## Journal of the Senate

#### FIRST REGULAR SESSION

## THIRTY-SEVENTH DAY—THURSDAY, MARCH 12, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let them praise the name of the Lord! For he commanded and they were created." (Psalm 148:5)

Gracious and Creative Lord, we give You thanks for the work we have here but we are mindful that at the end of this day we begin a time to put aside this work and to be at rest and with those we love. It is a time to do other things that refresh us and gives our minds moments of tranquility and clarity. Help us to use this time creatively as we are re-created for Your good purposes. 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 KMIZ-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators									
Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham		
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager		
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp		
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel		
Wilson	Wright-Jones—	-34							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The Lieutenant Governor was present.

#### RESOLUTIONS

Senator Pearce offered Senate Resolution No. 532, regarding Robert Crumb, Warrensburg, which was adopted.

Senator Ridgeway offered Senate Resolution No. 533, regarding the Fortieth Birthday of Dave Reinhart, Smithville, which was adopted.

Senator Scott offered Senate Resolution No. 534, regarding Randy Bloess, Warsaw, which was adopted.

Senator Dempsey offered Senate Resolution No. 535, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Howard Wright Seeds, III, St. Charles, which was adopted.

Senator Crowell offered Senate Resolution No. 536, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Hendrix, Cape Girardeau, which was adopted.

#### CONCURRENT RESOLUTIONS

Senators Justus, Smith and Bray offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, lesbian, gay, and bisexual Americans have served honorably in the Armed Forces throughout United States history and continue to serve with distinction on active duty, including in the wars in Iraq and Afghanistan; and

WHEREAS, the "Don't Ask, Don't Tell" policy currently does not allow openly lesbian, gay, or bisexual Americans to serve in the military only because of their sexual orientation; and

WHEREAS, more than 12,000 service members have been discharged under the "Don't Ask, Don't Tell" policy since the policy was enacted in 1993, including approximately 800 service members who performed heavily specialized jobs, such as Arabic translators, medical specialists, pilots, and intelligence personnel; and

WHEREAS, American taxpayers have spent more then \$250 million to carry out the "Don't Ask, Don't Tell" policy by removing and replacing qualified and honorable service members because of their sexual orientation; and

WHEREAS, the United States military's readiness to protect and defend our nation is severely compromised by spending taxpayer money to discharge honorable service members who are satisfactorily carrying out all required tasks, many of which are highly specialized, making it difficult to find qualified replacement personnel; and

WHEREAS, America's allies in the war on terror, including the United Kingdom, Australia, Canada, and Israel, allow lesbian and gay service members to serve openly; and

WHEREAS, every Department of Defense authorized study has shown that there is no correlation between sexual orientation and unit cohesion in the Armed Forces; and

WHEREAS, there are more than 20,000 military and civilian personnel stationed in Missouri, and an estimated 9,000 lesbian, gay, or bisexual veterans currently reside in Missouri:

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 support the Military Readiness Enhancement Act that would replace the current "Don't Ask, Don't Tell" policy with a policy of nondiscrimination based on sexual orientation, and respectfully urge the Congress to pass and the President to sign the Military Readiness Enhancement Act so that lesbian, gay, and bisexual Americans are able to serve their country as any other American would be allowed to serve; and

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

## THIRD READING OF SENATE BILLS

**SB 66**, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing

financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 66** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	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—Senator Green—1

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

SB 196, introduced by Senator Shoemyer, entitled:

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

Was called from the Consent Calendar and taken up.

Senator Mayer assumed the Chair.

On motion of Senator Shoemyer, SB 196 was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	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
337 1 1 . T	22						

Wright-Jones—33

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

SB 122, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall of ambulance district board members.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, SB 122 was read the 3rd time and passed by the following vote:

Barnitz	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—32

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

**SB 294**, introduced by Senator Barnitz, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name reservation.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 294** was read the 3rd time and passed by the following vote:

#### YEAS-Senators

Barnitz	Bartle	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

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

SB 262, introduced by Senator Bartle, entitled:

An Act to repeal section 516.200, RSMo, and to enact in lieu thereof one new section relating to court procedures.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 262** was read the 3rd time and passed by the following vote:

17	C A	C	_S		- 4	_	
Y	F.A	·.>-	—∙>	en	ы	()	r٩

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	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—Senator Justus—1

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

SB 224, introduced by Senator Goodman, entitled:

An Act to repeal sections 351.085, 351.106, and 355.576, RSMo, and to enact in lieu thereof three new sections relating to articles of incorporation.

