

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-NINTH DAY—THURSDAY, FEBRUARY 26, 2009**

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The Senate met pursuant to adjournment.

Senator Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have found the paradox that if I love until it hurts, then there is no hurt, but only more love.” (Mother Teresa)

Loving Lord, as we finish our work this day let us be mindful that what You truly require of us is that we have a mindset of being loving towards others and particularly to those You have given us to love. Make us mindful of our driving and considerate of those we share the road. Bring us safely home and abide with each of us this weekend. 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.

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

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

Present—Senators

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

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

**RESOLUTIONS**

Senator Ridgeway offered Senate Resolution No. 426, regarding Nicholas Robert Ritter, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 427, regarding Dave Reinhart, Smithville, which was adopted.

Senator Mayer offered Senate Resolution No. 428, regarding Keith Mahal, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 429, regarding Frank Rayfield, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 430, regarding Paul D. Helsel, which was adopted.

Senator Mayer offered Senate Resolution No. 431, regarding the One Hundredth Anniversary of Weber's Ben Franklin, Dexter, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Schmitt offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 23**

WHEREAS, the sub-prime mortgage lending crisis and the economic downturn has led to a dramatic increase in the rate of foreclosures nationwide and within this state; and

WHEREAS, the increased rate of foreclosures has flooded the market thereby driving down property values throughout this state and the nation; and

WHEREAS, nationwide home values have seen significant decreases in the last year; and

WHEREAS, areas within this state have experienced property value decreases over the past year as well; and

WHEREAS, the laws of the state of Missouri require real and personal tangible property to be assessed at a percentage of their true value; and

WHEREAS, the State Tax Commission and assessors are charged with assessing property values throughout the state for the benefit of the public:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call upon the State Tax Commission and all assessors in this state to accurately reflect present market conditions, assess property located within this state as provided by law and decrease the assessed values of property where appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the State Tax Commission to provide to each assessor in this state.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 526**—By Clemens.

An Act to repeal sections 267.565 and 267.600, RSMo, and to enact in lieu thereof two new sections relating to diseased animals.

**SB 527**—By Nodler and Bray.

An Act to repeal section 226.220, RSMo, and to enact in lieu thereof two new sections relating to the

receipt, deposit, and allocation of federal highway funds.

**SB 528**—By Nodler.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development incentives for alternative energy vehicle components.

**SB 529**—By Goodman.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

**SB 530**—By Goodman.

An Act to repeal sections 210.145, 210.150, and 210.152, RSMo, and to enact in lieu thereof three new sections relating to child abuse investigations, with penalty provisions.

**SB 531**—By Goodman.

An Act to repeal section 332.321, RSMo, and to enact in lieu thereof one new section relating to dental advertising.

**SB 532**—By Bray.

An Act to repeal section 115.249, RSMo, and to enact in lieu thereof one new section relating to electronic voting machines.

**SB 533**—By Rupp.

An Act to amend chapters 41 and 42, RSMo, by adding thereto two new sections relating to exposure to depleted uranium by members of the military.

**SB 534**—By Rupp.

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to testing for psychotropic substances in suicide cases.

**SB 535**—By Days.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to breaching airport security, with penalty provisions.

**SB 536**—By Wilson.

An Act to amend chapter 453, RSMo, by adding thereto one new section relating to foster care and adoption promotion.

**SB 537**—By Cunningham.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to open enrollment.

**SB 538**—By Champion.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

**SB 539**—By Schaefer.

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new

sections relating to environmental protection.

**SB 540**—By Schaefer.

An Act to authorize the conveyance of certain state property, with an emergency clause.

**SB 541**—By Pearce.

An Act to amend chapter 443, RSMo, by adding thereto five new sections relating to residential mortgage loans.

**SB 542**—By Pearce.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to the state treasurer, with penalty provisions.

**SB 543**—By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for homes built under green build standards.

**SB 544**—By Schmitt.

An Act to repeal section 67.304, RSMo, and to enact in lieu thereof one new section relating to public safety officers soliciting charitable contributions.

**SB 545**—By Schmitt.

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to electrical corporations that operate on the not-for-profit cooperative business plan.

