

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY—MONDAY, APRIL 18, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in the Lord always. Again I say rejoice.” (Philippians 4:4)

O Lord, sometimes we are so focused on what is not important that we miss the things that truly are. Help us to appreciate those people and things that make life delightful and for which we ought to rejoice and give thanks. Help us to appreciate our staff that allows us to be engaged in the things we must do and care for all the other demands that come to our attention. May You bless all those who help us be about that which You have called us to do. 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.

Senator Dempsey moved that the Journal for Thursday, April 14, 2011 be corrected on page 732, line 24, by deleting: “**HB 116** and **HB 316**” and inserting in lieu thereof: “**HCS for HBs 116 and 316**”, which motion prevailed.

The Journal for Thursday, April 14, 2011 was approved as corrected.

Senator Dempsey announced that photographers from Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 797, regarding Corrections Officer I Christopher Bowen, Hannibal, which was adopted.

Senator Crowell offered Senate Resolution No. 798, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Douglas August, Scott City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 799, regarding the death of Martha Jimmar Christmas, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 800, regarding Delta Sigma Theta Sorority, Incorporated, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 801, regarding Toastmasters International District 8, which was adopted.

Senator Parson offered Senate Resolution No. 802, regarding the death of Gregory Scott “Greg” Greven, Springfield, which was adopted.

Senator Lager offered Senate Resolution No. 803, regarding Nathan Lane Nold, St. Joseph, which was adopted.

Senator Munzlinger offered Senate Resolution No. 804, regarding Harrison Cole Given, Mexico, which was adopted.

Senator McKenna offered Senate Resolution No. 805, regarding Clifford R. King, Dittmer, which was adopted.

Senator McKenna offered Senate Resolution No. 806, regarding Karen Yenigues, which was adopted.

Senator McKenna offered Senate Resolution No. 807, regarding Joe Hainline, which was adopted.

Senator Green offered Senate Resolution No. 808, regarding the 2010-2011 Class 5 state champion McCluer North High School Boys Basketball Stars, which was adopted.

Senator Engler offered Senate Resolution No. 809, regarding Susan G. Hilbert, which was adopted.

Senator Engler offered Senate Resolution No. 810, regarding Janet M. Huck, which was adopted.

Senator Engler offered Senate Resolution No. 811, regarding Robert Georger, which was adopted.

Senator Engler offered Senate Resolution No. 812, regarding Melinda Sisson, which was adopted.

Senator Engler offered Senate Resolution No. 813, regarding Patsy Louise Nixon, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 814, regarding Mona L. Yow, Puxico, which was adopted.

Senator Engler offered Senate Resolution No. 815, regarding Debra Yount, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 816, regarding Anne M. Munoz, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 817, regarding Diana Kay Schaffer, Festus, which was adopted.

Senator Parson offered Senate Resolution No. 818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Harper, Osceola, which was adopted.

Senator Parson offered Senate Resolution No. 819, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lonnie Janes, El Dorado Springs, which was adopted.

Senator Parson offered Senate Resolution No. 820, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donnie Lightfoot, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 821, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Falcone, Bolivar, which was adopted.

Senator Parson offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Snyder, Clinton, which was adopted.

Senator Kraus offered Senate Resolution No. 823, regarding Kalili-Mateo Lene Fuimaono, Independence, which was adopted.

Senator Goodman offered Senate Resolution No. 824, regarding Pastor Bob Holman, which was adopted.

Senator Engler offered Senate Resolution No. 825, regarding Sandy Neff, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, which was read:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James Corwin, as a member of the Peace Officer Standards and Training Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mayer moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 19**; **SCS for SB 108**; **SS for SCS for SBs 113 and 95**; and **SCS for SB 188**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mayer assumed the Chair.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 749**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 795**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HB 182**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HCS for HB 556**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **HB 388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS for HB 631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **HCS for HB 557**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Education, to which was referred **HB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 186**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 19**; **SCS** for **SB 108**; **SS** for **SCS** for **SBs 113** and **95**; and **SCS** for **SB 188**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Stouffer assumed the Chair.

