

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 14, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“(I am the Lord:) I will grant peace in the land and you shall lie down and no one shall make you afraid.” (Leviticus 26:6)

Blessed Lord, the hours are numbered and will count down quickly and then the tensions and anxiety of this session and this day will end. But before the final gavel is struck we have many bills before us and work that we want to accomplish. So sustain us and walk with us and bless our efforts so we may yet produce effective and wholesome legislation. Then bring us peace of mind and body and may our spirits soar with You our God. 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	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 2534, regarding Linda J. Gray, Memphis, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2535, regarding the First Place Kirksville High School Academic Competition Team, which was adopted.

Senator Goodman offered Senate Resolution No. 2536, regarding William Lynch, which was adopted.

Senator Schaefer offered Senate Resolution No. 2537, regarding Dr. Arden Boyer-Stephens, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 2538, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Beussink, Jackson, which was adopted.

Senator Bray offered Senate Resolution No. 2539, regarding Denice C. Mitchell, St. Louis, which was adopted.

Senator Engler announced that photographers from the Associated Press, KRCG-TV and the Joplin Globe were given permission to take pictures in the Senate Chamber today.

Senator Lager assumed the Chair.

PRIVILEGED MOTIONS

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 1007**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 1007

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 1007, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Bill No. 1007;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1007, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey
/s/ Eric S. Schmitt
/s/ Jason Crowell
/s/ Jolie Justus
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Wayne Cooper
/s/ David Sater
/s/ Ellen Brandom
/s/ Rebecca McClanahan
/s/ Tishaura Jones

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators

Pearce Purgason Shoemyer—3

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **CCS for HCS for SS for SB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 1007

An Act to repeal sections 172.850, 199.010, 199.200, 199.210, 199.230, 199.240, 199.250, 199.260, 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, 660.300, 660.425, and 660.465, RSMo, and to enact in lieu thereof twenty new sections relating to public assistance programs administered by the state, with penalty provisions for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Pearce Purgason—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

Senator Dempsey 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 the Warrensburg Daily Star-Journal were given permission to take pictures in the Senate Chamber today.

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 842, 799 & 809

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 4 to House Amendment No. 2, House Amendment No. 2, as amended, and House Amendment Nos. 3, 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, as amended;

2. The Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 842, 799 & 809, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric S. Schmitt

/s/ Jason Crowell

/s/ Tom Dempsey

/s/ Victor E. Callahan

/s/ Jolie Justus

FOR THE HOUSE:

/s/ Rick Stream

/s/ David Sater

/s/ Tim Jones

/s/ Rebecca McClanahan

/s/ Tom McDonald

Senator Schmitt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schmitt, **CCS** for **HCS** for **SCS** for **SBs 842, 799 and 809**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 842, 799 & 809

An Act to repeal sections 208.010, 208.215, 208.453, 208.895, 208.909, 208.918, 660.300, 660.425, 660.430, 660.435, 660.445, 660.455, 660.460, and 660.465, RSMo, and to enact in lieu thereof sixteen new sections relating to public assistance programs administered by the state, with penalty provisions, and an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Purgason Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

On motion of Senator Engler, the Senate recessed until 11:00 a.m.

RECESS

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

Senator Engler announced that photographers from KCTV, Missouri Lawyers Media and KOLR-TV were given permission to take pictures in the Senate Chamber today.

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 adopted the Conference Committee Report on **HCS** for **HB 2070**, as amended, and has taken up and passed **CCS** for **HCS** for **HB 2070**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Wilson, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2297**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2297

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2297;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2297, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Anne Zerr
/s/ Jerry Nolte
/s/ Maynard Wallace
/s/ Jacob Hummel
/s/ Paul LeVota

FOR THE SENATE:

/s/ Yvonne S. Wilson
/s/ Joseph P. Keaveny
/s/ Charlie Shields
/s/ David Pearce
/s/ Carl M. Vogel

Senator Wilson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz Bartle Callahan Champion Clemens Crowell Cunningham Days

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—32

NAYS—Senator Bray—1

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

Senator Wilson moved that **CCS** for **SCS** for **HCS** for **HB 2297**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2297

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

Be taken up for 3rd reading and final passage.

At the request of Senator Wilson, the above motion was withdrawn.