**SB 546**—By Schmitt, Lembke and Cunningham.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket-to-work health assurance program.

**SB 547**—By Schmitt.

An Act to repeal sections 376.428 and 376.453, RSMo, and to enact in lieu thereof six new sections relating to health insurance.

**SB 548**—By Schmitt.

An Act to amend chapter 191, RSMo, by adding thereto five new sections relating to health record banks.

**SB 549**—By Schmitt.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet data transparency.

**SB 550**—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to state retirement systems.

**SB 551**—By Crowell.

An Act to repeal sections 217.362, 558.019, and 559.115, RSMo, and to enact in lieu thereof three new

sections relating to drug offenses, with penalty provisions.

**SB 552**—By Crowell.

An Act to repeal sections 208.215 and 287.266, RSMo, and to enact in lieu thereof two new sections relating to the MO HealthNet division's authority to collect from third-party payers and workers' compensation beneficiaries.

**SB 553**—By Crowell.

An Act to repeal sections 103.003 and 103.079, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of the state health care system, with an emergency clause.

**SB 554**—By Crowell.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to assistant adjutants general.

**SB 555**—By Lager.

An Act to amend chapter 392, RSMo, by adding thereto two new sections relating to exchange access rates.

**SB 556**—By Mayer.

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

**SB 557**—By Mayer.

An Act to repeal section 48.050, RSMo, and to enact in lieu thereof one new section relating to county officers.

**SB 558**—By Mayer, Days, Wilson, Clemens and Champion.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to the Missouri promise program.

**SB 559**—By Schaefer.

An Act to repeal section 536.025, RSMo, and to enact in lieu thereof one new section relating to emergency administrative rules.

**SB 560**—By Green.

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof one new section relating to commissioners of the administrative hearing commission.

**SB 561**—By Green.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to license fee revenue.

**SB 562**—By Smith.

An Act to repeal sections 452.340 and 454.557, RSMo, and to enact in lieu thereof two new sections relating to electronic storage of support obligations.

**SB 563**—By Smith.

An Act to repeal sections 86.200, 86.237, 86.257, 86.260, 86.263, and 86.270, RSMo, and to enact in lieu thereof six new sections relating to police retirement.

**SB 564**—By Smith.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

**SB 565**—By Wright-Jones.

An Act to repeal sections 86.200 and 86.207, RSMo, and to enact in lieu thereof two new sections relating to police retirement systems.

**SB 566**—By Wright-Jones.

An Act to repeal section 84.175, RSMo, and to enact in lieu thereof one new section relating to a police reserve force.

**SB 567**—By Wright-Jones.

An Act to repeal section 84.150, RSMo, and to enact in lieu thereof one new section relating to the composition of police forces.

**SB 568**—By Rupp.

An Act to amend chapters 33 and 537, RSMo, by adding thereto four new sections relating to recovery and oversight of waste of public funds.

**SB 569**—By Lembke.

An Act to repeal sections 116.010, 116.020, 116.050, 116.060, 116.080, 116.090, 116.100, 116.120, 116.130, 116.175, 116.180, 116.190, 116.320, and 116.332, RSMo, and to enact in lieu thereof fourteen new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 570**—By Lembke.

An Act to repeal section 208.930, RSMo, and to enact in lieu thereof one new section relating to consumer-directed personal care assistance services.

**SB 571**—By Lembke.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to prohibiting insurers from engaging in certain acts with respect to motor vehicle collision claims.

**SB 572**—By Dempsey.

An Act to amend chapter 174, RSMo, by adding thereto twenty new sections relating to science and innovation reinvestment.