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 refuses to adopt **SS** for **HCS** for **HB 193** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 300, 334** and **387**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athlete brain injuries.

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

adopted **SS** for **SCS**, as amended, for **HB 209** and has taken up and passed **SS** for **SCS** for **HB 209**, as amended.

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 **HB 174** and has taken up and passed **HCS** for **HB 174**, as amended.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 430**—Transportation.

HCS No. 2 for **HB 609**—Small Business, Insurance and Industry.

HCS for **HB 111**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HBs 223** and **231**—Education.

HB 591—Financial and Governmental Organizations and Elections.

HCS for **HB 407**—Financial and Governmental Organizations and Elections.

HB 211—Health, Mental Health, Seniors and Families.

HCS for **HB 697**—Financial and Governmental Organizations and Elections.

HB 257—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 555**—Health, Mental Health, Seniors and Families.

HB 357—Jobs, Economic Development and Local Government.

HCS for **HB 464**—Financial and Governmental Organizations and Elections.

REFERRALS

President Pro Tem Mayer referred **HCS** for **HBs 116** and **316**, with **SCS**; **HCS** for **HBs 73** and **47**, with **SCS**; and **HB 270**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 37—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

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

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 14** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 14**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lamping	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Cunningham	Lager	Lembke	Purgason	Schaaf—6
---------	------------	-------	--------	----------	----------

Absent—Senators—None

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

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 19**; **SCS** for **SB 108**; **SS** for **SCS** for **SBs 113** and **95**; and **SCS** for **SB 188**, after having

been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON THIRD READING

HB 15, introduced by Representative Silvey, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2011.

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

Senator Pearce assumed the Chair.

On motion of Senator Schaefer, **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Lager	Lamping	Mayer	McKenna
Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senators

Crowell	Cunningham	Kraus	Lembke	Nieves	Purgason—6
---------	------------	-------	--------	--------	------------

Absent—Senators—None

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

President Pro Tem Mayer assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 174**; **SS** for **SCS** for **HB 209**; and **HB 358**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Goodman assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 45**, with **SCS**, entitled:

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Was taken up by Senator Pearce.

SCS for **HCS** for **HB 45**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 45

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Was taken up.

Senator Schmitt assumed the Chair.

Senator Pearce moved that **SCS** for **HCS** for **HB 45** be adopted.

Senator Pearce offered **SS** for **SCS** for **HCS** for **HB 45**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 45

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 45** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 3, Section 143.173, Lines 11-12 of said page, by striking “twenty-six” and inserting in lieu thereof the following: “**fifty-two**”; and further amend lines 12-19 of said page, by striking all of said lines and inserting in lieu thereof the following: “**week period**”; and further amend line 22 of said page, by striking the word “average”.

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

Senator Ridgeway offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 5, Section 143.173, Line 12 of said page, by inserting after all of said line the following:

“536.305. 1. There is hereby established the “Small Business Regulatory Fairness Board”. The [department of economic development] **office of lieutenant governor** shall provide staff support for the

board.

2. The board shall be composed of nine members appointed in the following manner:

- (1) One member who is the chair of the minority business advocacy commission;
- (2) One member appointed by the president pro tempore of the senate;
- (3) One member appointed by the minority leader of the senate;
- (4) One member appointed by the speaker of the house of representatives;
- (5) One member appointed by the minority leader of the house of representatives; and
- (6) Four members appointed by the governor.

3. Each member of the board, except for the public members and the chair of the minority business advocacy commission, shall be a current or former owner or officer of a small business. All members of the board shall represent a variety of small businesses, both rural and urban, and be from a variety of geographical areas of this state, provided that no more than two members shall represent the same type of small business.

