

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTY-SIXTH DAY—WEDNESDAY, APRIL 18, 2007

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is neither safe nor honest to act contrary to conscience! Here I stand; I cannot do otherwise, so help me God! Amen.”  
(Martin Luther, April 18, 1521)

Lord, You know that sometimes we are hesitant to let people really know what it is we believe and stand for, so help us, O Lord, to determine under Your rule to make a difference in the world as we share our faith wherever we go. Let us act boldly so that our efforts tell others what is truly important to us and for what we will stand and willingly be counted. 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	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Bartle offered Senate Resolution No. 964, regarding Joshua Patrick Zans, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 965, regarding Travis James Foster, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 966, regarding Kevin Aaron Lewis, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 967, regarding Alex J. Martin, Lee’s Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 968, regarding Joseph Whalon, Lee’s Summit,

which was adopted.

Senator Bartle offered Senate Resolution No. 969, regarding Evan Michael Wright, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 970, regarding Joshua Blane Abernathy, Lee's Summit, which was adopted.

Senator Green offered Senate Resolution No. 971, regarding the One Hundredth Anniversary of the Santa Cruz Knights of Columbus Council 1215, which was adopted.

Senator Green offered Senate Resolution No. 972, regarding Lowell Girardier, which was adopted.

Senator Green offered Senate Resolution No. 973, regarding Cathy Bono, which was adopted.

Senator Green offered Senate Resolution No. 974, regarding Harry Behlmann, Florissant Valley, which was adopted.

Senator Shields offered Senate Resolution No. 975, regarding Jason Turnbull, Weston, which was adopted.

Senator Clemens offered Senate Resolution No. 976, regarding Susan Krieger, Strafford, which was adopted.

Senator Purgason offered Senate Resolution No. 977, regarding Ozarkia Class, Horizons Laker Educational Center, Camdenton High School, which was adopted.

Senator Purgason offered Senate Resolution No. 978, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jack Gamble, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 979, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clinton McGuire, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 980, regarding Heather Little, which was

adopted.

Senator Crowell offered Senate Resolution No. 981, regarding Austin Baker, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 982, regarding Victoria Baker, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 983, regarding Beverly Sue Duncan, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 984, regarding Sharon Wendel, Whitewater, which was adopted.

Senator Crowell offered Senate Resolution No. 985, regarding Patti House, Cape Girardeau, which was adopted.

## REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 880 and 881 of the Senate Journal for Tuesday, April 17, 2007, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 428** to the Committee on Governmental Accountability and Fiscal Oversight.

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

## SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 668**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 668**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 668

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof four new sections relating to workers'

compensation.

Was taken up.

Senator Loudon moved that **SCS** for **SB 668** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 668**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 668

An Act to repeal sections 287.020, 287.200, 287.220, and 287.230, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation, with an expiration date for a certain section and an emergency clause.

Senator Loudon moved that **SS** for **SCS** for **SB 668** be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 668** was declared perfected and ordered printed.

Senator Lager moved that **SB 563**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 563**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 563

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming by electric utilities.

Was taken up.

Senator Lager moved that **SCS** for **SB 563** be adopted.

Senator Lager offered **SS** for **SCS** for **SB 563**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 563

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to

tree trimming by electric utilities.

Senator Lager moved that **SS** for **SCS** for **SB 563** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 563, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“393.140. The commission shall:

(1) Have general supervision of all gas corporations, electrical corporations, water corporations and sewer corporations having authority under any special or general law or under any charter or franchise to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing water or gas or of furnishing or transmitting electricity for light, heat or power, or maintaining underground conduits or ducts for electrical conductors, or for the purpose of collecting, carrying, treating, or disposing of sewage, and all gas plants, electric plants, water systems and sewer systems owned, leased or operated by any gas corporation, electrical corporation, water corporation, or sewer corporation.

(2) Investigate and ascertain, from time to time, the quality of gas or water supplied and sewer service furnished by persons and corporations, examine or investigate the methods employed by such persons and corporations in manufacturing, distributing and supplying gas or electricity for light, heat or power and in transmitting the same, and in supplying and distributing water for any purpose whatsoever, and in furnishing a sewer system, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas, electricity, water, or sewer system, and those employed in the manufacture and distribution thereof, and have

power to order reasonable improvements and extensions of the works, wires, poles, pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electrical corporations, water corporations, and sewer corporations.

(3) Have power, by order, to fix from time to time standards for the measurement of the purity or illuminating power of gas to be manufactured, distributed or sold by persons or corporations for lighting, heating or power purposes, to prescribe from time to time the efficiency of the electric supply system, of the current supplied and of the lamps furnished by the persons or corporations generating and selling electric current, and to fix from time to time standards for the measurement of the purity or pressure of water to be distributed or sold by persons or corporations for any purpose whatsoever, and to fix from time to time the standards for designing, constructing, operating and maintaining sewer systems of sewer corporations, including sewers, sewage pumping stations, sewage treatment works, primary treatment facilities, sludge digestion and disposal facilities, secondary treatment facilities, disinfection facilities, and any and all facilities related thereto; provided, however, that such standards shall be supplemental to and in no way set standards lesser than the minimum standards adopted by the state water pollution board, and by order to require gas so manufactured, distributed or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed or sold by such persons or corporations for lighting, heating or power purposes conforms to the standards of illuminating power, purity and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied and of the lamps furnished, and for the purpose of determining whether the water furnished or sold

conforms to the standard of purity and pressure, and for the purpose of determining whether the sewer system conforms to the standards for designing, constructing, operating and maintaining sewer systems, and conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying gas, electricity or water, and the collecting, carrying, treating and disposing of sewage, and shall have access, through its members or persons employed and authorized by it, to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission or distribution of gas or electricity by any such person or corporation, and to all parts of the systems owned, used or operated for the supplying and distribution of water and the collecting, carrying, treating and disposing of sewage by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

**(4) Promulgate rules by January 1, 2008, under the authority of section 386.125, RSMo, that establish:**

**(a) Minimum standards for the management of vegetation in, and adjacent to, the utility system easement or right-of-way of electrical corporations. Such standards may be prescriptive standards, performance standards, or both; and**