**SJR 18**—By Cunningham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of real property.

## **CONCURRENT RESOLUTIONS**

Senator Lager offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, the right to a private secret ballot when voting on external representation is fundamentally inherent in our representative republic and shall not be infringed upon; and

WHEREAS, passing the Employee Free Choice Act (EFCA, H.R. 800/S. 1041) will replace a federally supervised private ballot election with a system that facilitates coercion and intimidation, known as “card check”, whereby employees publicly sign cards to vote for unionization; and

WHEREAS, 79 percent of the American people support a worker's right to a federally supervised secret ballot election when deciding whether or not to join a union; and

WHEREAS, the tri-partisan agreement to oppose the EFCA is overwhelming, as 77 percent of Republicans, 82 percent of Democrats, and 79 percent of Independents believe in protecting private ballots; and

WHEREAS, in July 2002, before a U.S. House subcommittee, a union employee testified that those who would not vote for a union in a public “card check” program were threatened with termination, deportation, and loss of 401(k) and health benefits; and

WHEREAS, even the chairman of the U.S. House Education and Labor Committee, Rep. Miller (D-California), and staunch supporter of the American “card check” bill, sent a letter to Mexican government officials which stated, “... we feel that the private ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose.”; and

WHEREAS, the EFCA's mandatory binding arbitration provisions deny workers the right to participate in the collective bargaining process between employees and the union:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, find that so-called “card check” legislation such as the “Employee Free Choice Act” is detrimental to the rights of workers and an offense against democratic principles, and urges all members of the congressional delegation to support worker freedom by opposing the EFCA and any of its components in 2009 and in future years; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's congressional delegation.

## **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Michelle L. Hoffmeister and Sharon M. Williams, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Terry M. Jarrett, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Richard H. Kellett, as a member of the Saint Louis County Board of Election Commissioners;

Also,

Orvin T. Kimbrough, as a member of the Missouri State University Board of Governors;

Also,

Jimmie Lee Wells, as a member of the Board of Probation and Parole;

Also,

Peggy Gettemeier, as a member of the Missouri Board of Occupational Therapy.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Shields assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which were referred **SB 237** and **SB 137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.



On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Engler submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 93**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 231**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 84**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Dempsey assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 88**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 88**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 88**

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to state

highway system incident management.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 88** be adopted.

Senator McKenna offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 88, Page 6, Section 304.155, Line 196, by inserting immediately after said line the following:

**“304.820. 1. Except as provided in subsection 2 of this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of an electronic wireless communications device, send, read, or write a text message or electronic message.**

**2. The provisions of subsection 1 of this section shall not apply to a person operating:**

**(1) An authorized emergency vehicle; or**

**(2) A moving motor vehicle while using an electronic wireless communications device to:**

**(a) Report illegal activity;**

**(b) Summon medical or other emergency help;**

**(c) Prevent injury to a person or property; or**

**(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.**

**3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of an electronic wireless communications device, while operating a motor vehicle upon the highways of this state.**

**4. As used in this section, “electronic message” means a self-contained piece of digital communication that is designed or intended to be transmitted between electronic wireless communication devices. “Electronic message” includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.**

**5. As used in this section, “electronic wireless communications device” includes any cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not include any built-in navigational or emergency road service assistance system.**

**6. As used in this section, “making or taking part in a telephone call” means listening to or engaging in verbal communication through an electronic wireless communication device.**

**7. As used in this section, “send, read, or write a text message or electronic message” means using an electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into an electronic wireless communications device for the purpose of making a telephone call.**

**8. A violation of this section shall be deemed a class C misdemeanor and shall be deemed a moving**

violation for purposes of point assessment under section 302.302, RSMo.

**9. The state preempts the field of regulating the use of electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic wireless communication devices by the operator of a motor vehicle.”; and**

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is not germane to the subject matter of the bill.

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

Senator Stouffer moved that **SCS** for **SB 88** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 88** was declared perfected and ordered printed.

Senator Rupp moved that **SB 126** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 126** was declared perfected and ordered printed.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 573**—By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

**SB 574**—By Rupp.

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

February 25, 2009

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

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

Lowell C. Kruse, Democrat, 7300 SE 75<sup>th</sup> Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2015, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
 Jefferson City  
 65102

February 25, 2009

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

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

Troy L. Nash, Democrat, 600 East Admiral #1808, Kansas City, Jackson County, Missouri 64106, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2013, and until his successor is duly appointed and qualified; Allen Shirley, withdrawn.

Respectfully submitted,  
 Jeremiah W. (Jay) Nixon  
 Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 744**, entitled:

An Act to amend chapter 30, RSMo, by adding thereto three new sections relating to the receipt of federal economic stimulus funds, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 287**, entitled:

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to classification of certain real property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 575**—By Smith.