4. Members of the board shall serve a term of three years and may be reappointed at the conclusion of the term. No member shall serve more than three consecutive terms. Appointments shall be made so that one-third of the membership of the board shall terminate each year. The governor shall appoint the initial chairperson of the board and a majority of the board shall elect subsequent chairpersons. The chairperson shall serve as chair for a term of not more than two years.

5. Members of the board shall serve without compensation, but may be reimbursed for reasonable and necessary expenses relating to their performance of duties, according to the rules and regulations of travel issued by the office of administration. Members will be required to submit an expense account form in order to obtain reimbursement for expenses incurred.

6. The board shall meet as often as necessary, as determined by the chairperson of the board. All meetings of the board will be conducted in accordance with the governmental bodies and records act, chapter 610, including closed sessions. Notice will be posted and will be provided to the joint committee on administrative rules. Minutes of the meetings shall be provided to all members, the office of the governor, and the joint committee on administrative rules.

7. In addition to any other powers provided by sections 536.300 to 536.328, the board may adopt any rules necessary to implement sections 536.300 to 536.328 and take any action necessary to effectuate the purposes of sections 536.300 to 536.328. 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 this chapter and, if applicable, section 536.028. This section and this chapter are nonseverable and if any of the powers vested with the general assembly pursuant to this chapter to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

536.310. 1. The board shall:

- (1) Provide state agencies with input regarding rules that adversely affect small businesses;

(2) Solicit input and conduct hearings from small business owners and state agencies regarding any rules proposed by a state agency; and

(3) Provide an evaluation report to the governor and the general assembly, including any recommendations and evaluations of state agencies regarding regulatory fairness for Missouri's small businesses. The report shall include comments from small businesses, state agency responses, and a summary of any public testimony on rules brought before the board for consideration.

2. In any inquiry conducted by the board because of a request from a small business owner, the board may make recommendations to the state agency.

If the board makes recommendations, such recommendations shall be based on any of the following grounds:

(1) The rule creates an undue barrier to the formation, operation, and expansion of small businesses in a manner that significantly outweighs the rule's benefits to the public; or

(2) New or significant economic information indicates the proposed rule would create an undue impact on small businesses; or

(3) Technology, economic conditions, or other relevant factors justifying the purpose for the rule has changed or no longer exists; or

(4) If the rule was adopted after August 28, 2004, whether the actual effect on small businesses was not reflected in or significantly exceeded the small business impact statement submitted prior to the adoption of the rules.

3. Subject to appropriations, the board may hire a one-half full-time equivalent employee for clerical support and a full-time equivalent employee for a professional position to:

(1) Conduct internet website additions, corrections, and deletions;

(2) Develop training programs for agencies;

(3) Send regulatory alerts to interested small business subscribers;

(4) Track small business comments regarding agencies and review and respond to the agency and small business accordingly;

(5) Prepare for board meetings and hearings, including outreach, travel, agendas, and minutes;

(6) Prepare member maintenance expense reports and appointments;

(7) Analyze small business impact statements. After such analysis, the employee shall review such statements, offer suggestions, and work with agencies to meet the statute requirements;

(8) Analyze biannual report reviews;

(9) Conduct agency correspondence and training;

(10) Conduct small business outreach by speaking at chamber and association events;

(11) Review the Missouri Register and other sources to look for proposed rules that may affect small business.

4. Subject to appropriations, the board may receive additional funds for:

- (1) Upkeep of its internet website;
- (2) Information technology;
- (3) Mileage for board members;
- (4) Publication, printing, and distribution of annual reports; and
- (5) Outreach costs.

536.312. There is hereby created in the state treasury the “Small Business Regulatory Fairness Fund”, which shall consist of moneys collected by the secretary of state for business registration fees. Fifty cents from each business registration fee shall be deposited into the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall be used solely for the administration of subsection 3 of section 536.310. At the end of each fiscal year, the state treasurer shall transfer the balance in this fund into the state general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 1, Section 536.305, Line 5, by striking “**lieutenant**”.