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1442**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1442

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1442, as amended;
2. That the House recede from its position on House Bill No. 1442;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1442, be Third Read and Finally Passed.

FOR THE HOUSE:
/s/ Tim Jones
/s/ Shane Schoeller

FOR THE SENATE:
/s/ Gary Nodler
/s/ Jason G. Crowell

/s/ David Day
 /s/ Trent Skaggs
 /s/ Jeff Roorda

/s/ John E. Griesheimer
 /s/ Timothy Green
 /s/ Victor E. Callahan

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SS** for **SCS** for **HB 1442**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1442

An Act to repeal sections 67.1000, 67.1360, 67.1361, 67.2000, 70.220, 94.510, 94.577, 94.900, 94.902, 138.431, and 144.030, RSMo, and to enact in lieu thereof nineteen new sections relating to taxes, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Goodman—1

Absent with leave—Senators—None

Vacancies—None

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

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

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

HOUSE BILLS ON THIRD READING

HCS for **HB 1473**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2201**, with **SCS**, entitled:

An Act to repeal sections 443.701, 443.703, 443.731, and 443.849, RSMo, and to enact in lieu thereof five new sections relating to the Missouri secure and fair enforcement residential mortgage licensing act, with an emergency clause.

Was taken up by Senator Schaefer.

Senator Griesheimer assumed the Chair.

SCS for **HCS** for **HB 2201**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2201

An Act to repeal sections 443.701 and 443.703, RSMo, and to enact in lieu thereof three new sections relating to the Missouri secure and fair enforcement residential mortgage licensing act, with an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2201** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 2201**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2201

An Act to repeal sections 443.701, 443.703, 443.805, and 475.190, RSMo, and to enact in lieu thereof four new sections relating to financial institutions, with an emergency clause for certain sections.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 2201** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 2201** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

HCS for HBs 1524 and 2260, with SCS, entitled:

An Act to repeal sections 34.074, 41.030, 41.216, 41.470, 41.480, 41.500, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof thirty new sections relating to military forces, with an emergency clause for certain sections.

Was taken up by Senator Pearce.

SCS for HCS for HBs 1524 and 2260, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1524 and 2260

An Act to repeal sections 41.030, 41.216, 41.560, 115.279, 115.281, 115.287, 115.291, 115.292, 143.1004, 160.545, 194.119, 447.503, and 447.559, RSMo, and to enact in lieu thereof twenty-seven new sections relating to military forces, with an emergency clause for certain sections.

Was taken up.

Senator Pearce moved that **SCS for HCS for HBs 1524 and 2260** be adopted.

Senator Cunningham offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1524 and 2260, Page 1, Section A, Line 7, by inserting after all of said line the following:

“34.074. 1. As used in this section, the term “service-disabled veteran” means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans’ affairs.

2. As used in this section, the term “service-disabled veteran business” means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give a **three-point bonus** preference to **service**-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business[, when the quality of performance promised is equal or better and the price quoted is the same or less. The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable].

4. In implementing the provisions of subsection 3 of this section, the following shall apply:

(1) The commissioner of administration shall have the goal of three percent of all such contracts described in subsection 3 of this section to be let to such veterans;

(2) If no **or an insufficient number of** such veterans doing business in this state [meet the quality of performance and price standards required in subsection 3 of this section] **submit a bid or proposal for a contract let by an agency, department, institution, or other entity of the state or a political**

subdivision, such [preference] **goal** shall not be required **and the provisions of subdivision (1) of this subsection shall not apply**;

(3) The commissioner of administration may promulgate rules in order to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or disapprove and annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce moved that **SCS for HCS for HBs 1524 and 2260**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SCS for HCS for HBs 1524 and 2260**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SCS for HCS for HBs 1524 and 2260**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 795**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 795

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6, and House Substitute Amendment No. 1 for House Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 795, as amended;
2. The Senate recede from its position on Senate Bill No. 795;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robert Mayer

/s/ Dan Clemens

FOR THE HOUSE:

/s/ Tom Loehner

/s/ Charlie Schlottach

Chuck Purgason
/s/ Frank A. Barnitz
/s/ Wes Shoemyer

/s/ Brian Munzlinger
/s/ Belinda Harris
/s/ Tom Shively

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators

Bartle	Justus	Keaveny	Lembke	Purgason	Schaefer—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SB 795**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 795