An Act to repeal section 137.545, RSMo, and to enact in lieu thereof one new section relating to personal property lists, with penalty provisions.

**SB 576**—By Dempsey.

An Act to repeal section 167.275, RSMo, and to enact in lieu thereof one new section relating to

education records and reports.

### **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 **HB 86**, entitled:

An Act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to corporate franchise tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SECOND READING OF SENATE BILLS**

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

**SB 440**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 441**—Education.

**SB 442**—Commerce, Consumer Protection, Energy and the Environment.

**SB 443**—Education.

**SB 444**—General Laws.

**SB 445**—Education.

**SB 446**—Education.

**SB 447**—Jobs, Economic Development and Local Government.

**SB 448**—Education.

**SB 449**—Ways and Means.

**SB 450**—General Laws.

**SB 451**—Agriculture, Food Production and Outdoor Resources.

**SB 452**—Financial and Governmental Organizations and Elections.

**SB 453**—Education.

**SB 454**—Small Business, Insurance and Industry.

**SB 455**—Jobs, Economic Development and Local Government.

**SB 456**—Jobs, Economic Development and Local Government.

**SB 457**—Jobs, Economic Development and Local Government.

**SB 458**—General Laws.

**SB 459**—Judiciary and Civil and Criminal Jurisprudence.

**SB 460**—Financial and Governmental Organizations and Elections.

**SB 461**—Financial and Governmental Organizations and Elections.

**SB 462**—Agriculture, Food Production and Outdoor Resources.

**SB 463**—Small Business, Insurance and Industry.

**SB 464**—Small Business, Insurance and Industry.

**SB 465**—Small Business, Insurance and Industry.

**SB 466**—General Laws.

**SB 467**—Health, Mental Health, Seniors and Families.

**SB 468**—Judiciary and Civil and Criminal Jurisprudence.

**SB 469**—General Laws.

**SB 470**—Ways and Means.

**SB 471**—Transportation.

**SB 472**—Governmental Accountability and Fiscal Oversight.

**SB 473**—General Laws.

**SB 474**—Commerce, Consumer Protection, Energy and the Environment.

**SB 475**—Progress and Development.

**SB 476**—General Laws.

**SB 477**—Transportation.

## **RESOLUTIONS**

Senator Shields moved that **SR 304** be taken up for adoption, which motion prevailed.

Senator Ridgeway offered **SS** for **SR 304**:

### SENATE SUBSTITUTE FOR SENATE RESOLUTION NO. 304

WHEREAS, Missouri currently ranks 30th in the nation in number of 25-34 year olds with a degree past high school; and

WHEREAS, a key component to creating a better Missouri is striving to have an educated and academically skilled citizenry in our state for the future; and

WHEREAS, there is an indisputable correlation between the economic prosperity of a state and the quality and level of education and skill of its citizenry; and

WHEREAS, the United States, for years, led the world as the most successful and prosperous nation because our citizens have typically had the highest quality and level of education, yet our nation now ranks 10th among industrialized nations in the percentage of young adults with college degrees; and

WHEREAS, our current ranking of 30th in the nation in number of 25-34 year olds with a degree past high school places Missouri behind our neighboring states of Kansas, Nebraska, Iowa, and Illinois; and

WHEREAS, as part of our long-term strategy and plan for creating an educated citizenry, we must improve academic achievement and move more of our young people into an education experience past high school if we are going to compete with our neighboring states and the rest of the world; and

WHEREAS, the strategy cannot simply focus on higher education, but must take place along the entire spectrum of education;

WHEREAS, the members of the Missouri Senate are a dedicated group of individuals who should lead in developing this long-term

strategy and plan:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby create the Missouri Senate Educated Citizenry 2020 Committee; and

BE IT FURTHER RESOLVED that the Committee shall be responsible for developing long-term plans and strategies for:

a. An education system where every child enters school ready to learn by ensuring access to quality education and support for stay-at-home parents; and

b. An elementary, secondary and higher education system that educates students who are capable of attending and being productive and successful citizens and designed to successfully prepare graduates for global competition; and

c. Any other aspects of education policy that the Committee deems appropriate for creating an educated citizenry in our state; and

BE IT FURTHER RESOLVED that the Committee shall elect a chairperson and a vice chairperson for the Committee who shall serve during the pendency of the Committee; and

BE IT FURTHER RESOLVED that the authority of the Committee shall terminate on December 31, 2010; and

BE IT FURTHER RESOLVED that the Committee shall be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee.

