknowledge that the judgment is satisfied. The verified motion shall set forth a copy of the judgment and the date of its entry all authenticated in the manner authorized by the laws of the United States or of this state, and either proof of payment or a copy of the applicable statute from the other state or territory demonstrating that the judgment is presumed to be paid and satisfied by operation of law in that state or territory. The judgment debtor shall serve such motion upon the judgment creditor or assignee. This acknowledgment of satisfaction shall be entered by the court unless the judgment creditor, or assignee, objects within thirty days after service. In the event a judgment creditor objects within the thirty days after service, the court shall set a hearing to determine whether the judgment debtor has complied with this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted, which motion failed.

Senator Goodman offered **SA 9**:

## SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 3, Section 58.370, Line 13 of said page, by inserting after all of said line the following:

“60.650. For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners [that create a new parcel of land] shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 37, Section 452.340, Line 24, by inserting after all of said line the following:

“452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for

modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance, **or if the former spouse receiving alimony or maintenance is cohabiting with or has cohabited with another person in a continuing, conjugal relationship.**

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance

with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Page 15, Section 211.031, Line 13 of said page, by inserting after all of said line the following:

“429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for such person's landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or lessee on which the building or improvements are situated, to the extent of [one acre] **three acres**. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering or land surveying.

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for such person's work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of [one acre] **three acres**, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county

having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for such person's work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or lessee on which the same are situated, to the extent of [one acre] **three acres**. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or lessee thereof, or such owner's or lessee's agent or trustee, contracted for such professional services directly with the design professional or corporation asserting the lien; and

(2) The owner or lessee is the owner or lessee of such real property either at the time the contract is made or at the time the lien is filed.

6. Priority between a design professional or corporation lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis.

7. In any civil action, the owner or lessee may assert defenses which include that the actual construction of the planned work or improvement has not been performed in compliance with the professional services contract, is impracticable or is economically infeasible.

8. The agreement is in writing.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 12**, which was read:

**SENATE AMENDMENT NO. 12**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1609, Pages 15-28, Section 429.016, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Green, **SA 12** was withdrawn.

At the request of Senator Bartle, **HB 1609**, with **SCS** and **SS No. 2** for **SCS**, as amended, was placed on the Informal Calendar.

Senator Engler announced that photographers from KODE-TV were given permission to take pictures

in the Senate Chamber today.

### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 6, 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:

Brandt W. Shields, 47 Southeast Erin Court, Saint Joseph, Buchanan County, Missouri 64507, as the student representative of the Missouri State University Board of Governors, for a term ending December 31, 2011 and until his successor is duly appointed and qualified; vice, Ashley M. Hoyer, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 6, 2010

**To the Senate of the 95th General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Glenn Talboy, Jr. to the Drug Utilization Review Board, submitted on March 25, 2010. Line 1 should be amended as follows:

“Glenn Talboy, Jr., 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152,”

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

### 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 **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 Governmental Accountability and Fiscal Oversight, to which was referred **HCS No. 2** for **HB 1543**, with **SCS**, 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 1868**, 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 **HCS** for **HB 1316**, with **SCS**, 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 **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 Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HB 1965**, 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 2226**, **HB 1824**, **HB 1832** and **HB 1990**, 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 **HCS** for **HBs 1311** and **1341**, with **SCS**, 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 **SJR 20**, 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 **HCS** for **HB 2357**, 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 **HCS No. 2** for **HBs 1692**, **1209**, **1405**, **1499**, **1535** and **1811**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Senator Lembke moved that **SS** for **HCS** for **HBs 1408** and **1541** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HBs 1408** and **1541** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	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—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	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—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

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.

Senator Shields moved that **SCS** for **HB 1868**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HB 1868**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt

Scott            Shields            Shoemyer            Stouffer            Vogel            Wilson            Wright-Jones—31

NAYS—Senator Purgason—1

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Purgason—1

Absent—Senator Green—1

Absent with leave—Senator Clemens—1

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.

Senator Bray moved that **HB 1894**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**HB 1894**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	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—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Cunningham moved that **SCS** for **HCS** for **HB 1965**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 1965**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	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—Senator Green—1

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Scott moved that **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Lembke	Purgason	Ridgeway—3
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Crowell moved that **SS** for **HCS** for **HB 2357**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 2357**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna	Pearce
Purgason	Ridgeway	Rupp	Schmitt	Scott	Shields	Stouffer	Vogel

Wilson—25

NAYS—Senators

Barnitz	Bray	Days	Justus	Nodler	Schaefer	Shoemyer	Wright-Jones—8
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Absent—Senators—None

Absent with leave—Senator Clemens—1

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.

**HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 1311** and **1341**, with **SCS**, entitled:

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to insurance coverage for diagnosis and treatment of autism spectrum disorders, with penalty provisions.

Was taken up by Senator Rupp.

**SCS** for **HCS** for **HBs 1311** and **1341**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1311 and 1341

An Act to amend chapters 337 and 376, RSMo, by adding thereto eleven new sections relating to the treatment of autism spectrum disorders, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **HCS** for **HBs 1311** and **1341** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HCS** for **HBs 1311** and **1341** 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	Rupp	Schaefer	Schmitt	Shields	Shoemyer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Cunningham	Purgason	Ridgeway	Scott	Stouffer—6
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Absent—Senators—None

Absent with leave—Senator Clemens—1

Vacancies—None

The President declared the bill passed.