An Act to repeal sections 196.316, 266.355, 270.260, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, and 393.1030, RSMo, and to enact in lieu thereof thirty new sections relating to animals and agriculture, with penalty provisions, and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna	Nodler
Pearce	Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer	Stouffer
Vogel	Wilson	Wright-Jones—27					

NAYS—Senators

Bartle	Cunningham	Justus	Keaveny	Lembke	Purgason	Schaefer—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Bartle	Cunningham	Justus	Keaveny	Purgason	Schaefer—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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 KMOV-TV and the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

Senator Dempsey moved that **SB 773**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Pearce assumed the Chair.

Senator Dempsey moved that the above amendment be adopted.

President Pro Tem Shields assumed the Chair.

At the request of Senator Dempsey, the motion to adopt **HA 1** was withdrawn.

Senator Pearce assumed the Chair.

On motion of Senator Engler, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Shields.

Senator Engler announced that photographers from KMIZ-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 report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HCS** for **HBs 1524** and **2260**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2226,
HOUSE BILL NO. 1824,
HOUSE BILL NO. 1832, AND
HOUSE BILL NO. 1990

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, with Senate Amendment Nos. 1, 2, 3, 6, 7, 11, 12, and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, as amended;
2. That the House recede from its position on House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2226, House Bill No. 1824, House Bill No. 1832, and House Bill No. 1990, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jay Wasson
/s/ David Day
/s/ Donald Wells
/s/ Jeff Roorda
/s/ Charlie Norr

FOR THE SENATE:

/s/ Delbert L. Scott
/s/ Jane Cunningham
/s/ Robert Mayer
/s/ Joseph P. Keaveny
/s/ Ryan McKenna

Senator Bartle assumed the Chair.

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **CCS** for **SCS** for **HB 2226**, **HB 1824**, **HB 1832** and **HB 1990**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2226
HOUSE BILL NO. 1824
HOUSE BILL NO. 1832 AND
HOUSE BILL NO. 1990

An Act to repeal sections 208.215, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 324.1100, 324.1110, 324.1112, 324.1114, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 327.031, 327.041, 327.351, 327.411, 332.011, 334.100, 334.506, 334.613, 334.735, 335.081, 337.528, 337.600, 337.603, 337.615, 337.618, 337.643, 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, 337.739, 338.333, 338.335, 338.337, 344.010, 344.020, 383.130, and 383.133, RSMo, and section 324.1102 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1102 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session, section 324.1118 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof eighty-one new sections relating to the regulation of certain professions, with penalty provisions for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager

Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

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.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1868**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1868**.

Emergency clause defeated.

PRIVILEGED MOTIONS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1868**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1868

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1868, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, Senate Amendment Nos. 2, 3, 5, 6, 7, 8, 9, Senate Amendment No. 1 to Senate Amendment No. 10, Senate Amendment No. 10, as amended, and Senate Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1868, as amended;
2. That the House recede from its position on House Bill No. 1868;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill

No. 1868, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dwight Scharnhorst
 /s/ Mark Bruns
 /s/ Denny Hoskins
 /s/ Jeff Roorda
 /s/ Hope Whitehead

FOR THE SENATE:

Charles W. Shields
 /s/ Kurt U. Schaefer
 /s/ Jason Crowell
 /s/ Joan Bray
 /s/ Timothy P. Green

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senator Purgason—1

Absent—Senators

Champion Engler Mayer—3

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Shields, **CCS** for **SCS** for **HB 1868**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1868**

An Act to repeal sections 36.031, 36.050, 36.060, 36.150, 36.280, 36.370, 36.380, 36.390, 36.400, 37.320, 43.040, 43.050, 58.445, 105.055, 109.250, 208.215, 301.716, 306.010, 306.161, 306.163, 306.165, 306.167, 306.168, 306.185, 306.227, 306.228, 306.229, 306.230, 306.232, 542.261, 544.157, 577.090, 621.015, 630.060, and 650.005, RSMo, and to enact in lieu thereof thirty-seven new sections relating to duties of agencies and officials operating within the executive branch, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Purgason—1

Absent—Senators

Engler Lager Mayer—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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 Goodman moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Pearce moved that **SCS** for **HCS** for **HBs 1524** and **2260**, 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 **HBs 1524** and **2260**, as amended was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS No. 2** for **HB 1543**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1543

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, with Senate Amendment No. 1, Senate Amendment No. 4, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, as amended;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 1543;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1543, be Third Read and Finally Passed.