**(b) Reporting requirements for electrical corporations under the requirements of paragraph (a) of this subdivision. Any reports issued by an electrical corporation under this subdivision shall be made available to the public.**

**(5) Conduct inspection and monitoring activities as necessary to ensure and enforce compliance by electrical corporations with the standards developed under subdivision 4 of this section.**

(6) Have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by gas corporations, electrical corporations, water corporations and sewer corporations engaged in the manufacture, sale or distribution of gas and electricity for light, heat or power, or in the distribution and sale of water for any purpose whatsoever, or in the collection, carriage, treatment and disposal of sewage for municipal, domestic or other necessary beneficial purpose. It may also, in its discretion, prescribe, by order, forms of accounts, records and memoranda to be kept by such persons and corporations. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such persons or corporations by the commission at least six months before the same shall take effect. Any other and additional forms of accounts, records and memoranda kept by such corporation shall be subject to examination by the commission.

[(5)] (7) Examine all persons and corporations under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. Whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such persons or corporations are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be in force for the service to be furnished, notwithstanding that a higher rate or charge has heretofore been authorized by statute, and the just and reasonable acts and regulations to be done and observed; and

whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaints, that the property, equipment or appliances of any such person or corporation are unsafe, insufficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

[(6)] (8) Require every person and corporation under its supervision and it shall be the duty of every person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said official holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same, shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall show in detail the amount of its authorized capital stock and the amount thereof issued and outstanding; the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; its receipts and expenditures during the preceding year; the amount paid as dividends upon its stock and as interest upon its bonds; the names of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; and such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may, from time to time, make changes

and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state. The commission may extend the time prescribed for cause shown.

[(7)] **(9)** Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, factories, powerhouses, ducts, conduits and offices of any such corporations or persons.

[(8)] **(10)** Have power to examine the accounts, books, contracts, records, documents and papers of any such corporation or person, and have power, after hearing, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.

[(9)] **(11)** Have power to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and papers. In lieu of requiring production of originals by subpoena duces tecum the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers, or parts thereof, to be filed with it. The commission may require of all such corporations or persons specific answers to questions upon which the commission may need information, and may also require such corporations or persons to file periodic reports in the form, covering the period and filed at the time prescribed by the

commission. If such corporation or person shall fail to make specific answer to any question or shall fail to make a periodic report when required by the commission as herein provided within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation or person shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer. Such forfeiture shall be recovered in an action brought by the commission in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state.

[(10)] **(12)** Have power in all parts of the state, either as a commission or through its members, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it, in reference to any matter under sections 393.110 to 393.285.

[(11)] **(13)** Have power to require every gas corporation, electrical corporation, water corporation, and sewer corporation to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, established or enforced or to be charged or enforced, all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such gas corporation, electrical corporation, water corporation, or sewer corporation; but this subdivision shall not apply to state, municipal or federal contracts. Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation in compliance with an order or decision of the commission,

except after thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe. No corporation shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such services as specified in its schedule filed and in effect at the time; nor shall any corporation refund or remit in any manner or by any device any portion of the rates or charges so specified, nor to extend to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances. The commission shall have power to prescribe the form of every such schedule, and from time to time prescribe by order such changes in the form thereof as may be deemed wise. The commission shall also have power to establish such rules and regulations, to carry into effect the provisions of this subdivision, as it may deem necessary, and to modify and amend such rules or regulations from time to time.

[(12)] (14) In case any electrical corporation, gas corporation, water corporation or sewer corporation engaged in carrying on any other business than owning, operating or managing a gas plant, electric plant, water system or sewer system which other business is not otherwise subject to the jurisdiction of the commission, and is so conducted that its operations are to be substantially kept separate and apart from the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system, said corporation in respect to such other business shall not be subject to any of the provisions of this chapter and shall not be required to procure the

consent or authorization of the commission to any act in such other business or to make any report in respect thereof. But this subdivision shall not restrict or limit the powers of the commission in respect to the owning, operating, managing or controlling by such corporation of such gas plant, electric plant, water system or sewer system, and said powers shall include also the right to inquire as to, and prescribe the apportionment of, capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas plant, electric plant, water system or sewer system as distinguished from such other business. In any such case if the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system by any such corporation is wholly subsidiary and incidental to the other business carried on by it and is inconsiderable in amount and not general in its character, the commission may by general rules exempt such corporation from making full reports and from the keeping of accounts as to such subsidiary and incidental business.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Lager, **SB 563**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

## REPORTS OF STANDING COMMITTEES

Senator Shields, 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 391**; **SS** for **SB 654**; **SCS** for **SB 368**; **SS** for **SB 358**; and **SCS** for **SB 75**, begs

leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 16**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up by Senator Gross.

**SCS** for **HCS** for **HB 16**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 16

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 16** be adopted.

At the request of Senator Gross, **HCS** for **HB 16**, with **SCS** (pending), was placed on the Informal Calendar.

### SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 664**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 664**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 664

An Act to repeal sections 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, and 344.105, RSMo, and to enact in lieu thereof nine new sections relating to board of nursing home administrators.

Was taken up.

Senator Scott moved that **SCS** for **SB 664** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 664** was declared perfected and ordered printed.

Senator Nodler moved that **SB 389**, with **SCS** and **SS No. 4** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 4** for **SCS** for **SB 389** was again taken up.

At the request of Senator Nodler, **SS No. 4** for **SCS** for **SB 389** was withdrawn.

Senator Koster assumed the Chair.

Senator Nodler offered **SS No. 5** for **SCS** for **SB 389**, entitled:

#### SENATE SUBSTITUTE NO. 5 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof twenty-nine new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 5** for **SCS** for **SB 389** be adopted.

Senator Graham offered **SA 1**, which was

read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 28, Section 173.392, Line 24 of said page, by inserting after “universities” the following: “, **provided that moneys shall not be appropriated to any public college or university that employs a person registered under sections 589.400 to 589.425, RSMo.**”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Green, Justus and Shoemyer.

