

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—MONDAY, MARCH 30, 2009

The Senate met pursuant to adjournment.

Senator Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“I do not at all understand the mystery of grace—only that it meets us where we are but does not leave us where it found us. (Anne Lamott)

We continue to be amazed at Your care and love for us, O Lord, and we are grateful for Your many gifts to us that makes us have the talents and abilities we need to provide this public service and care for those we love. Thank You for bringing us safely here and guide us throughout this week. 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 26, 2009 was read and approved.

Senator Engler announced that photographers from The Maneater 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.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 630, regarding Richard Elfrink, Jackson, which was adopted.

Senator Justus offered Senate Resolution No. 631, regarding Académie Lafayette, Kansas City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 632, regarding Patricia Foster Glenn, Louisiana, which was adopted.

Senators Dempsey and Rupp offered Senate Resolution No. 633, regarding Janet Woodburn, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 634, regarding the new Oxford House, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 635, regarding Downtown Urgent Care, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 636, regarding the Doorways Interfaith AIDS Housing Program, Saint Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 637, regarding the Twenty-fifth Anniversary of Keeven Heating and Cooling, New Haven, which was adopted.

Senator Lembke offered Senate Resolution No. 638, regarding Truman Elementary School, Lindbergh R-VIII School District, which was adopted.

Senator Lager offered Senate Resolution No. 639, regarding the Eightieth Birthday of William Ray Cooper, Chillicothe, which was adopted.

Senator Stouffer offered Senate Resolution No. 640, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Good, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 641, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leland Carter, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 642, regarding Mark Maier, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 643, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William "Bill" Wooldridge, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 644, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill J. Harding, Sweet Springs, which was adopted.

THIRD READING OF SENATE BILLS

SB 296, introduced by Senator Scott, entitled:

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licenses of professions regulated by the board for architects, professional engineers, professional land surveyors, and

landscape architects.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 296** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	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 Griesheimer—1

Absent with leave—Senator Bartle—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 276, introduced by Senator Barnitz, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes for tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 276** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	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 Bartle—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.

Senator Dempsey assumed the Chair.

SB 337, introduced by Senator Rupp, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to ambulance district directors.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 337** was read the 3rd time and passed by the following vote:

YEAS—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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bartle—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.

SB 468, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal section 455.038, RSMo, and to enact in lieu thereof one new section relating to service of ex parte orders of protection.

Was called from the Consent Calendar and taken up.

SCS for **SB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 468

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to ex parte orders of protection.

Was taken up.

Senator Justus moved that **SCS** for **SB 468** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS for SB 468** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 338, with **SCS**, introduced by Senator Rupp, entitled:

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twelve new sections relating to crime victims.

Was called from the Consent Calendar and taken up.

SCS for SB 338, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 338

An Act to repeal sections 191.225, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof twelve new sections relating to crime victims.

Was taken up.

Senator Rupp moved that **SCS for SB 338** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS for SB 338** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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 318, with **SCS**, introduced by Senator Lembke, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was called from the Consent Calendar and taken up.

SCS for **SB 318**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 318

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was taken up.

Senator Lembke moved that **SCS** for **SB 318** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **SB 318** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

SB 398, introduced by Senator Barnitz, entitled:

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 398** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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 357, introduced by Senator Purgason, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealer insurance.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 357** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 485, introduced by Senator Pearce, entitled:

An Act to repeal section 130.021, RSMo, and to enact in lieu thereof one new section relating to committee statements of organization.

Was called from the Consent Calendar and taken up.

On motion of Senator Pearce, **SB 485** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 480, introduced by Senator Shoemyer, entitled:

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the Missouri board on geographic names.

Was called from the Consent Calendar and taken up.

On motion of Senator Shoemyer, **SB 480** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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 394, with **SCS**, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 338.210 and 338.260, RSMo, and to enact in lieu thereof two new sections relating to certain business names.

Was called from the Consent Calendar and taken up.