Was called from the Consent Calendar and taken up.

On motion of Senator Goodman, SB 224 was read the 3rd time and passed by the following vote:

Barnitz	Bartle	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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

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

SB 232, introduced by Senator Cunningham, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to education requirements for public employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, SB 232 was read the 3rd time and passed by the following vote:

Barnitz	Bartle	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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

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

**SB 134**, with **SCS**, introduced by Senator Dempsey, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of the Brain Tumor Awareness Organization specialty plate.

Was called from the Consent Calendar and taken up.

SCS for SB 134, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 134

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to the creation of special license plates.

Was taken up.

Senator Dempsey moved that SCS for SB 134 be adopted, which motion prevailed.

On motion of Senator Dempsey, **SCS** for **SB 134** was read the 3rd time and passed by the following vote:

YEAS—S	Senators						
Barnitz	Bartle	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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

**SB 127**, with **SCS**, introduced by Senator Rupp, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

Was called from the Consent Calendar and taken up.

SCS for SB 127, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 127

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

Was taken up.

Senator Rupp moved that SCS for SB 127 be adopted, which motion prevailed.

On motion of Senator Rupp, SCS for SB 127 was read the 3rd time and passed by the following vote:

Barnitz	Bartle	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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

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.

## **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 **HCS** for **HB 740**, entitled:

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to federal reimbursement allowances, 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 **HCS** for **HJR 23**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

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 **HCS** for **HB 247**, entitled:

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the nursing student loan program.

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 **HCS** for **HB 236**, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to students with disabilities, 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 91**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## 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:

Richard L. Blakley, Debra E. Catlett, Todd C. Mayfield and Bruce D. Lynch, as members of the Missouri Quality Home Care Council;

Also,

Lowell C. Kruse, as a member of the Coordinating Board for Higher Education.

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 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 507**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SJR 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 363**, 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 355**, 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 256**, begs leave to report that it has considered the same and recommends that the bill 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 307**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 3**, begs leave to report that it has considered the same and recommends that the joint resolution

do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 409**, 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 Agriculture, Food Production and Outdoor Resources, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Appropriations, to which was referred **SB 527**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also.

Mr. President: Your Committee on Appropriations, to which was referred **SB 539**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Progress and Development, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also.

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Veterans' Affairs, Pensions and Urban Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 411**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 512**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs, Pensions and Urban Affairs, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Education, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 94**, 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 report:

Mr. President: Your Committee on Transportation, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on General Laws, to which was referred **SB 141**, 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 General Laws, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the bill 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 were referred **SB 335** and **SB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which were referred SB 207 and SB 245, 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 Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 172**, begs leave to report that it has considered the same and recommends that the bill do pass.

# HOUSE BILLS ON THIRD READING PRIVILEGED MOTIONS

Senator Nodler requested unanimous consent of the Senate to reconsider in one vote the following votes on Senate Committee Substitute for House Committee Substitute for House Bill No. 14: the vote by which the titling and perfecting motions were made and carried; the third reading motion was made and carried; and the motion by which the senate committee substitute was adopted, which request was granted.

Having voted on the prevailing side, Senator Nodler moved that the vote to lay on the table the motion to reconsider the vote by which Senate Committee Substitute for House Committee Substitute for House Bill No. 14 passed; the vote by which the title was agreed to; the vote by which the bill was third read and passed; and the Senate Committee Substitute was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—S	enators						
Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators Lembke Ridgeway—2

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—None

Senator Rupp assumed the Chair.