Senator Graham offered **SSA 1 for SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 28, Section 173.392, Line 24 of said page, by inserting after the word “universities” the following:

“, **provided that monies shall not be appropriated to any public college or university that employs any person, as a professor or instructor, registered under sections 589.400 to 589.425, RSMo.**”.

Senator Graham moved that the above substitute amendment be adopted.

Senator Graham offered **SA 1 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 6, by inserting after the word “instructor”, the following:

“**required to be**”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Smith.

**SA 1 to SSA 1 for SA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senator Champion—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**SSA 1 for SA 1**, as amended, was again taken up.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Justus, Smith and Wilson.

**SSA 1 for SA 1**, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Nodler, **SB 389**, with **SCS** and **SS No. 5** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

### RECESS

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

### MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 17, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen S. Davis, 2022 West Main Street, Jefferson City, Cole County, Missouri 65109, as a member of the Second State Capitol Commission, for a term ending April 18, 2010, and until his successor is duly appointed and qualified; vice, Scott Burnett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 18, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Chasity L. Anderson, 6084 LIV 430, Dawn, Livingston

County, Missouri 64638, as a member of the Amber Alert System Oversight Committee, for a term ending April 17, 2009, and until her successor is duly appointed and qualified; vice, Brian Hauswirth, term expired.

Respectfully submitted,

MATT BLUNT

Senator Shields announced that photographers from KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

### REPORTS OF STANDING COMMITTEES

Senator Shields, 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 **SS** for **SCS** for **SB 668** and **SCS** for **SB 664**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 611**; **SS** for **SCS** for **SB 5**; and **SS** for **SCS** for **SB 496**, begs leave to report that it has considered the same and recommends that the bills do pass.

### 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 passed **HCS** for **HB 845**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to voter registration for hunting and fishing permit

applicants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, access to the capital markets of the United States is vital to the economic health and continued development of both private and publicly traded companies located and conducting business in the state of Missouri; and

WHEREAS, integrity and transparency of regulation and the fair application of regulations designed to insure the public and private rights of ownership are the hallmarks of healthy capital markets for both private and public investors; and

WHEREAS, it is the policy of the state of Missouri to assist entrepreneurs, and private and publicly traded businesses with access to healthy capital markets to further business development and job creation within the state; and

WHEREAS, many citizens of the state of Missouri are invested in private and publicly traded companies and are vested in numerous pension and retirement systems that have been established by Missouri law; and

WHEREAS, many of these pension and retirement systems funds depend on the healthy growth of investments in securities of various private and publicly traded companies in order to provide benefits to plan members; and

WHEREAS, the citizens of Missouri desire to be made aware of the occurrence of any short selling practices that may hinder the future development of both private and publicly traded companies, may be harmful to investors, and may hurt pension systems and retirees in this state:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Security and Exchange Commission, the Missouri Secretary of State, and all state and federal agencies regulating securities to create and enforce rules and regulations that are designed to eliminate fraud and other abusive practices by requiring greater transparency, promoting greater investor confidence, protecting private and public investors from failed trades where a short seller of securities receives the buyer's money, but does not deliver the promised security to the buyer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for the Security and Exchange Commission and the Missouri Secretary of State.

### THIRD READING OF SENATE BILLS

SCS for **SB 611**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 611

An Act to repeal sections 600.011 and 600.042, RSMo, and to enact in lieu thereof four new sections relating to the public defender system.

Was taken up by Senator Goodman.

On motion of Senator Goodman, **SCS for SB 611** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

#### NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SS for SCS for SB 5**, introduced by Senator

Loudon, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE  
SENATE BILL NO. 5**

An Act to repeal sections 195.503, 566.147, 573.025, 573.035, 573.037, and 650.120, RSMo, and to enact in lieu thereof nine new sections relating to sexual offenses against children, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Loudon, **SS** for **SCS** for **SB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—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	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Nodler moved that **SB 389**, with **SCS** and **SS No. 5** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 5** for **SCS** for **SB 389**, as amended, was again taken up.

Senator Nodler offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 29, Section 173.392, Line 1 of said page, by inserting immediately after said line the following:

**“3. The provisions of subdivision (1) of subsection 2 of this section shall only apply to any public college or university that knowingly employs any person as a professor or instructor required to be registered under sections 589.400 to 589.425, RSMo.”;** and further amend said section by renumbering the remaining subsection accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Graham raised the point of order that **SA 2** is out of order as it is dilatory in nature, and further, that the amendment attempts to amend previously amended material.

The points of order were referred to the President Pro Tem who ruled them not well taken.

Senator Graham 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 No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 6, by inserting after the word “employs”, the following: **“as of April 17th, 2007”**.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Green, Justus and Shoemyer.

**SA 1** to **SA 2** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

**SA 2**, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 30, Section 173.425, Line 17 of said page, by inserting after all of said line the following:

**“173.475. Notwithstanding any provision of law or policy of a public institution of higher education to the contrary, no public college or university, as defined in section 173.355, shall reject an applicant for a faculty position in political science based solely on the applicant having not earned a graduate degree, provided that the applicant has earned an undergraduate baccalaureate degree and has served for at least eight years in the general assembly.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 43, Section 173.1105, Lines 14-18 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used solely to increase the size of the financial assistance awarded to the applicant and shall not be used to increase the number of recipients by raising the cutoff for the expected family contribution.”**

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

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 5 for Senate

Committee Substitute for Senate Bill No. 389, Page 1, Section A, Line 10 of said page, by inserting immediately after said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as

amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this paragraph after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax

purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is

performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; [and]

(i) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an addition modification was made under paragraph (c) of subsection 2 of this section, the amount by which addition modification made under paragraph (c) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in paragraph (g) of this subsection; **and**

**(j) The amount of any qualified higher education expenses determined under section 143.1014.**

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

**143.1014. 1. This section shall be known and may be cited as the "Higher Education Expenses Deduction".**

**2. As used in this section, the following**

terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Higher education institution”, an institution that meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to non-degree granting institutions as established by the coordinating board for higher education.