FOR THE HOUSE:
/s/ Maynard Wallace
/s/ Rodney Schad
/s/ Rick Stream
/s/ Sara Lampe
/s/ Rachel L. Bringer

FOR THE SENATE:
/s/ David Pearce
/s/ Charlie Shields
/s/ Scott T. Rupp
/s/ Rita Heard Days
/s/ Yvonne S. Wilson

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp

Schaefer Schmitt Scott Shields Shoemyer Stouffer Vogel Wilson
Wright-Jones—33

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS for SS No. 2 for SCS for HCS No. 2 for HB 1543**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1543

An Act to repeal sections 160.261, 160.775, 161.209, 161.650, 167.029, 167.117, 167.621, 167.624, 167.627, 167.630, 168.221, 168.500, 168.515, and 178.697, RSMo, and to enact in lieu thereof sixteen new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz Bartle Bray Callahan Champion Clemens Crowell Cunningham
Days Dempsey Engler Goodman Green Griesheimer Justus Keaveny
Lager Lembke Mayer McKenna Nodler Pearce Purgason Rupp
Schaefer Schmitt Scott Shields Shoemyer Stouffer Vogel Wilson
Wright-Jones—33

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

Schmitt Scott Shields Shoemyer Stouffer Vogel Wilson Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Green Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

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 Callahan moved that the conference be dissolved on **HCS** for **SCS** for **SB 808**, as amended, and the Senate request the House to recede from its position and take up and pass **SCS** for **SB 808**, which motion prevailed.

Senator Callahan moved that the conference be dissolved on **HCS** for **SB 981**, as amended, and the Senate request the House to recede from its position and take up and pass **SB 981**, which motion prevailed.

Senator Dempsey moved that **SB 773**, with **HA 1**, be again taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was again taken up.

Senator Dempsey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey	Engler
Green	Griesheimer	Justus	Keaveny	Mayer	McKenna	Pearce	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shoemyer	Vogel	Wilson	Wright-Jones—24

NAYS—Senators

Barnitz	Bartle	Crowell	Goodman	Lager	Lembke	Nodler	Purgason
Stouffer—9							

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Dempsey, the motion for 3rd reading and final passage was withdrawn.

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 754**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 754

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, and House Substitute Amendment No. 1 for House Amendment No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, as amended;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 754;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 754, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Tom Dempsey
/s/ Delbert Scott
/s/ David Pearce
/s/ Jolie Justus
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ David Day
/s/ Don Wells
/s/ Jay Wasson
/s/ Curt Dougherty
/s/ Steve Webb

Senator Dempsey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senator Lembke—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dempsey, **CCS No. 2** for **HCS** for **SCS** for **SB 754**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 754

An Act to repeal sections 193.145, 193.265, 195.080, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 301.142, 334.735, 337.528, 338.100, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 344.010, and 344.020, RSMo, and to enact in lieu thereof fifty-two new sections relating to the licensing of certain professions, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Lembke—1

Absent—Senators

Engler Shields—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Lager moved that **HB 2109**, with **SCS** and **SS** for **SCS** (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 Lager, **HB 2109**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 2070**, with **SA 1**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2070

The Conference Committee appointed on House Committee Substitute for House Bill No. 2070, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill No. 2070, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 2070;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 2070, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Chris Kelly
/s/ Mark Bruns
/s/ Steve Hobbs
/s/ Jay Wasson
/s/ Paul Quinn

FOR THE SENATE:

/s/ Kurt U. Schaefer
/s/ James W. Lembke
/s/ David Pearce
/s/ Joan Bray
/s/ Wes Shoemyer

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	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

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schaefer, **CCS** for **HCS** for **HB 2070**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2070

An Act to repeal sections 321.243 and 650.399, RSMo, and to enact in lieu thereof two new sections relating to taxes for joint central fire and emergency dispatching services.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Engler	Shields—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 791**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 791