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

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

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

### PRIVILEGED MOTIONS

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SB 795**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### 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 **SB 771**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SCS** for **SB 774**.

Bill ordered enrolled.

### **RESOLUTIONS**

Senator Keaveny offered Senate Resolution No. 2454, regarding Kiera Christian Wilson, Riverview Gardens, which was adopted.

Senator Green offered Senate Resolution No. 2455, regarding Tiffany Maria McAllister, Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 2456, regarding Lon D. Lowrey, RPh, Florissant, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Wilson introduced to the Senate, the Physician of the Day, Dr. Jasper Fullard, M.D., Kansas City.

Senator Schmitt introduced to the Senate, eighty fourth grade students from Westchester Elementary School, Kirkwood; and Kendall Pilcher, Scott Janasik and Brian Tretter were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 3:00 p.m., Monday, May 10, 2010.

### **SENATE CALENDAR**

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**SIXTY-SIXTH DAY—MONDAY, MAY 10, 2010**

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### **FORMAL CALENDAR**

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

SB 627-Justus (In Fiscal Oversight)

SJR 20-Bartle

SB 779-Bartle (In Fiscal Oversight)

SCS for SB 944-Shields

(In Fiscal Oversight)

SCS for SB 622-Shoemyer

(In Fiscal Oversight)

SS for SB 1057-Shields

(In Fiscal Oversight)

SCS for SB 969-Keaveny

#### **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)

HCS for HB 1497 (Goodman)  
(In Fiscal Oversight)

HCS for HBs 1695, 1742 & 1674, with  
SCS (Schaefer) (In Fiscal Oversight)

HCS for HB 1316, with SCS (Nodler)

HCS#2 for HB 1543, with SCS (Pearce)

HB 1802-Gatschenberger, with SCS (Rupp)

## 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  
SB 587-Nodler and Cunningham, with SCS &  
SA 1 (pending)  
SB 596-Callahan, with SCS (pending)  
SB 606-Stouffer  
SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)  
SB 639-Schmitt, with SCS & SS for SCS  
(pending)  
SB 643-Keaveny, with SCS, SS for SCS,  
SA 1 & SA 1 to 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 797-Green  
SB 810-Lager, with SCS  
SB 818-Lembke, with SCS, SS for SCS &  
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

SB 878-Lembke, with SCS & SS for SCS  
(pending)  
SBs 880, 780 & 836-Schaefer, with SCS,  
SS for 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 896-Shields and Crowell, with SA 1  
(pending)  
SB 905-Bray, et al, with SCS & SS for  
SCS (pending)  
SB 999-Schaefer  
SB 1016-Mayer, with SCS  
SB 1017-Mayer, with SCS (pending)  
SB 1060-Bartle, with SCS  
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 & SA 1 (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

HCS for HB 1290, with SCS, SS#2 for SCS,  
SA 14 & SA 1 to SA 14 (pending)  
(Griesheimer)  
HCS for HB 1375, with SCS (Justus)  
HB 1424-Franz, with SCS (pending)  
(McKenna)  
HCS for HB 1446, with SCS (Pearce)  
HCS for HB 1541, with SCS (Goodman)  
HB 1559-Brown (30) (Shields)  
HB 1595-Dugger, et al (Purgason)  
HB 1609-Diehl, with SCS & SS#2 for SCS  
(pending) (Bartle)  
HCS#2 for HBs 1692, 1209, 1405, 1499,  
1535 & 1811, with SCS (Cunningham)

HB 1842-Wilson (130) (Goodman)  
HCS for HB 1893, with SS & SA 2  
(pending) (Dempsey)  
HCS for HB 2048, with SCS (Lager)  
HCS for HB 2070 (Schaefer)  
HB 2109-Ruzicka, with SCS (Lager)  
SS for SCS for HB 2111-Faith, et al  
(Stouffer) (In Fiscal Oversight)  
HB 2285-Thomson, with SCS (Lager)  
HCS for HJR 86, with SCS & SS for SCS  
(pending) (Stouffer)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 630-Cunningham, with HA 1 &  
HA 2  
SCS for SB 644-Shields, with HA 1, HA 2  
& HA 3

SB 773-Dempsey, with HA 1  
SCS for SBs 842, 799 & 809-Schmitt,  
with HCS, as amended  
SCS for SB 942-Rupp, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 605-Mayer, with HCS,  
as amended  
SCS for SB 733-Pearce, with HCS,  
as amended  
SCS for SB 754-Dempsey, with HCS,  
as amended

HB 1442-Jones (89), et al, with SS for  
SCS, as amended (Nodler)  
HCS for HB 2297, with SCS,  
as amended (Wilson)

Requests to Recede or Grant Conference

SB 795-Mayer and Nodler, with HCS as  
amended (Senate requests House  
recede or grant conference)

SB 987-Stouffer, with HCS, as amended  
(Senate requests House recede or  
grant conference)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1  
HCS for HCR 18, with SA 1 (pending) (Rupp)  
SCR 46-Stouffer

HCS for HCRs 34 & 35 (Schmitt)  
SR 1744-Shields  
SCR 57-Ridgeway

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