(4) “Tax liability”, the tax due under chapter 143, other than taxes withheld under sections 143.191 to 143.265; and

(5) “Taxpayer”, any student filing income tax returns or a taxpayer who claims a student as a dependent.

3. If any taxpayer with a federal adjusted gross income of less than two hundred thousand dollars incurs tuition or fee expenses for enrollment of at least half time at a higher education institution, such taxpayer shall subtract from such taxpayer's federal adjusted gross income an amount equal to one hundred percent of such costs the taxpayer paid during the taxable year.

4. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536, RSMo, 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, 2007, shall be invalid and void.

5. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Graham and Smith.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Crowell	Days	Graham	Green
Justus	Kennedy	McKenna	Shoemyer
Smith	Wilson—14		

NAYS—Senators

Bartle	Clemens	Engler	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

Senator Smith offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 19, Section 173.125, Line 26 of said page, by inserting immediately after said line the following:

“173.250. 1. There is hereby established a “Higher Education Academic Scholarship

Program” and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term “academic scholarship” means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College

Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall, 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of [two] **four** thousand dollars for the first academic year of study, which scholarship shall be renewable in the amount of [two] **four** thousand dollars annually for the second, third and fourth academic years or as long as the recipient is in compliance with the applicable eligibility requirements set forth in section 173.215, provided those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

(1) Returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated

other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and

(3) Meets all other requirements established for eligibility to receive a renewal scholarship.

6. A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and

(3) Meets all other requirements established

for eligibility to receive an initial or a renewal scholarship.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Smith offered **SA 1 to SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 3, Section 173.250, Line 4, by striking all of said line and inserting in lieu thereof the following: **“amount of two thousand dollars for each fiscal year prior to fiscal year 2010, and four thousand dollars for fiscal year 2010 and every fiscal year thereafter, for the first academic year”**; and further amend line 6 by striking all of said line and inserting in lieu thereof the following: **“two thousand dollars for each fiscal year prior to fiscal year 2010, and four thousand dollars for fiscal year 2010 and every fiscal year thereafter, annually for the second, third and”**.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 1 to SA 6** was withdrawn.

**SA 6** was again taken up.

Senator Smith offered **SA 2 to SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 3, Section 173.250, Line 4, by striking all of said line and inserting in lieu thereof the following: **“amount of two thousand dollars for each fiscal year prior to fiscal year 2010, and, subject to appropriations,**

**four thousand dollars for fiscal year 2011 and every fiscal year thereafter, for the first academic year”**; and further amend line 6 by striking all of said line and inserting in lieu thereof the following: **“two thousand dollars for each fiscal year prior to fiscal year 2010, and, subject to appropriations, four thousand dollars for fiscal year 2011 and every fiscal year thereafter, annually for the second, third and”**.

Senator Smith moved that the above amendment be adopted.

At the request of Senator Smith, **SA 2 to SA 6** was withdrawn.

At the request of Senator Smith, **SA 6** was withdrawn.

Senator Shoemyer offered **SA 7**:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section A, Line 10 of said page, by inserting after all of said line the following:

“8.250. 1. “Project” for the purposes of this chapter means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars, entered into by any officer or agency of this state **or of the administrative entity known as “The Curators of the University of Missouri” as established by section 172.020, RSMo**, or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least

twice over a period of ten days or more in a newspaper in the county where the work is located, and in two daily newspapers in the state which do not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to reach potential bidders.

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the bids are requested or solicited unless debarred for cause. No contract shall be awarded when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by this section is specifically prohibited.”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell assumed the Chair.

Senator Bray offered **SA 8**, which was read:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24 of said page, by inserting immediately after said line the following:

**“Section 2. If the bonding rating of the state or any public college or university of the state, as defined in section 173.355, RSMo, is lowered by any one of the nationally recognized bond rating agencies as a result of any provision of this act, then all of the provisions of this act shall be rendered null and void.”**; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Bray, **SA 8** was withdrawn.

Senator Smith offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 5, Section 168.700, Line 3 of said page, by striking the following: “department of elementary and secondary” and inserting in lieu thereof the following: “**state board of**”; and

Further amend said bill, Page 8, Line 11 of said page, by inserting after “section” the following: “, **and to fund the coordinator position described in subsection 5 of this section**”.

Senator Smith moved that the above amendment be adopted.

Senator Smith offered **SSA 1** for **SA 9**, which was read:

SENATE SUBSTITUTE AMENDMENT NO.1  
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 5, Section 168.700, Line 3 of said page, by striking the following: “department of elementary and secondary” and inserting in lieu thereof the following: “**state board of**”; and

Further amend said bill, Page 8, Line 11 of said page, by inserting after “section” the following: “, **coordinator position described in subsection 5 of this section through a supplemental appropriation**”.

Senator Smith moved that the above substitute amendment be adopted.

Senator Nodler requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Shields, Gibbons, Rupp and Callahan.

Senator Smith offered **SA 1** to **SSA 1** for **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1 of said amendment, Lines 5-7, by striking said lines.

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

**SSA 1** for **SA 9**, as amended, was again taken up.

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

Senator Smith offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 19, Section 173.125, Line 19 of said page, by inserting immediately after said line the following:

“173.250. 1. There is hereby established a “Higher Education Academic Scholarship Program” and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term “academic scholarship” means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the

effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top [three] **five** percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall, 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of two

thousand dollars for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, for the first academic year of study, which scholarship shall be renewable in the amount of two thousand dollars for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school, annually for the second, third and fourth academic years or as long as the recipient is in compliance with the applicable eligibility requirements set forth in section 173.215, provided

those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

(1) Returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and

(3) Meets all other requirements established for eligibility to receive a renewal scholarship.