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 791, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 791, as amended;
2. The Senate recede from its position on Senate Bill No. 791;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 791, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John E. Griesheimer
/s/ Brad Lager
/s/ Tom Dempsey
Joan Bray
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Ed Emery
/s/ Darrell Pollock
/s/ Jeannie Riddle
/s/ Gina Walsh
/s/ Jake Zimmerman

Senator Griesheimer moved that the above conference committee report be adopted, which motion

prevailed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SB 791**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 791

An Act to repeal sections 204.300, 204.472, 204.571, and 250.233, RSMo, and to enact in lieu thereof five new sections relating to utilities.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **HCS No. 2** for **SCS** for **SB 778** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

The Conference Committee appointed on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778;
2. The Senate recede from its position on Senate Committee Substitute for Senate Bill No. 778;
3. That the attached Conference Committee Substitute for House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 778, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Pearce
/s/ Jason Crowell
/s/ John E. Griesheimer
/s/ Jolie Justus
/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Mike McGhee
/s/ Kenny Jones
Scott Largent
/s/ Paul Quinn
/s/ Tom Todd

Senator Pearce moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **HCS No. 2** for **SCS** for **SB 778**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof thirteen new sections relating to properties and the conveyance thereof, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 55**, with **HCS**, be taken up for adoption, which motion prevailed.
HCS for **SCR 55** was taken up.

Senator Nodler moved that **HCS** for **SCR 55** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCR 55**, as amended by **HCS**, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Shields assumed the Chair.

PRIVILEGED MOTIONS

Senator Wilson moved that **CCS** for **HCS** for **HB 2297** be again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Wilson, **CCS** for **HCS** for **HB 2297**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Days	Dempsey	Engler	Goodman	
Green	Griesheimer	Justus	Keaveny	Lager	Mayer	McKenna	Pearce	
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	
Vogel	Wilson	Wright-Jones—27						

NAYS—Senators

Bartle	Bray	Crowell	Cunningham	Lembke	Nodler	Purgason—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

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

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

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

Senator Griesheimer moved that the Senate recede from its position on **SA 1** to **HCS** for **HB 1977**, which motion prevailed.

Senator Griesheimer moved that the Senate recede from its position on **SA 2** to **HCS** for **HB 1977**, which motion prevailed.

On motion of Senator Griesheimer, **HCS** for **HB 1977** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

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

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

Senator Engler moved that motion lay on the table, 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 adopted **SCS** for **HCS** for **HB 1375** and has taken up and passed **SCS** for **HCS** for **HB 1375**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **HCS** for **HB 1893** and has taken up and passed **SS No. 2** for **HCS** for **HB 1893**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 2285**, as amended, and has taken up and passed **SCS** for **HB 2285**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCR 46** and has taken up and passed **HCR 46**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2058** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2058**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the Conference Committee on **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, and has adopted **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended, and has taken up and passed **SS** for **SCS** for **HCS No. 2** for **HBs 1692, 1209, 1405, 1499, 1535** and **1811**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 795**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 795**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HBs 2262** and **2264** and has taken up and passed **HCS** for **HBs 2262** and **2264**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS No. 2** for **HB 1472** and has taken up and passed **HCS No. 2** for **HB 1472**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1516** and has taken up and passed **SCS** for **HCS** for **HB 1516**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HBs 1695, 1742** and **1674**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 1695, 1742** and **1674**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1392** and has taken up and passed **SCS** for **HB 1392**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1892** and has taken up and passed **SCS** for **HB 1892**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1831** and has taken up and passed **SCS** for **HB 1831**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 1848** and has taken up and passed **SS** for **HCS** for **HB 1848**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 38** and has taken up and passed **HCR 38**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1858** and has taken up and passed **SCS** for **HCS** for **HB 1858**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** to **HB 1894** and has taken up and passed **HB 1894**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1444** and has taken up and passed **SCS** for **HB 1444**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1903** and has taken up and passed **SCS** for **HCS** for **HB 1903**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 793**.

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 **SS** for **SCS** for **SB 884**.

Emergency clause adopted.

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 adopted the Conference Committee Report No. 3 on **HCS No. 2** for **SB 844** and has taken up and passed **CCS No. 3** for **HCS No. 2** for **SB 844**.

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 adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 842, 799 and 809**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 842, 799 and 809**.