Senator Ridgeway moved that **SS** for **SR 304** be adopted, which motion prevailed.

On motion of Senator Shields, **SR 304**, as amended by the **SS**, was adopted.

Senator Wright-Jones offered Senate Resolution No. 432, regarding the death of Ruth Bonita Westbrook “Ruthie” Burns, which was adopted.

## **REFERRALS**

President Pro Tem Shields referred **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 25, 2009

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

**RE: Appointment to the Missouri Tourism Commission**

Dear Ms. Spieler,

Pursuant to Section 620.455, RSMo, I am appointing Senator Jack Goodman to the Missouri Tourism Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 25, 2009

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

**RE: Appointments to the Missouri Senate Healthy Missourians 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR303, I am appointing the following Senators to the Missouri Senate Healthy Missourians 2020 Committee:

Senator Frank Barnitz  
Senator Tom Dempsey  
Senator Jolie Justus  
Senator Brad Lager  
Senator Eric Schmitt

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 25, 2009

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

**RE: Appointments to the Missouri Senate Educated Citizenry 2020 Committee**

Dear Ms. Spieler,

Pursuant to SS SR304, I am appointing the following Senators to the Missouri Senate Educated Citizenry 2020 Committee:

Senator Jane Cunningham  
Senator David Pearce  
Senator Kurt Schaefer  
Senator Wes Shoemyer  
Senator Jeff Smith  
Senator Robin Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,



February 25, 2009

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

**RE: Appointments to the Missouri Senate Job Creation 2020 Committee**

Dear Ms. Spieler,

Pursuant to SR302, I am appointing the following Senators to the Missouri Senate Job Creation 2020 Committee:

Senator Tom Dempsey  
Senator Brad Lager  
Senator Jim Lembke  
Senator Ryan McKenna  
Senator Scott Rupp  
Senator Eric Schmitt  
Senator Robin Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. John Zygiel, M.D., Columbia.

Senator Stouffer introduced to the Senate, Matthew Thompson, Boonville High School.

Senator Nodler introduced to the Senate, Jim Murray and his wife, Jane; their daughter, Jodie Burns, her husband, Paul and their children, Wyatt, Jack and Oliver; and Rita Murray, Diamond.

Senator Shoemyer introduced to the Senate, Susan Winkee, Courtney Smith and thirteen eighth grade students from Holy Rosary School, Monroe City.

Senator Engler introduced to the Senate, Pastor Jim Stewart and his wife, Melody, Ellington.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, March 2, 2009.