6. A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because

of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

(1) Enrolls in or returns to full-time status within twenty-seven months;

(2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and

(3) Meets all other requirements established for eligibility to receive an initial or a renewal scholarship.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 11, which was read:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24, by inserting after all of said line the following:

**“Section 2. If the bonding rating of any public college or university of the state, as defined in section 173.355, RSMo, is lowered by any one of the nationally recognized bond rating agencies as a result of any provision of section 173.1003, RSMo, then all of the provisions of section 173.1003, RSMo, shall be rendered null and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1** to **SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 11

Amend Senate Amendment No. 11 to Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 2, Line 3, by striking the word “any” and inserting in lieu thereof the following: “**a**”; and further amend line 8 by inserting immediately after the word “void” the following:

“**as the provisions apply to that public college or university**”.

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

**SA 11**, as amended, was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 11**, as amended, and was joined in her request by Senators Coleman, Graham, Justus and Smith.

**SA 11**, as amended, failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Rupp assumed the Chair.

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

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 66, Section B, Line 10 of said page, by inserting after all of said line the following:

“Section C. Notwithstanding the provisions of section 1.140, RSMo, to the contrary, the provisions of this act shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.”; and

Further amend the title accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Green and Justus.

**SA 12** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Wilson—11	

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

Absent—Senator Smith—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 27, Section 173.385, Lines 1-8, by striking all of said lines from the bill; and

Further renumber the remaining subsection accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Green, Kennedy and Smith.

**SA 13** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 27, Section 173.385, Lines 6-8, by striking all of said lines and inserting in lieu thereof the following:

**“deliberations, acts, or votes.”.**

Senator Justus moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 14** and was joined in his request by Senators Callahan, Coleman, Shoemyer and Smith.

**SA 14** failed of adoption by the following

vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	Koster
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Justus offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute No. 5 for Senate Committee Substitute for Senate Bill No. 389, Page 56, Section 1, Line 24 of said page, by inserting immediately after said line the following:

**“Section 2. 1. Each student registering for classes as a full-time or a part-time student at a public junior college, college, or university shall receive a voter registration application at the time of such student's registration. Such student may complete the voter registration application form at the time they register or may mail the voter registration form to the appropriate election authority.**

**2. Any voter registration application received under this section shall be forwarded to the appropriate election authority not later than five business days after the form is completed by the applicant.”; and**

Further amend the title and enacting clause accordingly.

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

At the request of Senator Nodler, **SS No. 5** for **SCS** for **SB 389**, as amended, was withdrawn.

Senator Nodler offered **SS No. 6** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE NO. 6 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.250, 173.355, 173.360, 173.385, 173.425, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof thirty-one new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS No. 6** for **SCS** for **SB 389** be adopted.

Senator Nodler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 33, Section 173.392, Line 20 of said page, by striking the following: “August 1, 2007” and inserting in lieu thereof the following: “**September 1, 2007**”.

Senator Nodler moved that the above amendment be adopted.

Senator Graham offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 33, Section 173.392, Line 20, by striking the following: “August 1, 2007”; and inserting in lieu thereof the following: “**April 16, 2007**”.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Wilson.

Senator Graham offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 1, Section 173.392, Line 3, by striking “16” and inserting in lieu thereof the following: “**17**”.

Senator Graham moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Kennedy and Wilson.

**SA 1** to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Graham
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Lager	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Koster	Loudon—2
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Absent with leave—Senator Days—1

Vacancies—None

**SSA 1** for **SA 1** was again taken up.

Senator Graham moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Kennedy and Wilson.

**SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
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Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

## NAYS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Koster—1

Absent with leave—Senator Days—1

Vacancies—None

**SA 1** was again taken up.

Senator Nodler moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Callahan, Shoemyer and Wilson.

**SA 1** was adopted by the following vote:

## YEAS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—22		

## NAYS—Senators

Barnitz	Bray	Coleman	Graham
Green	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Crowell assumed the Chair.

Senator Graham offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 9, Section 168.702, Line 22, by inserting after all of said line the following:

“172.030. **1.** The board of curators of the University of the state of Missouri shall hereafter consist of nine members, **one of which shall be a student curator**, who shall be appointed by the governor, by and with the advice and consent of the senate; provided, that not more than one [person] **of the eight nonstudent curators** shall be appointed upon said board from the same congressional district, and no person shall be appointed a curator who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to his **or her** appointment. Not more than five curators shall belong to any one political party.

**2. Beginning with the next appointment to the board of curators by the governor after August 28, 2007, one of the nine members of the board shall be a current full-time student of the University of Missouri, whose title shall be student curator, and notwithstanding the provisions of sections 172.040 and 172.060, whose term of service shall be two years provided the person maintains the status of a full-time student. The student curator shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student curator's term of service, the governor shall appoint a current full-time student from the University of Missouri to serve as student curator.**

**3. No voting student curator shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, pursuant to section 172.035, to serve on the board of curators.**

172.035. 1. The governor shall, by and with

the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. **Before August 28, 2007, and for any appointment of a student made after August 28, 2011,** such student representative shall not have the right to vote on any matter before the board. **The appointment process set out in this section for a student curator, whether voting or nonvoting, shall remain unchanged.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who [is not actually enrolled during the term of such person's appointment as a student at the University of Missouri] **will not begin his or her term as a full-time student.**

3. The term of the student representative shall be two years[, except that the person first appointed shall serve until January 1, 1986].

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri **for a reason other than the completion of his or her degree program at the university of Missouri,** or ceases to be a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

**8. Appointments under this section shall be made in rotation from each of the congressional districts in the state until all congressional districts have been represented.**

9. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the **nonvoting** student representative.

172.040. **Except as provided in section 172.030 for student curators,** the term of service of the curators shall be six years[, ] **with** the terms of three expiring every two years[; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said] . Such curators, while attending the meetings of the board, shall

receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in section 172.030 for student curators**, all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend said bill, page 50, section 173.1108, line 12 by inserting immediately after all of said line the following:

“174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents or governors of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board. **Except for the voting student curator appointed to the board for Missouri State University after August 28, 2007, and before August 28, 2011, under subdivision (2) of subsection 2 of section 174.450 and the voting student curator appointed to the board for the University of Central Missouri after August 28, 2007, and before August 28, 2011, under subdivision (2) of subsection 7 of section 174.450**, such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the institution.

3. The term of the student representative shall be two years[, except that the person first appointed shall serve until January 1, 1986].