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 adopted the Conference Committee Report on **HCS** for **SB 1007**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 1007**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SCS** for **SB 808**, as amended, and has taken up and passed **SCS** for **SB 808**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has receded from its position on **HCS** for **SB 981**, as amended, and has taken up and passed **SB 981**.

Emergency clause defeated.

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 adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 754**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 754**.

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 adopted the Conference Committee Report on **HCS** for **SB 791**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 791**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 1524 and 2260**, as amended, and has taken up and passed **SCS** for **HCS** for **HBs 1524 and 2260**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 2201**, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2201**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 79**.

HOUSE CONCURRENT RESOLUTION NO. 79

Whereas, the F/A-18E/F Block II Super Hornet is the Navy's next generation carrier-based strike fighter with advanced air-to-ground and air-to-air operational capabilities, and will be the backbone of the fleet for the next 25 years; and

Whereas, the Department of Navy testified to a strike fighter shortfall of over 240 aircraft by 2016, which poses a significant operational risk by diminishing deterrent capabilities and limiting surge capability to respond to a crisis; and

Whereas, aging F/A-18A-D aircraft are being used far beyond their original design life limits; and

Whereas, any additional delay in F-35C initial operational capability (IOC) will significantly increase the strike fighter shortfall; and

Whereas, both FY2010 defense authorization and appropriations bills authorized the Navy to enter into a multi-year procurement (MYP) contract to buy additional F/A-18 E/F Block II Super Hornets to mitigate the TACAIR shortfall; and

Whereas, F/A-18A-D Hornets and F/A-18E/F Super Hornets currently fly 30% of all TACAIR sorties and 50% of all CENTCOM Close Air Support missions; and

Whereas, 100% of the Super Hornets have been delivered on time and at cost; and

Whereas, reliability and low operating costs for the F/A-18E/F have generated 20% in savings versus F/A-18A-D aircraft; and

Whereas, current F/A-18E/F Super Hornet Program of Record production line ends in FY2013 without additional aircraft procurement; and

Whereas, shutting down the production line results in loss of industrial base and limits the domestic strike fighter market to only a single manufacturer; and

Whereas, the F/A-18E/F Super Hornet Program supports 23,426 direct and indirect jobs with 191 companies across the State of Missouri and has an estimated one billion dollars of total economic impact in Missouri:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby support procurement of the F/A-18E/F Block II Super Hornet under a multi-year contract as a highly capable, low risk, and affordable mitigation to the Navy's TACAIR shortfall; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 77**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 77

Relating to the filing of a Missouri legal challenge to the constitutionality of federal health care legislation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, attorneys general from 13 states - Florida, South Dakota, South Carolina, Nebraska, Louisiana, Texas, Alabama, Utah, Colorado, Pennsylvania, Washington, Idaho, and Michigan - sued the federal government on March 23, 2010, claiming the landmark health care overhaul bill is unconstitutional; and

Whereas, a 14th state, Virginia, did not join the larger lawsuit, but has filed its own lawsuit challenging the federal legislation; and

Whereas, the lawsuit filed by 13 attorneys general includes and asserts:

- (1) A Commerce Clause claim;
- (2) A Tenth Amendment sovereignty violation for forcing states, among other things, to expand Medicaid coverage;
- (3) A direct tax violation for the one-size-fits all penalty if a person fails to purchase health insurance; and
- (4) A violation of Article 4, Section 4 of the United States Constitution because “the Act deprives [the States] of ... their right to a republican form of government”; and

Whereas, Virginia and Idaho have passed legislation aimed at blocking the legislation’s insurance requirement from taking effect; and

Whereas, under the federal legislation, beginning in 2014, most Americans will be required to carry health insurance, either through an employer or government program or by purchasing it themselves. Those Americans who refuse to carry such health insurance will face penalties from the Internal Revenue Service; and

Whereas, the lawsuit asks the bill be declared unconstitutional because “the Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying health care coverage”; and

Whereas, the lawsuit also claims the health care legislation violates the Tenth Amendment of the United States Constitution, which says the federal government has no authority beyond the powers granted to it under the Constitution, by forcing the states to carry out its provisions but not reimbursing them for the costs; and