SCS for **SB 394**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394

An Act to repeal section 338.260, RSMo, and to enact in lieu thereof one new section relating to certain business names.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 394** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 394** was read the 3rd time and passed by the following vote:

YEAS—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	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 464, introduced by Senator Stouffer, entitled:

An Act to repeal sections 374.456, 375.020, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof eleven new sections relating to insurance producers.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 464** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Green Scott—2

Absent with leave—Senators—None

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 447, introduced by Senator Pearce, entitled:

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety improvement.

Was called from the Consent Calendar and taken up.

On motion of Senator Pearce, **SB 447** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Rupp—1

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 399, introduced by Senator Justus, entitled:

An Act to amend chapter 141, RSMo, by adding thereto one new section relating to the compromise of taxes and penalties for properties subject to certain actions as abandoned property.

Was called from the Consent Calendar and taken up.

On motion of Senator Justus, **SB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	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—33							

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 387, introduced by Senator Barnitz, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Barnitz, **SB 387** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	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—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

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 386, introduced by Senator Lager, entitled:

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Lager, **SB 386** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	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—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 377, introduced by Senator Rupp, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 377** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Pearce—1

Absent—Senator Green—1

Absent with leave—Senators—None

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 266, introduced by Senator Mayer, entitled:

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to a sales tax to fund public library districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Cunningham—1

Absent—Senator Nodler—1

Absent with leave—Senators—None

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 253, with **SCS**, introduced by Senator Justus, entitled:

An Act to repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

Was called from the Consent Calendar and taken up.

SCS for **SB 253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 253

An Act to repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

Was taken up.

Senator Justus moved that **SCS** for **SB 253** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 253** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	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—Senator Champion—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Stouffer assumed the Chair.

SB 526, introduced by Senator Clemens, entitled:

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

Was called from the Consent Calendar and taken up.

On motion of Senator Clemens, **SB 526** was read the 3rd time and passed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 507, introduced by Senator Callahan, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to a local sales tax for the promotion of tourism.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 507** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Purgason—1

Absent—Senators

Clemens Green—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 563, with **SCS**, introduced by Senator Smith, entitled:

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.

Was called from the Consent Calendar and taken up.

SCS for **SB 563**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 563

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.

Was taken up.

Senator Smith moved that **SCS** for **SB 563** be adopted, which motion prevailed.

On motion of Senator Smith, **SCS** for **SB 563** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Clemens Green Purgason—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 411, with **SCS**, introduced by Senator Crowell, entitled:

An Act to amend chapter 100, RSMo, by adding thereto one new section relating to employees of the Missouri development finance board.

Was called from the Consent Calendar and taken up.

SCS for **SB 411**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 411

An Act to amend chapter 100, RSMo, by adding thereto one new section relating to employees of the Missouri development finance board.

Was taken up.

Senator Crowell moved that **SCS** for **SB 411** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 411** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	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—Senator Clemens—1

Absent with leave—Senators—None

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 161, introduced by Senator Crowell, entitled:

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	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—Senator Clemens—1

Absent with leave—Senators—None

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.

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 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

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 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2009 and ending June 30, 2010.

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 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

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 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

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 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

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 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

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 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

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 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2009 and ending June 30, 2010.

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 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2009 and ending June 30, 2010.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RE-REFERRALS

President Pro Tem Shields re-referred **HB 259** to the Committee on Small Business, Insurance and Industry.

REPORTS OF STANDING COMMITTEES

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 **SS** for **SB 291**, 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.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 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:

Tiffany L. Daniels, 1110 Care Avenue, Nixa, Christian County, Missouri 65714, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2010 and until her successor is duly appointed and qualified; vice, Tiffany L. Daniels, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 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:

Christopher M. Manhart, 415 MacArthur Avenue, Union, Franklin County, Missouri 63084, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2012, and until his successor is duly appointed and qualified; vice, RSMo 208.856.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 26, 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:

Gary M. O'Bannon, 6001 Highland Avenue, Kansas City, Jackson County, Missouri 64110, as a member of the Personnel Advisory Board, for a term ending July 31, 2014, and until his successor is duly appointed and qualified; vice, Anne C. Gardner, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 26, 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:

Janis VanMeter, Democrat, 505 South Cherry Street, Lewistown, Lewis County, Missouri 63452, as a member of the Missouri Community Service Commission, for a term ending December 15, 2011, and until her successor is duly appointed and qualified; vice, Richard Mansfield, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 26, 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 M. Vansaghi, 230 West 61st Street, Kansas City, Jackson County, Missouri 64113, as a member of the Children's Trust Fund Board, for a term ending September 15, 2011, and until his successor is duly appointed and qualified; vice, Peggy Krokstrom, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City
65102

March 27, 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:

Lafayette Eugene Lacy, 1701 Lucia Court, Jefferson City, Cole County, Missouri 65109, as State Supervisor for the Missouri Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102

March 27, 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:

Lori Rasmussen, Democrat, 1034 Savonne Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri Community Service Commission, for a term ending March 26, 2012, and until her successor is duly appointed and qualified; vice, RSMo 26.607.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102

March 30, 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:

Richard J. Weaver, 8316 Weaver Lane, Jefferson City, Cole County, Missouri 65101, as Commissioner of the Missouri Division of Finance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102

March 26, 2009

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

The following addendum should be made to the appointment of Michael J. Ponder to the State Board of Education, submitted on March 19, 2009. Line 3 should be amended as follows:

“July 01, 2016, and until his successor is duly appointed and qualified; vice, Shirley”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102

March 26, 2009

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

The following addendum should be made to the appointment of Lloyd Joseph Carmichael to the State Highway and Transportation Commission, submitted on March 09, 2009. Line 3 should be amended as follows:

“a term ending March 01, 2015, and until his successor is duly appointed and qualified;”

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

REFERRALS

President Pro Tem Shields referred **SS** for **SB 291** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

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

HB 1—Appropriations.

HCS for **HB 2**—Appropriations.

HCS for **HB 3**—Appropriations.

HCS for **HB 4**—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 307** be taken up for perfection, which motion prevailed.

Senator Dempsey offered **SS** for **SB 307**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 307

An Act to amend chapter 190, RSMo, by adding thereto fifteen new sections relating to ambulance service reimbursement allowance tax, with penalty provisions and an expiration date.

Senator Dempsey moved that **SS** for **SB 307** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 307, Page 1, In the Title, Lines 3-4 of said title, by striking “ambulance service reimbursement allowance tax” and inserting in lieu thereof the following: “certain provider taxes”; and

Further amend said bill, page 9, section 190.839, line 5 of said page, by inserting immediately after said line the following:

“633.402. 1. For purposes of this section, the following terms mean:

(1) **“Certification fee”, a fee to be paid by providers of health benefit services, which in the aggregate for all providers shall not exceed the overall cost of the department of mental health's operation of its certification programs for residential habilitation, individualized supported living, and day habilitation services provided to developmentally disabled individuals;**

(2) **“Home and community-based waiver services for persons with developmental disabilities”, a**

department of mental health program which admits persons who are developmentally disabled for residential habilitation, individualized supported living, or day habilitation services under chapter 630, RSMo;

(3) “Provider of health benefit services”, publicly and privately operated programs providing residential habilitation, individualized supported living, or day habilitation services to developmentally disabled individuals that have been certified to meet department of mental health certification standards.

2. Beginning July 1, 2009, each provider of health benefit services accepting payment shall pay a certification fee.

3. Each provider's fee shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. The fee imposed under this section shall be determined based on the reasonable costs incurred by the department of mental health in its programs of certification of providers of health benefit services. Imposition of the fee shall be contingent upon receipt of all necessary federal approvals under federal law and regulation to assure that the collection of the fee will not adversely affect the receipt of federal financial participation in medical assistance under Title XIX of the federal Social Security Act.

5. Fees shall be determined annually and prorated monthly by the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the fee payment owed for any month.

7. Fee payments shall be deposited in the state treasury to the credit of the “Home and Community-Based Developmental Disabilities Waiver Reimbursement Allowance Fund”, which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. The state treasurer shall be custodian and may approve disbursement. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the home and community-based developmental disabilities waiver reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Every provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals, shall submit annually an acknowledgment of certification for the purpose of paying its certification fee. The report shall be in such form as may be prescribed by rule by the director of the department of mental health.

9. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed under the provisions of this section.

10. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying fees required under this section, the director of the department of

social services shall withhold, and shall remit to the director of the department of revenue, the fee amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

11. In the event a provider objects to the estimate described in subsection 10 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director of the department of mental health shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the fee determination and a final decision by the director of the department of mental health, a residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals provider's appeal of the director of the department of mental health's final decision shall be to the administrative hearing commission in accordance with section 208.156, RSMo, and section 621.055, RSMo.

12. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the provider is located. The circuit court shall hear the matter as the court of original jurisdiction.

13. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any provider of residential habilitation, individualized supported living, and day habilitation services to developmentally disabled individuals, granted by state law.

14. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

15. The provisions of this section shall expire on September 30, 2011.”; and

Further amend said bill, page 9, section 1, line 8 of said page, by inserting immediately after said line the following:

“Section B. Because of the need to preserve state revenue and promote safety and quality in mental health community programs, section 633.402 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 633.402 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 1** is out of order as it goes beyond the scope and title

of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Nodler, **SA 1** was withdrawn.

Senator Dempsey moved that **SS** for **SB 307** be adopted, which motion prevailed.

On motion of Senator Dempsey, **SS** for **SB 307** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 306**, with **SCS**, was placed on the Informal Calendar.

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

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, MARCH 31, 2009

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 229-Ervin	HCS for HB 6
HCS for HB 427	HCS for HB 7
HCS for HB 661	HCS for HB 8
HB 248-Funderburk	HCS for HB 9
HCS for HB 540	HCS for HB 10
HCS for HBs 320, 39 & 662	HCS for HB 11
HCS for HB 382	HCS for HB 12
HCS for HB 5	HB 13-Icet

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp (In Fiscal Oversight)	SS for SB 291-Shields (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------|--|
| 1. SJR 3-Crowell | 7. SB 117-Green, with SCS |
| 2. SB 409-Stouffer, with SCS | 8. SB 94-Justus, et al, with SCS |
| 3. SB 364-Clemens and Schaefer | 9. SB 477-Wright-Jones |
| 4. SB 527-Nodler and Bray | 10. SB 141-Smith and Wright-Jones,
with SCS |
| 5. SB 539-Schaefer, with SCS | 11. SB 267-Mayer and Green |
| 6. SB 321-Days, et al, with SCS | |

- | | |
|----------------------------------|-----------------------------------|
| 12. SBs 335 & 16-Rupp, with SCS | 16. SB 378-Nodler |
| 13. SBs 207 & 245-Rupp, with SCS | 17. SB 558-Mayer, et al, with SCS |
| 14. SB 172-Green and Cunningham | 18. SJR 12-Scott, with SCS |
| 15. SB 406-Scott, with SCS | 19. SB 555-Lager, with SCS |

HOUSE BILLS ON THIRD READING

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

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 5-Griesheimer

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)	SB 216-Scott, with SCS
SB 18-Bray, et al, with SCS & SS for SCS (pending)	SBs 223 & 226-Goodman and Nodler, with SCS (pending)
SB 29-Stouffer	SB 236-Lembke
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce and Smith, with SCS, SS#2 for SCS and SA 2 (pending)	SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS & SS#3 for SCS (pending)
SB 57-Stouffer, with SCS	SB 264-Mayer
SB 72-Stouffer, with SCS	SB 284-Lembke, et al
SB 174-Griesheimer and Goodman, with SCS, SS#2 for SCS & SA 2 (pending)	SB 306-Dempsey, et al, with SCS
SCS for SB 189-Shields	SB 363-Griesheimer, with SCS, SS for SCS and SA 2 (pending)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)	SCR 14-Schmitt
SCR 7-Pearce	SCR 21-Clemens
SR 207-Lembke and Smith, with SCS & SS for SCS (pending)	SCR 10-Rupp
SCR 11-Bartle, et al	SCR 18-Bartle and Rupp
	SCR 23-Schmitt