4. If a vacancy occurs for any reason in the position of student representative, the governor

shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.450. 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of Central Missouri State University, Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, RSMo, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately

prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030, RSMo.

2. **(1)** The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members[, composed of nine voting members and one nonvoting member,] who shall be appointed by the governor, by and with the advice and consent of the senate. [The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055.] No more than one [voting] **nonstudent** member shall be appointed to the board from the same congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years. The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year. The term of office for those appointed hereafter shall end January first in years ending in an odd number.

**(2) Beginning with the next appointment to the governing board by the governor of Missouri after August 28, 2007, one of the nine voting members of the board of governors of Missouri State University shall be a current**

**full-time student of Missouri State University, whose title shall be student governor, and notwithstanding the provisions of subsection 2 of section 174.453, whose term of service shall be two years provided the person maintains the status of full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service the governor shall appoint a current full-time student from Missouri State University to serve as student governor.**

**(3) No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, pursuant to section 174.453, to serve on the board of governors.**

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as

provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.

**7. (1) Beginning with the next appointment to the governing board by the governor of Missouri after August 28, 2007, one of the nine voting members of the board of governors of the University of Central Missouri shall be a current full-time student of the University of Central Missouri, whose title shall be student governor, and notwithstanding the provisions of subsection 2 of section 174.453, whose term of service shall be two years provided the person maintains the status of full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service the governor shall appoint a current full-time student from the University of Central Missouri to serve as student governor.**

**(2) No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member, under section 174.453, to serve on the board of governors.**

174.453. 1. Except as provided in section 174.450, the board of governors shall be appointed as follows:

(1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred

thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

**(3) Excluding Missouri State University for the period of time contemplated in subdivision (2) of subsection 2 of section 174.450 and the University of Central Missouri for the period of time contemplated in subdivision (2) of subsection 7 of section 174.450, one nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.**

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. [Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4.] Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University shall be appointed as follows:

(1) Six voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these six members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2)

of this subsection shall only apply to board members first appointed after August 28, 2004.

[5.] **4.** Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Western State University shall be appointed as follows:

(1) Five voting members shall be selected from any of the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb provided that no more than three of these five members shall be appointed from any one county;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and

(4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2005.

174.610. **1.** The governing board of the Truman State University shall be a board of governors consisting of ten members, composed of seven voting members, **one of whom shall be a student governor**, and three nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such person's appointment. Not more than four voting governors shall belong to any one political party. [The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.]

**2. Beginning with the next appointment to the governing board by the governor of**

**Missouri after August 28, 2007, one of the seven voting members of the board shall be a current full-time student of Truman State University, whose title shall be student governor, and, notwithstanding the provisions of subdivision (1) of subsection 2 of section 174.620, whose term of service shall be two years, provided the person maintains the status of a full-time student. The student governor shall have the right to vote on any matter before the board, except for matters involving personnel. At the end of the student governor's term of service, the governor of Missouri shall appoint a current full-time student from Truman State University to serve as student governor.**

**3. No voting student governor shall be appointed after August 28, 2011. For the first appointment after August 28, 2011, the governor shall appoint a voting nonstudent member and a nonvoting student member to serve on the board of governors.**

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county;

(2) Three voting members from any of the seven college districts as contained in section 174.010, provided that no more than one **nonstudent** member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions; and

(4) One nonvoting member who is a student. Such student representative shall attend all

meetings and participate in all deliberations of the board. **Before August 28, 2007, and for any appointment of a student made after August 28, 2011**, such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055.

2. **Except as provided in subsection 2 of section 174.610**, the term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055.

3. The governors, both voting and nonvoting, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the University of Missouri.

174.621. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not student representatives, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo,

shall be closed to the **nonvoting** student representative.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll vote be taken. He was joined in his request by Senators Green, Justus, Kennedy and Smith.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Engler
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Clemens	Crowell	Gibbons
Goodman	Griesheimer	Gross	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senators

Bray	Champion—2
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Absent with leave—Senator Days—1

Vacancies—None

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

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Pages 38-40, Section 173.1003, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Shields requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators Clemens, Nodler,

Ridgeway and Stouffer.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Coleman	Graham	Justus	Wilson—4
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NAYS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—28

Absent—Senator Bray—1

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham offered **SA 4**, which was read:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 6 for Senate Committee Substitute for Senate Bill No. 389, Page 40, Section 173.1003, Line 22, by inserting after all of said line the following:

**“9. The provisions of this section shall not apply to any institution with the University of Missouri system.”.**

Senator Graham moved that the above amendment be adopted.

Senator Engler assumed the Chair.

Senator Crowell assumed the Chair.

Senator Nodler submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Gary Nodler	/s/ Kevin Engler
/s/ Michael R. Gibbons	/s/ Charlie Shields
/s/ Delbert Scott	/s/ Chris Koster
/s/ Scott Rupp	/s/ Chuck Purgason
/s/ Jason Crowell	/s/ Carl M. Vogel
/s/ Brad Lager	/s/ John E. Griesheimer
/s/ Robert N. Mayer	/s/ Bill Stouffer
/s/ Norma Champion	/s/ Charles R. Gross
/s/ Jack A.L. Goodman	/s/ Dan J. Clemens
/s/ Luann Ridgeway	

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

**SA 4 to SS No. 6 for SCS for SB 389** failed of adoption.

Senator Nodler moved that **SS No. 6 for SCS for SB 389**, as amended, be adopted and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Charlie Shields	/s/ Chris Koster
/s/ Kevin Engler	/s/ Michael R. Gibbons
/s/ Gary Nodler	/s/ Delbert Scott

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

**SS No. 6 for SCS for SB 389**, as amended, was adopted.

Senator Nodler moved that **SS No. 6 for SCS for SB 389**, as amended, be declared perfected and ordered printed and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Gary Nodler	/s/ Charlie Shields
/s/ Michael R. Gibbons	/s/ Chris Koster
/s/ Delbert Scott	/s/ Kevin Engler

The motion to move the previous question was

adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be taken on the perfection of **SS No. 6 for SCS for SB 389**, as amended, and was joined in his request by Senators Justus, Coleman, Bray and Smith.