Whereas, the lawsuit also asserts that the states cannot afford the new law because the health care legislation will add millions of people to state Medicaid rolls, costing some states more than one billion dollars over the next ten years in increased Medicaid expenditures; and

Whereas, according to an attorney representing the 13 attorneys general joining in the lawsuit, those state attorneys general “are convinced that the federal health care legislation is fundamentally flawed as a matter of constitutional law, that it exceeds the scope of proper constitutional authority of the federal government and tramples upon the rights and prerogatives of states and their citizens”; and

Whereas, according to the National Conference of State Legislatures, at least 36 states are attempting to limit, alter, or oppose some of the federal legislation’s provisions through state constitutional amendments or laws, with many of the proposals seeking to keep health insurance coverage optional for individuals and exempt employers from penalties if they don’t offer coverage for workers:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby call on Missouri Attorney General Chris Koster to file an independent lawsuit or join the 13 other state attorneys general from across the nation in challenging the constitutionality and validity of the Patient Protection and Affordable Care Act, the federal health care legislation; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

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 adopted **HCR 67**.

HOUSE CONCURRENT RESOLUTION NO. 67

Whereas, bicycling and walking are essential to millions of Missourians as basic transportation and enjoyed by millions of Missourians as healthful recreation; and

Whereas, encouraging and promoting a complete network of safe bicycle and pedestrian ways and routes is essential for those Missourians who rely on bicycling and walking for transportation; and

Whereas, a safe and complete bicycle and pedestrian system is important for Missouri’s economy and economic development; and

Whereas, incorporating bicycle and pedestrian accommodations as a routine part of Missouri’s road and street network is the most cost-effective way to make opportunities for safe walking and bicycling available to all Missourians and to enable those who bicycle and walk to reach all needed destinations; and

Whereas, walking and bicycling improve the public health and reduce treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease, and diabetes; and

Whereas, the United Health Foundation estimates direct medical costs associated with physical inactivity in Missouri at \$1.9 billion in 2008, and projects an annual cost for Missouri of over \$8 billion per year by 2018 if current trends continue; and

Whereas, the annual per capita cost of obesity is \$450 per Missourian, the highest per capita cost of any state in the United States; and

Whereas, designing our communities, our neighborhoods, our commercial centers, and our employment centers to be safe and inviting for bicycling and walking is a proven and recommended solution for increasing citizens' physical activity levels, improving physical fitness, reducing obesity, improving overall health, and so reducing health care and economic costs related to obesity and poor physical fitness; and

Whereas, promoting bicycling and walking for transportation improves Missouri's environment, reduces congestion, reduces the need for expensive expansion of our road and highway systems, and reduces our dependence on foreign energy supplies; and

Whereas, creating communities that invite and encourage bicycling and walking builds strong neighborhoods and encourages healthy, stable, safe, and livable communities; and

Whereas, creating healthy, walkable, bicyclable, and livable communities helps keep Missouri competitive in the global competition for high quality businesses and motivated, creative workers who consider transportation and recreation options an essential part of a healthy community; and

Whereas, Missourians who reach retirement age choose more often to bicycle and walk for fitness, recreation, enjoyment, and transportation; and

Whereas, citizens with disabilities often rely on bicycling, walking, and transit to meet basic transportation needs and to make connections with the transit system, face great obstacles within our current transportation system, and benefit greatly from complete and well-designed accommodations for bicycling and walking; and

Whereas, all transit users depend on bicycling and walking for essential transportation, and young people who develop stamina and fitness through regular active transportation reap important benefits in their physical, social, emotional, and intellectual development; and

Whereas, the number of Missouri students who bicycle and walk to school has dropped dramatically over the past forty years, with 50% of students bicycling or walking in 1975 but only 15% in 2005. In the same period, the percentage of children clinically defined as overweight has increased from 8% to 25%; and

Whereas, not only the health and physical fitness but also the mental health and overall independence and maturity of school-age children has suffered as a result of fewer children bicycling and walking regularly, and the conditions of our roads, streets, sidewalks, and intersections in failing to provide safe accommodations for bicycling and walking is in large part responsible for this change; and

Whereas, a lack of physical activity plays a leading role in rising rates of obesity, diabetes, and other health problems among children, and being able to bicycle or walk to school offers an opportunity to build healthy activity into the daily routine; and