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

Senator Nodler offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 10, Section 14.230, Line 6 of said page, by inserting immediately after said line the following new sections:

## "Section 14.235. To the Department of Transportation

## For the Construction and Maintenance Programs

Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to

the State Road Fund, for reimbursement of expenditures for highway infrastructure investment projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress
From the Federal Stimulus Fund
Section 14.240. To the Department of Transportation
For the Transit Program
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to Federal Funds, for expenditures for transit capital assistance and capital investment projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress
From the Federal Stimulus Fund
Section 14.245. To the Department of Transportation
For the Rail Program
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to the Federal Funds, for expenditures for capital assistance for rail improvement projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111 <sup>th</sup> United States Congress
From the Federal Stimulus Fund \$2,000,000E
Section 14.250. To the Department of Transportation
For the Aviation Program
Funds are to be transferred out of the State Treasury, chargeable to the Federal Stimulus Fund, to Federal Funds, for expenditures for construction, capital improvements, planning and maintenance of aviation projects pursuant to Title XII of the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress
From the Federal Stimulus Fund
Section 14.255. To the Office of Administration
For the Division of Budget and Planning
For the purpose of accessing, maximizing, and/or leveraging federal funds, when such funds become available, for projects throughout the state as identified, prioritized and supervised by the Commissioner of Administration, with notice to the General Assembly.
For the Department of Elementary and Secondary Education
For the Department of Higher Education
For the Department of Revenue
For the Office of Administration
For the Department of Agriculture
For the Department of Natural Resources

For the Department of Conservation
For the Department of Economic Development
For the Department of Insurance, Financial Institutions and
Professional Registration
For the Department of Labor and Industrial Relations 1E
For the Department of Public Safety
For the Department of Corrections
For the Department of Mental Health 1E
For the Department of Health and Senior Services
For the Department of Social Services
From Federal Stimulus Funds\$15
Section 14.260. There is transferred out of the State Treasury, chargeable to the Federal Budget Stabilization Fund, to the Federal Stimulus Fund
From Federal Budget Stabilization Fund
and further amend bill totals accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Mayer offered **SA 1** to **SA 1**, which was read:

## SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 2, Section 14.255, Lines 21-29, by striking all of said lines from the bill; and further amend said bill and section, page 3, lines 1-16 by striking all of said lines from the bill; and

Further amend said bill, page 3, section 14.260, lines 17-21 by striking all of said section from the bill.

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

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

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

Senator Nodler moved that SCS for HCS for HB 14, as amended, be adopted, which motion prevailed.

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

YEAS—	Senators						
Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Lager	Mayer	McKenna
Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones	—30	

NAYS—Senators

Justus Lembke Ridgeway—3

Absent-Senators-None

Absent with leave—Senator Bray—1

Vacancies-None

The President declared the bill passed.

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

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

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

#### THIRD READING OF SENATE BILLS

SCS for SB 265, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 265

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions and an expiration date.

Was taken up by Senator Mayer.

On motion of Senator Mayer, SCS for SB 265 was read the 3rd time and passed by the following vote:

YΕ	A (1	a	4
ΥH	A.\-	— <b>&gt;</b> ei	nators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senator Bray—1

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 235, introduced by Senator Cunningham, entitled:

An Act to repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

Was taken up.

On motion of Senator Cunningham, SB 235 was read the 3rd time and passed by the following vote:

YEAS—Senato	rs

Barnitz	Bartle	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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

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

**SCS** for **SB 44**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 44

An Act to repeal sections 221.111, 221.353, 221.510, 575.210, 575.220, and 575.240, RSMo, and to enact in lieu thereof eight new sections relating to private jails, with penalty provisions.

Was taken up by Senator Pearce.

On motion of Senator Pearce, SCS for SB 44 was read the 3rd time and passed by the following vote:

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senator Ridgeway—1

Absent—Senator Green—1

Absent with leave—Senator Bray—1

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.

SCS for SB 202, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 202

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles.

Was taken up by Senator Schaefer.

Senator Schmitt assumed the Chair.

On motion of Senator Schaefer, SCS for SB 202 was read the 3rd time and passed by the following vote:

Griesheimer

Ridgeway

YEAS-	-Senators					
Barnitz	Bartle	Callahan	Clemens	Cunningham	Engler	Goodman
Justus	Lager	Lembke	Mayer	McKenna	Pearce	Purgason
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer—23
NAYS-	—Senators					
Days	Dempsey	Green	Smith	Wilson	Wright-Jones	—6
Absent-	—Senators					
Champion	Nodler	Vogel—3				
Absent	with leave—Sena	ators				

Crowell—2

Bray

Vacancies-None

The President declared the bill passed.