**SS No. 6 for SCS for SB 389**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Callahan	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

NAYS—Senators

Barnitz	Bartle	Bray	Coleman
Graham	Green	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

**HOUSE BILLS ON THIRD READING**

Senator Gross moved that **HCS** for **HB 16**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 16** was again taken up.

Senator Gross offered **SS** for **SCS** for **HCS** for **HB 16**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 16

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Senator Gross moved that **SS** for **SCS** for **HCS** for **HB 16** be adopted and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Gary Nodler                      /s/ Charlie Shields

/s/ Michael R. Gibbons        /s/ Chris Koster

/s/ Delbert Scott                /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HCS** for **HB 16** and was joined in his request by Senators Justus, Coleman, Bray and Smith.

**SS** for **SCS** for **HCS** for **HB 16** was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Gross moved that **SS** for **SCS** for **HCS** for **HB 16** be read the 3rd time and finally passed and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Gary Nodler                    /s/ Charlie Shields  
 /s/ Michael R. Gibbons       /s/ Chris Koster  
 /s/ Delbert Scott               /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith

Wilson—13

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

**SS for SCS for HCS for HB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith

Wilson—13

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

Senator Gross moved the title be agreed to and submitted the following privileged motion:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

**Shall the Main question be now put?**

Signed:

/s/ Gary Nodler                    /s/ Charlie Shields  
 /s/ Michael R. Gibbons       /s/ Chris Koster  
 /s/ Delbert Scott               /s/ Kevin Engler

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Green	Justus
Kennedy	McKenna	Shoemyer	Smith

Wilson—13

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

Senator Graham requested a roll call vote be taken on the motion to agree to the title and was joined in his request by Senators Justus, Bray, Coleman and Smith.

The title to **SS for SCS for HCS for HB 16** was agreed to by the following vote:

## YEAS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

## NAYS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Graham	Justus	Kennedy
McKenna	Shoemyer	Smith	Wilson—12

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

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

Senator Shields moved that motion lay on the table.

Senator Graham requested a roll call vote be taken on Senator Shields' motion and was joined in his request by Senators Coleman, Justus, Smith and Bray.

Senator Shields' motion was adopted by the following vote:

## YEAS—Senators

Bartle	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—21			

## NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Graham	Justus	Kennedy	McKenna
Shoemyer	Smith	Wilson—11	

Absent—Senator Green—1

Absent with leave—Senator Days—1

Vacancies—None

## REPORTS OF STANDING COMMITTEES

Senator Shields, 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, after examination of **HB 684**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 796**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

## COMMUNICATIONS

Senator Bray submitted the following:

April 18, 2007

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

I would like to request that HB 428 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

I would like to request that HB 344 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that SCS HCS HB 780 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 554 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 555 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 268 be removed from the

Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 459 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 467 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 616 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 665 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 205 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 795 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 740 be removed from the

Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 272 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 351 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 680 be removed from the Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 75 be removed from the  
Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 265 be removed from the  
Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 267 be removed from the  
Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 56 be removed from the

Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 933 be removed from the  
Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

April 18, 2007

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

Dear Ms. Spieler,

I would like to request that HB 574 be removed from the  
Consent Calendar.

Sincerely,  
/s/ Joan Bray  
Joan Bray

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 986, regarding Patricia Bratton, Cape Girardeau, which was adopted.

Senator Champion offered Senate Resolution No. 987, regarding Portland Elementary School, Springfield R-XII School District, which was adopted.

Senators Loudon, Gibbons and Griesheimer offered Senate Resolution No. 988, regarding Donald F. Essen, which was adopted.

Senator Gross offered Senate Resolution No. 989, regarding Gateway Panel, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 990, regarding the Performing Arts Centre, Inc., and The Dance Closet, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 991, regarding Client Services, Inc., St. Charles, which was adopted.

Senator Green offered Senate Resolution No. 992, regarding Michael Jude Gibson, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 993, regarding Donald Edward Gibson, Florissant, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Engler introduced to the Senate, MSTA Teachers from the Third Senatorial District.

Senator Mayer introduced to the Senate, Dennis and Cheryl Boggess, Dexter.

Senator Smith introduced to the Senate, Tyler Habiger, Bolivar High School; Audra Williams and Emily Moore, Fair Play High School; Kevin Demster, Stockton High School; Muhanned Emiroglu, Skyline High School; and Dusty Eggleston and Thomas Stewart, Lakeland High School, winners of the Mel Carnahan "Why it is Important to Vote" contest.

Senator Shields introduced to the Senate, students from St. Therese School, Parkville; and Michelle Royle, Amanda Price and Chris Greger were made honorary pages.

Senator Clemens introduced to the Senate, Megan McDevitt, Ava.

Senator Shields introduced to the Senate, students from Central High School, St. Joseph.

Senator Smith introduced to the Senate, fourth grade students from St. Ambrose School, St. Louis; and Michaela Byers and Jenna Javanovic were made honorary pages.

Senator Smith introduced to the Senate, the Physician of the Day, Dr. Catherine M. Dunn, M.D., Ballwin.

Senator Shoemyer introduced to the Senate, Susan Coe and Zaida Novinger, chaperones and fourth grade students from North Shelby Elementary School, Shelbyville.

Senator Crowell introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Loudon introduced to the Senate, Mary Liese, Maryland Heights; and students from Incarnate Word Elementary School, Chesterfield.

On behalf of Senator Purgason and himself, Senator Clemens introduced to the Senate, Jim Clark and David Chastain, Lebanon.

Senator Coleman introduced to the Senate, Jared Williams, Jamestown Elementary School, Florissant; and Jared was made an honorary page.

Senator Gibbons introduced to the Senate, sixth grade students from The College School of Webster Groves; and Addie Conway, Sabrina Walch, Luke Schmidt, Nick Glover and Reece Hartsfield were made honorary pages.

Senator Smith introduced to the Senate, Michael Simpson and fourth grade students from Forsyth Elementary School, St. Louis County.