Whereas, the Institute of Medicine reports that increasing opportunities for regular physical activity and supporting the efforts of families to incorporate physical activity into their lives are important strategies for reversing the childhood obesity epidemic; and

Whereas, 20-25% of morning rush hour traffic is attributable to parents driving their children to school; and

Whereas, over fifty Missouri organizations, agencies, schools, officials, and individuals have joined together to form the Missouri Safe Routes to School Network to encourage more children to safely bicycle and walk to school and to make streets, sidewalks, and communities safer and more inviting to children and families to bicycle and walk; and

Whereas, the usual and customary users of Missouri's roads, highways, and bridges include pedestrians, bicyclists, and transit passengers of all ages and abilities, as well as drivers and passengers of trucks, buses, and automobiles; and

Whereas, the term "Complete Streets" means creating roads, streets, and communities where all road users can feel safe, secure, and welcome on our roads and streets and throughout our communities; and

Whereas, the principles of Complete Streets are designed to create a transportation network that meets the needs of all users of the state's transportation system: pedestrians of all ages and abilities, bicyclists, disabled persons, public transportation vehicles and patrons, and those who travel in trucks, buses, and automobiles; and

Whereas, the terms "livable streets" and "comprehensive street design" are also used to identify these same concepts; and

Whereas, coordination and cooperation among many different agencies and municipalities is required to fully implement Complete Streets and create a complete, connected, and safe transportation network for bicycling and walking; and

Whereas, Complete Streets' policies require transportation planners and engineers to engage with a wide range of communities and stakeholders, build projects that meet the needs of all users of our transportation system, and design roads and bridges that complement and complete our communities and the human environment; and

Whereas, Complete Streets' policies enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods in rural, urban, and suburban areas; and

Whereas, Complete Streets' policies develop safe, reliable, and economic transportation choices to decrease household transportation costs, improve air quality, and promote public health; and

Whereas, Complete Streets policies are those that:

(1) Ensure that transportation projects provide for the needs of drivers, public transportation vehicles and patrons, bicyclists, and pedestrians of all ages and abilities in all planning, programming, design, construction, reconstruction, retrofit, operations, and maintenance activities and products;

(2) Provide for safety and contiguous routes for all road users;

(3) Ensure that bicycle ways and pedestrian ways, including sidewalks, crosswalks, paths, bicycle lanes, shoulders, shared use lanes, and all other facilities necessary for safe accommodation of bicycling and walking, shall be given full consideration in the planning, development, construction, and maintenance of transportation facilities;

(4) Reaffirm that pedestrians, disabled persons, bicyclists, users of public transit, and other nonmotorized users of public roadways are among the customary users of public roads and highways, except where specifically prohibited by law or regulation;

(5) Encourage the cooperation and coordination among agencies and municipalities to create safe, complete, integrated, and seamless system of routes for these users across borders and jurisdictions;

(6) Support routine and appropriate accommodation for bicyclists, pedestrians, disabled persons, and transit users on all transportation projects, as appropriate to the context, community, and project use, except:

(a) Where bicycling and walking are not allowed;

(b) Where sparsity of population or other factors indicate an absence of any need for such accommodations now or in the future;

(c) Where the cost of establishing such accommodations would be excessively disproportionate to the need or probable use:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare our support for Complete Streets policies and urge their adoption at the local, metropolitan, regional, state, and national levels; and

Be it further resolved that the General Assembly encourages and urges the United States Department of Transportation, the Missouri Department of Transportation, the governing bodies of metropolitan planning organizations and regional planning commissions, municipalities, and other organizations and agencies that build, control, maintain, or fund roads, highways, and bridges in Missouri to adopt Complete Streets' policies and to plan, design, build, and maintain their road and street system to provide complete, safe access to all road users; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Jay Nixon; Ray LaHood, Secretary of the United States Department of Transportation; members of the Missouri Highways and Transportation Commission; Pete Rahn, Director of the Missouri Department of Transportation; the directors of each metropolitan planning agency and regional planning commission in the State of Missouri; and to the Missouri Municipal League.

Senator Engler announced that Brenda Shields was given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2540, regarding Tammy D. King, Bonne Terre, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

On motion of Senator Engler, the Senate adjourned until 11:00 a.m., Tuesday, May 25, 2010.

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