

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 9, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord for he is good; for his steadfast love endures forever.” (Psalm 106:1)

We do give You thanks this day for the beauty of it and the warm of the sun and then the rain to water the earth. It was a good day to drive here and to have Your abiding presence and to arrive here safe and know that You watch our going out and coming in. Thank You, O Lord, for the opportunities to serve You. 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 for Thursday, March 5, 2009 was read and approved.

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

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 485, regarding Mavis Theassa Thompson, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 486, regarding James “Doug” Orcutt, which was adopted.

Senator Dempsey offered Senate Resolution No. 487, regarding Thomas “Cutter” Schneider, which was adopted.

Senator Dempsey offered Senate Resolution No. 488, regarding Patrick Beilsmith, which was adopted.

Senator Dempsey offered Senate Resolution No. 489, regarding Jan Kreienkamp, which was adopted.

Senator Dempsey offered Senate Resolution No. 490, regarding George Kramer, which was adopted.

Senator Dempsey offered Senate Resolution No. 491, regarding Alma Probst, which was adopted.

Senator Mayer offered Senate Resolution No. 492, regarding the Seventieth Birthday of Leon Pulley, Kennett, which was adopted.

Senator Justus offered Senate Resolution No. 493, regarding Bishop Clifford A. Jackson, which was adopted.

Senator Bray offered Senate Resolution No. 494, regarding Mark Twain Elementary School, which was adopted.

Senator Shields offered Senate Resolution No. 495, regarding the Missouri Women’s Council, which was adopted.

Senator Ridgeway offered Senate Resolution No. 496, regarding Michael Bruen Wood, Liberty, which was adopted.

Senator Griesheimer offered Senate Resolution No. 497, regarding Shirley Hillhouse, Washington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 498, regarding Brittney Tebbenkamp, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 499, regarding Brittany McCurley, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 500, regarding Bailey Harper, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 501, regarding Jennifer Carney, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 502, regarding Hannah Proctor, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 503, regarding Jennifer Shea, Kansas City, which was adopted.

Senator Purgason offered Senate Resolution No. 504, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Noblitt, Caulfield, which was adopted.

Senator Purgason offered Senate Resolution No. 505, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clovis Davenport, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Sutton, Lynchburg, which was adopted.

Senator Purgason offered Senate Resolution No. 507, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Beltz, Pomona, which was adopted.

Senator Vogel offered Senate Resolution No. 508, regarding the Capital Area Chapter of the American Red Cross, which was adopted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
Jefferson City
65102
March 09, 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:

Rose Marie Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until her successor is duly appointed and qualified; vice, Richard J. Wilson, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
March 09, 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:

Lloyd Joseph Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the State Highway and Transportation Commission, for a term ending March 08, 2015, and until his successor is duly appointed and qualified; vice, James Anderson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
March 09, 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:

Don M. Downing, Democrat, 238 Park Road, Webster Groves, Saint Louis County, Missouri 63119, as a member of the University of Missouri Board of Curators, for a term ending January 01, 2015, and until his successor is duly appointed and qualified; vice, Marion Cairns, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 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:

Joseph G. McCulloch, Democrat, 2013 Willow Trail, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Saint Charles County Convention & Sports Facilities Authority, for a term ending April 27, 2012, and until his successor is duly appointed and qualified; vice, William Dale Finke, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 09, 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:

Thomas N. Wapelhorst, Republican, 3605 Collingwood, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2013, and until his successor is duly appointed and qualified; vice, Thomas N. Wapelhorst, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

THIRD READING OF SENATE BILLS

SB 368, introduced by Senator Stouffer, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to providing an affirmative defense for certain red light violations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 368** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SB 114, introduced by Senator Crowell, entitled:

An Act to repeal sections 302.302 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to the administration of driver improvement programs by the centralized violation bureau.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 114** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SB 263, introduced by Senator Mayer, entitled:

An Act to repeal section 44.227, RSMo, and to enact in lieu thereof one new section relating to the seismic safety commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 263** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SB 280, introduced by Senators Rupp and Cunningham, entitled:

An Act to repeal sections 143.441, 147.010, and 148.370, RSMo, and to enact in lieu thereof three new sections relating to taxation of insurance companies.