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

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

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

SCS for SB 231, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 231

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to

landlord-tenant actions.

VEAS Sanators

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 231** was read the 3rd time and passed by the following vote:

chators						
Bartle	Callahan	Clemens	Cunningham	Days	Dempsey	Engler
Green	Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Smith	Stouffer	Wilson	Wright-Jones—29			
	Bartle Green Purgason	Bartle Callahan Green Griesheimer Purgason Ridgeway	Bartle Callahan Clemens Green Griesheimer Lager Purgason Ridgeway Rupp	Bartle Callahan Clemens Cunningham Green Griesheimer Lager Lembke Purgason Ridgeway Rupp Schaefer	Bartle Callahan Clemens Cunningham Days Green Griesheimer Lager Lembke Mayer Purgason Ridgeway Rupp Schaefer Schmitt	Bartle Callahan Clemens Cunningham Days Dempsey Green Griesheimer Lager Lembke Mayer McKenna Purgason Ridgeway Rupp Schaefer Schmitt Scott

NAYS-Senator Justus-1

Absent—Senators Champion Vogel—2

Absent with leave—Senators

Bray Crowell—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 Engler moved that motion lay on the table, which motion prevailed.

### 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 **HCS** for **HBs 93** and **216**, entitled:

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, 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 269**, entitled:

An Act to repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle and trailer certificates of ownership.

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 488**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

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 490**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+Schools Program.

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 83**, entitled:

An Act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

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 **HCS** for **HB 148**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071, RSMo, and to enact in lieu thereof fourteen new sections relating to collection of taxes.

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 **HCS** for **HB 154**, entitled:

An Act to repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

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 376**, entitled:

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to competitive bid requirements.

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 395**, entitled:

An Act to repeal section 208.819, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet long-term care transition grants.

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 218**, entitled:

An Act to repeal section 376.966, RSMo, and to enact in lieu thereof one new section relating to Missouri high risk insurance pool.

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 400**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to free parking for certain veterans.

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 506**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to math, engineering, technology and science week.

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 **HCS** for **HB 251**, entitled:

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

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 259**, entitled:

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to health care claims for reimbursement.

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 **HCS** for **HB 124**, entitled:

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof one new section relating to the joint committee on terrorism, bioterrorism, and homeland security.

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 69**, entitled:

An Act to repeal section 135.327, RSMO, and to enact in lieu thereof one new section relating to the special needs child adoption tax credit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## SECOND READING OF SENATE BILLS

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

**SJR 14**—Ways and Means.

**SJR 15**—Governmental Accountability and Fiscal Oversight.

**SJR 16**—Ways and Means.

SJR 17—Health, Mental Health, Seniors and Families.

**SJR 18**—Governmental Accountability and Fiscal Oversight.

#### COMMUNICATIONS

Senator Crowell submitted the following:

March 12, 2009

Dear Ms. Spieler:

Please accept this letter as my request that SCS for SB 509, SB 378 and SCS for SB 123 be removed from the Senate Consent Calendar.

/s/ Jason Crowell

#### INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Jen Pierce, Becky Mott and twenty-eight fourth and fifth grade students from Good Shepherd Lutheran School, Columbia.

Senator Bartle introduced to the Senate, Dr. David McGehee and John Plaas, Lee's Summit School District.

Senator Shields introduced to the Senate, Specialist Zackery Carroll, 129<sup>th</sup> Field Artillery, Army National Guard and his wife, Rachel, Jefferson City.

Senator Schmitt introduced to the Senate, fourth grade students from Robinson Elementary School, Kirkwood.

Senator Crowell introduced to the Senate, Virginia Sander and eighth grade students from St. Vincent DePaul, Cape Girardeau.

On behalf of Senator Bray, Senator Days introduced to the Senate, forty-five fourth grade students from Briarcrest School, St. Ann.

Senator Crowell introduced to the Senate, Tracy Kirchdoerfer and fourth grade students from Chaffee Elementary School.

On motion of Senator Engler, the Senate adjourned until 9:00 a.m., Wednesday, March 18, 2009.