Senator Justus moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 45, Page 4, Section 143.173, Line 13, by striking the word “fifty” and inserting in lieu thereof the following: “**eighty**”.

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

Senator Pearce moved that **SS** for **SCS** for **HCS** for **HB 45**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **HCS** for **HB 45**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown Callahan Chappelle-Nadal Crowell Cunningham Curls Dempsey Dixon

Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

COMMUNICATIONS

Senator Crowell submitted the following:

April 14, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

HB 142 (Gatschenberger) – Requires the auditor of any county with a charter form of government to take an annual inventory of county property with an original value of \$1,000 or more rather than \$250

HB 182 (Gray) – Designates the first Friday in March of each year as “Dress in Blue for Colon Cancer Awareness Day”

HB 186 (Entlicher) – Requires an elected or appointed county commission clerk to live in the county in which the clerk was elected for one year rather than six months

HB 229 (Curls) – Modifies provisions relating to the Public School Retirement System of Kansas City.

HB 388 (Burlison) – Requires the attending physician, rather than the Department of Health and Senior Services, to provide a breast implantation patient with information on the advantages, disadvantages, and risks associated with the procedure.

HB 556 (Grisamore) – Requires each school board to annually provide instruction on disability history and awareness and designates October as “disability History and Awareness Month”

HB 557 (Grisamore) – Allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA

HB 631 (Grisamore) – Creates an income tax check-off for contributions to the developmental disabilities waiting list equity fund.

HB 738 (Nasheed) – Modifies provisions relating to elementary and secondary education

HB 749 (Lasater) – Designates the month of April as “Child Abuse Prevention Month” and recognizes the “blue ribbon” as the official state symbol for child abuse prevention.

HB 795 (Kelley) – Designates the second Friday of March of each year as “Missouri School Read-In Day”

Sincerely,
/s/ Jason G. Crowell
Jason G. Crowell
State Senator

Senator Callahan submitted the following:

April 18, 2011

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65102

Dear Ms. Spieler:

As you may be aware, under section 21.795 of the Revised Statutes of Missouri, the Joint Committee on Transportation Oversight must be comprised of members of the standing transportation committees of the respective chambers. Pursuant to the section, please consider this correspondence to be my appointment of Senator Ryan McKenna and Senator Robin Wright-Jones to the Joint Committee on Transportation Oversight.

Sincerely,
/s/ Victor E. Callahan
Victor Callahan

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, students from Sterling Elementary School, Warrensburg.

Senator Kehoe introduced to the Senate, Eddie Crouse, Claire Crossnoe and Adrienne Luther, Jefferson City; and Alice Guillot, Lucie Le Calve’ and Manon Lacroix, France; and Eddie, Claire, Adrienne, Alice, Lucie and Manon were made honorary pages.

On motion of Senator Dempsey, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY—TUESDAY, APRIL 19, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 300, 334 & 387

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SJR 10-Lembke and Green (In Fiscal Oversight)

SB 204-Dempsey, et al (In Fiscal Oversight)
SCS for SB 122-Schaaf (In Fiscal Oversight)