Was called from the Consent Calendar and taken up by Senator Rupp.

On motion of Senator Rupp, **SB 280** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SB 277, introduced by Senator Cunningham, entitled:

An Act to amend chapters 362 and 369, RSMo, by adding thereto two new sections relating to irrevocable life insurance trusts.

Was called from the Consent Calendar and taken up.

Senator Stouffer assumed the Chair.

On motion of Senator Cunningham, **SB 277** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Cunningham moved that **SB 231**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Justus, the above amendment was withdrawn.

SCS for **SB 231** was again taken up.

Senator Cunningham moved that **SCS** for **SB 231** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 231** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 202**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 202

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the assignment of comparative fault for operating a motorcycle.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 202** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 202, Page 1, In the Title, Line 3, by striking said line and inserting in lieu thereof the following: "operation of motorcycles"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of

subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

4. Notwithstanding the provisions of subsection 2 of this section, any person who is twenty-one years of age or older may operate or ride as a passenger on any motorcycle or motortricycle without protective headgear upon any highway of this state, except for an interstate highway. Any person twenty-one years of age or older operating or riding as a passenger on any motorcycle or motortricycle without protective headgear upon an interstate highway shall be guilty of an infraction for which a fine not to exceed twenty-five dollars may be imposed. The protective headgear exemption provided by this subsection shall expire on August 28, 2014.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer moved that **SCS for SB 202**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for SB 202**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 38, introduced by Senator Rupp, entitled:

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to counties changing classification.

Was taken up.

On motion of Senator Rupp, **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SCS for SBs 237 and 137, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 237 and 137

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Was taken up by Senator Lembke.

On motion of Senator Lembke, **SCS for SBs 237 and 137** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SCS for SB 8, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS for SB 8** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32
NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SCS for SB 93, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 93

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Was taken up by Senator Green.

On motion of Senator Green, SCS for SB 93 was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	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—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bartle Days—2

Vacancies—None

The President declared the bill passed.

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

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

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

SB 255, introduced by Senator Pearce, entitled:

An Act to repeal section 172.030, RSMo, and to enact in lieu thereof one new section relating to the board of curators of the University of Missouri.

Was taken up.

On motion of Senator Pearce, **SB 255** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—29			

NAYS—Senators

Crowell	Purgason	Smith—3
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Absent—Senators—None

Absent with leave—Senators

Bartle	Days—2
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Vacancies—None

The President declared the bill passed.

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

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

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

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 **SCS** for **SB 313**, 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.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 313, Page 1, Section 30.1010, Line 4 by inserting after the word “**received**” the words: “**in the state treasury**”; and

Further amend said bill, Page 1, Section 30.1014, Line 2 by inserting after the word “**moneys**” the following: “**except those specifically allocable to the funds established under the provisions of sections 288.290, 288.300, and 644.122, RSMo**”; and

Further amend said bill, Page 1, Section 30.1014, Line 3 by inserting after the word “**received**” the

following: **“in the state treasury”**; and

Further amend said bill, Page 2, Section 1, Line 1 by inserting after the word **“create”** the following: **“or redesignate”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

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

HCS for HB 14—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 44**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Pearce, the above amendment was withdrawn.

Senator Pearce offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Lines 26-27, by striking **“any city of the third or fourth classification”** and inserting in lieu thereof the following: **“a city”**; and further amend lines 28 and 29, by striking **“any city of the third or fourth classification”** and inserting in lieu thereof the following: **“of a city”**.

Senator Pearce moved that the above amendment be adopted.

Senator Bray 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 Committee Substitute for Senate Bill No. 44, Page 2, Section 221.095, Line 6 of said amendment by inserting immediately after all of said line the following: **“And further amend same page, same section, line 30 by inserting immediately after ‘occurred.’ the following: ‘The private jail shall also notify any court or government agency from which an escaped prisoner or offender was referred.’”**.

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

SA 2, as amended, was again taken up.

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

Senator Wilson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 31, by

inserting after all of said line the following:

“8. The state or its political subdivisions shall not contract with any private jail to provide services, unless such private jail provides written documentation of its ability to indemnify for liability arising from the operation of the private jail.”.