SENATE CALENDAR

THIRTY-EIGHTH DAY-WEDNESDAY, MARCH 18, 2009

FORMAL CALENDAR

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
HCS for HB 111
HB 289-Wallace
HB 682-Swinger, et al
HCS for HB 286
HCS for HBs 46 & 434
HB 678-Wasson
HCS for HB 359
HB 239-Jones (89), et al

HB 91-Pollock, et al HCS for HBs 93 & 216 HB 269-Parson, et al HB 488-Schad, et al HB 490-Schad, et al HB 83-Wood HCS for HB 148 HCS for HB 154 HB 376-Hobbs, et al HB 395-Nance, et al HB 218-Ervin

HB 400-Nasheed, et al HB 506-Funderburk, et al HCS for HB 251 HB 259-Tilley

HB 259-Tilley HCS for HB 124 HB 69-Storch

## THIRD READING OF SENATE BILLS

#### SCS for SB 176-Stouffer

1. SB 236-Lembke

HCS for HB 740

HCS for HJR 23

HCS for HB 247

HCS for HB 236

## SENATE BILLS FOR PERFECTION

2. SB 264-Mayer
3. SB 291-Shields
4. SB 130-McKenna, et al, with SCS
5. SB 167-Rupp, with SCS
6. SBs 65 & 43-Rupp, et al, with SCS
7. SB 188-Dempsey, et al, with SCS
8. SB 272-Lager
9. SJR 5-Schmitt and Lembke, with SCS
2. BIR 3 Bemintt and Lemoke, with BeB
10. SB 363-Griesheimer, with SCS
,
10. SB 363-Griesheimer, with SCS
<ul><li>10. SB 363-Griesheimer, with SCS</li><li>11. SB 355-Dempsey, with SCS</li></ul>
<ul><li>10. SB 363-Griesheimer, with SCS</li><li>11. SB 355-Dempsey, with SCS</li><li>12. SB 256-Schaefer</li></ul>

17. SB 364-Clemens and Schaefer
18. SB 527-Nodler and Bray
19. SB 539-Schaefer, with SCS
20. SB 321-Days, et al, with SCS
21. SB 117-Green, with SCS
22. SB 94-Justus, et al, with SCS
23. SB 477-Wright-Jones
24. SB 141-Smith and Wright-Jones, with SCS
25. SB 267-Mayer and Green
26. SBs 335 & 16-Rupp, with SCS
27. SBs 207 & 245-Rupp, with SCS
28. SB 172-Green and Cunningham

16. SB 409-Stouffer, with SCS

## 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 7-Griesheimer, with SS (pending)

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, SS for SCS & SA 1 (pending)

SB 57-Stouffer, with SCS

SB 72-Stouffer, with SCS

SB 411-Crowell, with SCS

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

SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)

SCS for SB 189-Shields

SB 216-Scott, with SCS

SBs 223 & 226-Goodman, with SCS (pending) SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS, SS#3 for SCS & SA 1 (pending)

SB 284-Lembke, et al

### CONSENT CALENDAR

## Senate Bills

## Reported 3/11

SB 513-Dempsey	SB 480-Shoemyer
SB 396-Justus	SB 394-Ridgeway, with SCS
SB 421-Pearce	SB 464-Stouffer
SB 435-Lembke	SB 447-Pearce
SB 296-Scott	SB 399-Justus
SB 276-Barnitz	SB 387-Barnitz
SB 337-Rupp	SB 386-Lager
SB 67-Scott	SB 377-Rupp
SB 468-Justus, with SCS	SB 354-Dempsey
SB 338-Rupp, with SCS	SB 266-Mayer
SB 318-Lembke, with SCS	SB 258-Schaefer, with SCS
SB 398-Barnitz	SB 253-Justus, with SCS
SB 357-Purgason	SB 526-Clemens
SB 485-Pearce	

## Reported 3/12

SB 507-Callahan	SB 512-Dempsey
SB 155-Goodman	SB 161-Crowell
SB 563-Smith, with SCS	SB 304-Crowell

## RESOLUTIONS

## Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 11-Bartle, et al
SCR 7-Pearce	SCR 14-Schmitt
SR 207-Lembke and Smith, with SCS & SS	SCR 21-Clemens
for SCS (pending)	SCR 10-Rupp

To be Referred

SCR 25-Justus, et al

/