

**Journal of the Senate**  
**NINETY-FIFTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**SECOND REGULAR SESSION**  
**VETO SESSION**

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**WEDNESDAY, SEPTEMBER 15, 2010**

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

Reverend Carl Gauck offered the following prayer:

“I give thanks to the Lord with my whole heart; I will tell of all your wonderful deeds.” (Psalm 9:1)

Gracious God, we return to fulfill our constitutional requirements and do so gladly. But we come together with mixed feelings. For some of us it is our last time together and we will miss the collegiality and friendships we have developed here. We will miss the work of public service and wonder where we may be able to do so again. Yet we are thankful for all You have led us to accomplish and are most grateful to have done so. For some of us we say goodbye to colleagues even though we will miss them we also look forward to the work You will have us do at our next session. We all give thanks for the leadership You have raised up to guide our time here and for the staff who has given so fully of their time and energy. So we are truly thankful to You to be here this day and we will rejoice in it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

## SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the 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 that the rules of the Senate, as adopted by the Ninety-fifth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-fifth General Assembly.

**COMMUNICATIONS FROM THE GOVERNOR**

The following communication, regarding vetoed Senate Bills, was received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 14, 2010

**TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI**

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 entitled:

## AN ACT

To repeal sections 339.503, 362.111, 375.1152, 375.1155, 375.1255, 408.052, 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof twelve new sections relating to the sale of certain financial products and plans associated with certain loan transactions, with penalty provisions for a certain section.

I disapprove of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777, in sections 408.052.4 and 408.140.1(12), RSMo, facilitates consumer borrowing to purchase service contracts, products of often questionable value in a market with an active history of consumer deception and confusion. Permitting expansion of the sale of these products in this manner will be harmful to Missourians.

Missouri consumers have complained loudly about the sale of these products, spurring the Missouri Attorney General to initiate an investigative task force. Deceptive practices employed by this industry were also the focus of a multi-state investigation by state attorneys general and consumer fraud litigation into the sale and marketing of these products has been initiated in Missouri and nationwide. Permitting more readily available financing for these dubious products is not good for Missouri consumers.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 without my approval.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Senator Engler moved that the Senate proceed to the order of business, Vetoed Bills, and that the

calendar be called, which motion prevailed.

**HCS for SCS for SB 777** was called thereafter and no motion was taken thereon.

### 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 **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2010 Constitutional Veto Session and ready for consideration of business.

### RESOLUTIONS

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

#### SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of House Committee Substitute for Senate Committee Substitute for Senate Bill No. 777 when the bill was so called by the President.

Senator Lembke offered Senate Resolution No. 4, regarding Kyle Mathew Horstmann, which was adopted.

Senator Vogel offered Senate Resolution No. 5, regarding David R. Wallace, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 6, regarding Bette Williams, Oregon, which was adopted.

On motion of Senator Engler, the Senate recessed until 1:00 p.m.

### RECESS

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

### 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 **HR 2**.

#### HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **HB 1741**, **SCS for HCS for HB 1831**, **CCS for SCS for HCS for HB 2007** and **SS for SCS for HB 2317** when the bills were called by the Speaker.

### COMMUNICATIONS

President Pro Tem Shields submitted the following:

September 14, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 173.705, I am resigning and appointing Senator David Pearce to fill my vacancy on the Midwestern Higher Education Commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.910, I am appointing the following Senators to the Joint Committee on the Reduction and Reorganization of Programs within State Government:

Senator Bill Stouffer  
Senator Rob Mayer  
Senator Jane Cunningham

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.801, I am appointing the following Senators to the Joint Committee on Urban Farming:

Senator Dan Clemens  
Senator Jim Lembke  
Senator Kurt Schaefer

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with truly agreed and finally passed HB 1965 from the Second Regular Session of the 95th Missouri General Assembly, I am appointing the following Senators to the Joint Committee on Missouri's Promise:

Senator David Pearce  
Senator Tom Dempsey  
Senator Eric Schmitt

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

In accordance with truly agreed and finally passed SCR 54 from the Second Regular Session of the 95th Missouri General Assembly, I am appointing the following Senators to the Joint Interim Committee on Reducing the Size of State Government:

Senator Chuck Purgason  
Senator Scott Rupp  
Senator Jack Goodman  
Senator Jason Crowell

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.910, I am appointing the following Senators to the Joint Committee on the Reduction and Reorganization of Programs within State Government:

Senator Joan Bray  
Senator Tim Green

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Also,

September 15, 2010

Ms. Terry Spieler  
Secretary of the Senate  
201 West Capitol Avenue  
Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Missouri Statute RSMO 21.801, I am appointing the following Senators to the Joint Committee on Missouri's Promise:

Senator Jolie Justus  
Senator Joe Keaveny

If you have any questions, please do not hesitate to contact me.

Sincerely,  
/s/ Charlie Shields  
Charles W. Shields

Senator Callahan submitted the following:

September 15, 2010

Terry Spieler – Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

***RE: Committee appointments***

Dear Ms. Spieler:

Pursuant to the provisions section 21.801 RSMo, I hereby make the following appointments to the Joint Committee on Urban Farming:

Senator Rita Days  
Senator Jolie Justus

Also, pursuant to the provisions of Senate Concurrent Resolution 54, I hereby make the following appointments to the Joint Interim Committee

*Wednesday, September 15, 2010*

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on Reducing the Size of State Government:

Senator Joan Bray

Senator Tim Green

Senator Yvonne Wilson

If there are any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

/s/ Victor Callahan

Victor Callahan

On motion of Senator Engler, the Senate of the Veto Session of the Second Regular Session of the 95th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate

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