**SENATE CALENDAR**

—————  
**THIRTIETH DAY—MONDAY, MARCH 2, 2009**  
—————

**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 478-Shoemyer  
SB 479-Shoemyer

SB 480-Shoemyer  
SB 481-Ridgeway

SB 482-Ridgeway	SB 527-Nodler and Bray
SB 483-Rupp	SB 528-Nodler
SB 484-Rupp	SB 529-Goodman
SB 485-Pearce	SB 530-Goodman
SB 486-Green, et al	SB 531-Goodman
SB 487-Stouffer	SB 532-Bray
SB 488-Vogel	SB 533-Rupp
SB 489-Dempsey	SB 534-Rupp
SB 490-Wilson and Nodler	SB 535-Days
SB 491-Mayer	SB 536-Wilson
SB 492-Mayer	SB 537-Cunningham
SB 493-Mayer	SB 538-Champion
SB 494-Griesheimer	SB 539-Schaefer
SB 495-Griesheimer	SB 540-Schaefer
SB 496-Cunningham	SB 541-Pearce
SB 497-Cunningham	SB 542-Pearce
SB 498-Cunningham	SB-543-Pearce
SB 499-Cunningham	SB 544-Schmitt
SB 500-Cunningham	SB 545-Schmitt
SB 501-Cunningham	SB 546-Schmitt, et al
SB 502-Cunningham	SB 547-Schmitt
SB 503-Cunningham	SB 548-Schmitt
SB 504-Cunningham	SB 549-Schmitt
SB 505-Cunningham	SB 550-Crowell
SB 506-Callahan	SB 551-Crowell and Schaefer
SB 507-Callahan	SB 552-Crowell
SB 508-Bray, et al	SB 553-Crowell
SB 509-Scott	SB 554-Crowell
SB 510-Lager	SB 555-Lager
SB 511-Nodler	SB 556-Mayer
SB 512-Dempsey	SB 557-Mayer
SB 513-Dempsey	SB 558-Mayer, et al
SB 514-Dempsey	SB 559-Schaefer
SB 515-Cunningham	SB 560-Green
SB 516-Cunningham	SB 561-Green
SB 517-Lembke	SB 562-Smith
SB 518-Lembke	SB 563-Smith
SB 519-Shields	SB 564-Smith
SB 520-Wright-Jones	SB 565-Wright-Jones
SB 521-Wright-Jones	SB 566-Wright-Jones
SB 522-Stouffer	SB 567-Wright-Jones
SB 523-Bartle	SB 568-Rupp
SB 524-Griesheimer	SB 569-Lembke
SB 525-Griesheimer	SB 570-Lembke
SB 526-Clemens	SB 571-Lembke

SB 572-Dempsey  
SB 573-Crowell  
SB 574-Rupp  
SB 575-Smith  
SB 576-Dempsey

SJR 14-Wilson  
SJR 15-Cunningham  
SJR 16-Lager  
SJR 17-Lembke  
SJR 18-Cunningham

HOUSE BILLS ON SECOND READING

HCS for HB 96  
HB 744-Icet

HB 287-Day, et al  
HB 86-Sutherland

THIRD READING OF SENATE BILLS

SCS for SB 104-Justus, et al  
(In Fiscal Oversight)  
SCS for SB 37-Goodman  
(In Fiscal Oversight)

SB 84-Purgason

SENATE BILLS FOR PERFECTION

1. SB 174-Griesheimer and Goodman,  
with SCS
2. SB 7-Griesheimer
3. SB 5-Griesheimer, with SCS
4. SB 38-Rupp
5. SB 44-Pearce, with SCS
6. SB 176-Stouffer, with SCS

7. SBs 237 & 137-Lembke, with SCS
8. SB 8-Champion, with SCS
9. SB 265-Mayer, et al, with SCS
10. SB 93-Green, with SCS
11. SB 57-Stouffer, with SCS
12. SB 231-Cunningham, with SCS
13. SB 202-Schaefer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 215-Shields

## SENATE BILLS FOR PERFECTION

SB 18-Bray, et al, with SCS & SS for SCS  
(pending)

SB-29-Stouffer

SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)

SB 58-Stouffer

SB 72-Stouffer, with SCS

SB 89-Stouffer, with SCS, SA 1 &  
SSA 1 for SA 1 (pending)

SCS for SB 189-Shields

SBs 223 & 226-Goodman, with SCS (pending)

SB 255-Pearce, with SA 1 & SA 1 to SA 1  
(pending)

SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS, SS for SCS, SA 3 & SA 1 to SA 3  
(pending)

## CONSENT CALENDAR

## Senate Bills

Reported 2/25

SB 235-Cunningham

SBs 165, 164, 248 & 168-Justus, with SCS

SB 242-Pearce, with SCS

SB 96-Justus, et al, with SCS

SB 297-Scott

SB 293-Barnitz, et al, with SCS

SB 153-Clemens, with SCS

SB 71-Stouffer, with SCS

SB 368-Stouffer

SB 114-Crowell

SB 263-Mayer

SB 280-Rupp and Cunningham

SB 277-Cunningham

## RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)

SCR 5-Stouffer, with SCA 1

SCR 7-Pearce

SR 207-Lembke and Smith, with SCS  
& SS for SCS (pending)

SCR 11-Bartle, et al

SCR 8-Shoemyer

SCR 16-Pearce

To be Referred

SCR 23-Schmitt

SCR 24-Lager

✓