

**JOURNAL OF THE SENATE**  
**NINETY-FIFTH GENERAL ASSEMBLY**  
OF THE  
**STATE OF MISSOURI**  
FIRST EXTRA SESSION  
OF THE  
SECOND REGULAR SESSION

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**FIRST DAY—THURSDAY, JUNE 24, 2010**

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The Senate was called to order in Extra Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“Rest in this—it is His business to lead, command, impel, send, call...It is your business to obey, follow, move, respond...” (Jim Elliot)

Gracious God, we gather today to begin the process called forth by our Governor during this special session. We are called to consider a special need, so our work begins. Bless and guide our discussions and actions and the decisions that will be most wise and helpful so our work may yet be completed and advance what our people need in fairness and equity. And watch our “going out and coming in” during our travel. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Engler announced that photographers from KRCG-TV, KOMU-TV and Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

**COMMUNICATIONS FROM THE  
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

**PROCLAMATION**

WHEREAS, automobile manufacturing and the supplier industry that automobile production supports are vital to our State’s economy; and

WHEREAS, automobile manufacturing facilities and suppliers are located in every corner of this State; and

WHEREAS, it is critical to the communities where these highly-skilled workers are employed that the automobile manufacturing and supplier industry remains a vibrant sector of Missouri’s economy; and

WHEREAS, during the Second Regular Session of the Ninety-Fifth General Assembly, the General Assembly considered legislation that would have provided key economic development investments in the automobile manufacturing and supplier industry; and

WHEREAS, the failure to enact an economic development bill that prudently invests in Missouri’s automobile manufacturing and supplier industry in a measured manner by creating jobs and continuing the role of Missouri as a national leader in this industry constitutes an immediate

economic threat to the well-being of the economy of the State of Missouri; and

WHEREAS, during the Second Regular Session of the Ninety-Fifth General Assembly, the General Assembly considered legislation that would have modernized the state employee retirement system; and

WHEREAS, the proposed legislation would have required employee contributions and changed retirement eligibility criteria for certain state employees hired after January 1, 2011, provided financial stability to the state employee retirement system and protected its defined benefit plan; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for an economic development program promoting investment in Missouri’s automobile manufacturing and supplier industry and modernization of the state employee retirement system are extraordinary occasions as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasions that exist in the State of Missouri:

I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Fifth General Assembly of the State of Missouri in the First Extra Session of the Second Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, on June 24, 2010; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation establishing an economic development program designed to support and strengthen the automobile manufacturing and supplier industry through the providing of benefits in the form of retained withholding taxes for qualifying jobs at automobile manufacturing facilities and their suppliers.
2. To enact legislation modernizing various aspects of the state employee retirement system by requiring employee contributions and changing retirement eligibility criteria and employee options for individuals hired after January 1, 2011, and further establishing additional efficiencies and oversight and maximizing investment returns for the retirement system. This matter is restricted and no legislation enacted hereunder may affect the Public School Retirement System of Missouri or the Public Education Employee Retirement System of Missouri other than to exempt such systems from the legislation.
3. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require advice and consent of the Senate.
4. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18<sup>th</sup> day of June, 2010.

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

Robin Carnahan  
Secretary of State

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

Present—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Keaveny	Lager	Lembke	Mayer
Pearce	Purgason	Ridgeway	Schaefer	Schmitt	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—27					

Absent—Senators—None

Absent with leave—Senators

Bartle            Bray            Days            McKenna        Nodler            Rupp            Wright-Jones—7

Vacancies—None

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, Second Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the Second Regular Session and is ready for consideration of its business.

Senator Engler offered the following resolution, which was read and adopted:

### **SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, Second Regular Session, be declared the rules of the First Extra Session of the Second Regular Session.

## **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 24, 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 made and commissioned by me on June 01, 2010, while the Senate was not in session.

Kenneth H. Suelthaus, Republican, 761 Cella Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Highways and Transportation Commission, for a term ending March 01, 2015, and until his successor is duly appointed and qualified; vice, Duane Michie, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

June 24, 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 made and commissioned by me on

June 7, 2010, while the Senate was not in session.

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Randy Etter, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

June 24, 2010

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

I hereby withdraw from your consideration the following appointments to office submitted to you June 24, 2010 for your advice and consent:

Marvin Wright, 1200 Danforth Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2014, and until his successor is duly appointed and qualified; vice, Randy Etter, term expired.

Kenneth H. Suelthaus, Republican, 761 Cella Road, Ladue, Saint Louis County, Missouri 63124, as a member of the State Highways and Transportation Commission, for a term ending March 01, 2015, and until his successor is duly appointed and qualified; vice, Duane Michie, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 1**—By Crowell, Shields, Engler, Scott and Dempsey.

An Act to amend chapters 104 and 476, RSMo, by adding thereto eight new sections relating to retirement.

Senator Dempsey assumed the Chair.

**RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 3, regarding Margaret Ann Holle, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 4, regarding Branson Elementary West School, which was adopted.

Senator Callahan offered Senate Resolution No. 5, regarding the One Hundred Seventy-fifth Birthday of First Christian Church, Independence, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Champion introduced to the Senate, her daughter, Brooke Dizmang and grandson, Alex, Springfield.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Friday, June 25, 2010.

SENATE CALENDAR

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SECOND DAY—FRIDAY, JUNE 25, 2010

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Crowell, et al

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