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

Senator Bray offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 31, by inserting after all of said line the following: **“8. The county sheriff or his or her designee, or, in the case of a private jail located within the corporate limits of a municipality that has a police department, an officer employed by such a police department, shall be given full and complete access to a private jail’s facilities at any time to determine compliance with this chapter and with public safety requirements. The provisions of section 221.095 and this section shall not be construed to grant any law enforcement agency or officer the power to control or direct the operations of a private jail except in the event of a violation of law or a public emergency.”.**

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

Senator Bray offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 44, Page 3, Section 221.097, Line 19, by inserting immediately after “221.095” the following **“and subsection 8 of this section”;**

And further amend same page, same section, line 31, by inserting after all of said line the following: **“8. All private jails in this state shall operate at all times in a manner consistent with the accreditation standards of the American Corrections Association. Private jails operating on the effective date of this section shall obtain accreditation with the American Corrections Association within twenty-four months after the effective date of this section. Private jails established after the effective date of this section shall obtain such accreditation before beginning operations. Any private jail that loses such accreditation shall immediately notify the sheriff of the county in which it resides or, if it resides within the corporate boundaries of a municipality that has a police department, the police department of such municipality, and shall also immediately notify any court or government agency that refers prisoners or offenders to it upon the loss of such accreditation. A private jail shall immediately cease operations upon the loss of such accreditation. A private jail that loses accreditation shall be responsible for all costs associated with the transportation of prisoners or offenders after a cessation of operations caused by the loss of accreditation.”.**

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

Senator Green offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 44, Page 6, Section 575.240, Line 13, by inserting immediately after all of said line the following:

“Section 1. Any construction project to build a private jail shall comply with the provisions of

sections 290.210 to 290.340, RSMo, and sections 290.550 to 290.580, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Pearce moved that SCS for SB 44, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, SCS for SB 44, as amended, was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Justus introduced to the Senate, her sister, Jaime Scribner and her children, Andy and Sophie, Tonganoxie, Kansas.

Senator Justus introduced to the Senate, Shonda Garrison, Holts Summit.

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

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 10, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

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
HCS for HB 242

HB 65-Wilson (119), et al
HCS for HB 580
HCS for HB 82
HCS for HB 310
HCS for HB 459

THIRD READING OF SENATE BILLS

SCS for SB 265-Mayer, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

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| 1. SB 216-Scott, with SCS | 7. SB 130-McKenna, et al, with SCS |
| 2. SB 235-Cunningham | 8. SB 167-Rupp, with SCS |
| 3. SB 284-Lembke, et al | 9. SBs 65 & 43-Rupp, et al, with SCS |
| 4. SB 236-Lembke | 10. SB 188-Dempsey, et al, with SCS |
| 5. SB 264-Mayer | 11. SB 272-Lager |
| 6. SB 291-Shields | |

HOUSE BILLS ON THIRD READING

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

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| SB 5-Griesheimer, with SCS, SS for SCS & SA 2 (pending) | SB 89-Stouffer, with SCS, SA 1 & SSA 1 for SA 1 (pending) |
| SB 7-Griesheimer, with SS (pending) | SB 174-Griesheimer and Goodman, with SCS, SS for SCS & SA 1 (pending) |
| SB 18-Bray, et al, with SCS & SS for SCS (pending) | SB 176-Stouffer, with SCS |
| SB 29-Stouffer | SCS for SB 189-Shields |
| SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS (pending) | SBs 223 & 226-Goodman, with SCS (pending) |
| SB 57-Stouffer, with SCS | SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS, SS#2 for SCS & SA 7 (pending) |
| SB 58-Stouffer | |
| SB 72-Stouffer, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 3/4

- | | |
|--------------------|----------------------------|
| SB 66-Scott | SB 224-Goodman |
| SB 196-Shoemyer | SB 232-Cunningham |
| SB 122-Griesheimer | SB 134-Dempsey, with SCS |
| SB 294-Barnitz | SB 349-Goodman and McKenna |
| SB 262-Bartle | SB 127-Rupp, with SCS |

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 313-Nodler and Bray, with
HCS, as amended

RESOLUTIONS

Reported from Committee

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

SCR 7-Pearce

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

SCR 11-Bartle, et al

SCR 14-Schmitt

SCR 21-Clemens

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