SS#2 for SCS for SB 320-Lamping
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------|--|
| 1. SBs 408 & 80-Crowell, with SCS | 11. SB 392-Rupp, with SCS |
| 2. SB 155-Rupp, with SCS | 12. SB 403-Nieves |
| 3. SB 52-Cunningham | 13. SB 329-Nieves |
| 4. SJR 12-Green | 14. SB 353-Engler |
| 5. SB 326-Wasson | 15. SJR 16-Goodman, with SCS |
| 6. SB 270-Kraus, with SCS | 16. SB 391-Lager |
| 7. SB 340-Wasson, with SCS | 17. SB 253-Callahan and Cunningham, with SCS |
| 8. SB 260-Wasson, with SCS | 18. SB 223-Mayer |
| 9. SB 425-Goodman, with SCS | 19. SB 119-Schaefer |
| 10. SB 400-Kraus, with SCS | 20. SB 150-Munzlinger |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 270-Burlison and Swinger, with SCS
(In Fiscal Oversight) | 17. HCS for HB 631, with SCS |
| 2. HCS for HBs 73 & 47, with SCS (Crowell)
(In Fiscal Oversight) | 18. HCS for HB 557 (Brown) |
| 3. HB 423-Burlison, et al | 19. HB 738-Nasheed, et al, with SCS |
| 4. HCS for HBs 116 & 316, with SCS
(Purgason) (In Fiscal Oversight) | 20. HB 229-Curls and Leara |
| 5. HCS for HB 354 (Rupp) | 21. HB 142-Gatschenberger, with SCS |
| 6. HB 204-Hoskins, et al | 22. HB 186-Entlicher, et al, with SCS (Parson) |
| 7. HB 307 & HB 812, with SCS | 23. HCS for HB 1 (Schaefer) |
| 8. HB 798, HB 141, HB 153, HCS for HB 363,
HB 415 & HB 813, with SCS (Lembke) | 24. HCS for HB 2, with SCS (Schaefer) |
| 9. HCS for HB 338 (Lager) | 25. HCS for HB 3, with SCS (Schaefer) |
| 10. HB 339-Pollock, et al (Lager) | 26. HCS for HB 4, with SCS (Schaefer) |
| 11. HCS for HB 108, with SCA 1 (Curls) | 27. HCS for HB 5, with SCS (Schaefer) |
| 12. HB 749-Lasater, et al | 28. HCS for HB 6, with SCS (Schaefer) |
| 13. HB 795-Kelley (126), et al (Parson) | 29. HCS for HB 7, with SCS (Schaefer) |
| 14. HB 182-Walton Gray, et al | 30. HCS for HB 8, with SCS (Schaefer) |
| 15. HCS for HB 556 | 31. HCS for HB 9, with SCS (Schaefer) |
| 16. HB 388-Burlison, with SCS | 32. HCS for HB 10, with SCS (Schaefer) |
| | 33. HCS for HB 11, with SCS (Schaefer) |
| | 34. HCS for HB 12, with SCS (Schaefer) |
| | 35. HCS for HB 13, with SCS (Schaefer) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending)

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 10-Rupp

SB 23-Keaveny, with SCS & SS for SCS
(pending)

SB 25-Schaaf, with SCS & SS for SCS
(pending)

SB 28-Brown

SB 37-Lembke, with SCS

SB 48-Wright-Jones, with SCS

SB 72-Kraus, with SS (pending)

SBs 88 & 82-Schaaf, with SCS & SA 1
(pending)

SB 120-Stouffer, with SS (pending)

SB 130-Rupp, with SCS & SS for SCS
(pending)

SB 175-Munzlinger, et al, with SA 1 (pending)

SB 176-Munzlinger, et al

SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

SB 200-Crowell

SB 203-Schmitt, et al, with SS (pending)

SB 208-Lager

SB 209-Lager

SB 228-Pearce

SB 242-Cunningham, with SCS & SS for SCS
(pending)

SB 247-Pearce, with SS (pending)

SB 264-Rupp, with SCS

SB 278-Munzlinger, et al

SB 280-Purgason, et al, with SCS & SS for SCS
(pending)

SBs 291, 184 & 294-Pearce, with SCS & SA 4
(pending)

SB 299-Munzlinger, with SCS (pending)

SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al

SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS

SJR 15-Nieves, et al

HOUSE BILLS ON THIRD READING

HCS for HB 61

HB 71-Nasheed, et al

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 193, with SS (Rupp)
(House requests Senate
recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 11-Wright-Jones

HCR 15-Brown (50), et al (Curls)

✓