Senator Green introduced to the Senate, Principal Tom Henke, Ms. Rose Sigears, parents and fifty eighth grade students from St. Rose Philippine Duchesne, Florissant; and Michael West, Maggie Raftery, David Kraft, Caitlyn Miloszewski, Dan Luebbert and Haley Schildroth.

Senator Bray introduced to the Senate, teachers, parents and fourth grade students from Forsyth Elementary School, St. Louis County.

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

## SENATE CALENDAR

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 FIFTY-SEVENTH DAY—THURSDAY, APRIL 19, 2007
 

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## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCS for HB 827  
HCS for HB 159

HCS for HBs 952 & 674  
HCS for HB 845

## THIRD READING OF SENATE BILLS

- |                                                            |                                  |
|------------------------------------------------------------|----------------------------------|
| 1. SS for SB 40-Ridgeway<br>(In Fiscal Oversight)          | 6. SCS for SB 391-Days           |
| 2. SS for SCS for SB 616-McKenna                           | 7. SS for SB 654-Kennedy         |
| 3. SS for SCS for SB 496-Koster                            | 8. SCS for SB 368-Barnitz, et al |
| 4. SS for SB 303-Loudon                                    | 9. SS for SB 358-Engler          |
| 5. SS for SCS for SB 428-Purgason<br>(In Fiscal Oversight) | 10. SCS for SB 75-Coleman, et al |
|                                                            | 11. SS for SCS for SB 668-Loudon |
|                                                            | 12. SCS for SB 664-Scott         |

## SENATE BILLS FOR PERFECTION

- |                                                 |                                                   |
|-------------------------------------------------|---------------------------------------------------|
| 1. SB 644-Griesheimer                           | 7. SB 699-Lager, with SCS                         |
| 2. SBs 372 & 366-Justus and Koster, with<br>SCS | 8. SB 11-Coleman, with SCS                        |
| 3. SB 388-Mayer, with SCS                       | 9. SB 536-Lager, with SCS                         |
| 4. SB 225-Stouffer, with SCS                    | 10. SB 552-Bartle                                 |
| 5. SB 571-Mayer, with SCS                       | 11. SB 484-Stouffer, with SCS                     |
| 6. SB 652-Coleman and Gibbons, with SCS         | 12. SBs 348, 626 & 461-Koster, et al,<br>with SCS |

## HOUSE BILLS ON THIRD READING

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| 1. HCS for HB 221 (Loudon)        | 4. HCS for HB 346 (Clemens)           |
| 2. HB 454-Jetton, et al (Mayer)   | 5. HB 155-Dusenberg, et al (Ridgeway) |
| 3. HCS for HJR 1, with SCS (Rupp) | 6. HB 69-Day, with SCS (Barnitz)      |

- 7. HCS for HB 469, with SCS (Crowell)
- 8. HCS for HB 620, with SCS (Ridgeway)
- 9. HCS for HB 39, with SCS (Koster)  
(In Fiscal Oversight)

- 10. HCS for HB 774 (Crowell)
- 11. HB 269-Nolte, et al (Ridgeway)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- SB 2-Gibbons, with SCS
- SB 17-Shields, with SCS
- SB 20-Griesheimer, with SCS
- SB 27-Bartle and Koster
- SB 53-Koster and Engler, with SCS
- SB 101-Mayer
- SB 131-Rupp
- SB 153-Engler, et al, with SCS
- SB 155-Engler, with SCS & SS for SCS  
(pending)
- SB 160-Rupp, with SCS
- SB 168-Mayer and Crowell, with SCS
- SB 169-Rupp, with SCS, SS for SCS &  
SA 3 (pending)
- SB 205-Stouffer and Gibbons, with SCS
- SB 212-Goodman
- SB 213-McKenna
- SB 242-Nodler, with SCS
- SB 250-Ridgeway and Vogel
- SB 252-Ridgeway and McKenna
- SB 254-Nodler, et al, with SCS
- SBs 260 & 71-Koster, et al, with SCS
- SB 274-Shields
- SB 282-Griesheimer, with SCS & SS for  
SCS (pending)
- SB 287-Crowell and Vogel, with SS  
(pending)
- SB 292-Mayer
- SB 297-Loudon, with SCS
- SB 300-Bartle
- SB 341-Goodman, with SCS
- SB 363-Bartle
- SB 364-Koster, with SCS, SS for SCS,  
SA 1 & SSA 1 for SA 1 (pending)
- SBs 370, 375 & 432-Scott and Koster,  
with SCS & SA 5 (pending)
- SB 385-Gibbons, with SCS
- SB 400-Crowell, et al
- SB 430-Shields, et al, with SCS, SS#2  
for SCS, SA 4 & SSA 3 for SA 4  
(pending)
- SB 444-Goodman
- SB 453-Scott, with SCS
- SB 458-Gibbons
- SB 476-Crowell
- SB 480-Ridgeway, et al, with SCS
- SB 492-Crowell
- SB 499-Engler and Clemens, with SCS
- SB 511-Scott, with SCS
- SB 521-Lager, et al, with SCS
- SB 523-Scott, with SCS
- SB 531-Gibbons, with SCS
- SB 534-Nodler
- SB 537-Lager
- SB 542-Scott, with SCS
- SBs 555 & 38-Gibbons, with SCS
- SB 563-Lager, with SCS & SS for SCS  
(pending)
- SB 570-Clemens
- SB 572-Vogel

SB 586-Crowell, with SCS  
SB 592-Scott, with SCS  
SB 599-Engler, with SCS  
SB 627-Ridgeway

SB 635-Loudon, with SCS  
SBs 660, 553, 557, 167, 258, 114 &  
378-Mayer, with SCS  
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)  
HCS for HB 405 (Scott)  
HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)  
HB 264-Cunningham (86) (Rupp)  
HB 732-Parson, et al (Scott)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 327, with SS for SCS, as  
amended (Griesheimer)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS  
(Shields)

SCR 10-Koster and Shields  
HCR 25-Yates, et al (Bartle)

To be Referred

SCR 26-Loudon

Unofficial  
✓

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