

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, MARCH 31, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord for he is good, for his steadfast love endures forever.” (Psalm 118:29)

Gracious Lord, Your great power and love inspires us to honor You so our actions serve Your will for us that others will also join us in giving You praise. Make us so aware of Your constant presence that all our moments may be filled with words and deeds pleasing to You and our work here done with excellence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	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 Lager offered Senate Resolution No. 645, regarding South Nodaway Elementary School, South

Nodaway R-IV School District, which was adopted.

Senator Purgason offered Senate Resolution No. 646, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Conrad Austin, Phillipsburg, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SJR 3** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SJR 3**, entitled:

SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 3

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Senator Crowell moved that **SS** for **SJR 3** be adopted, which motion prevailed.

President Pro Tem Shields assumed the Chair.

On motion of Senator Crowell, **SS** for **SJR 3** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 409**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 409**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 409

An Act to repeal sections 260.273, 260.275, and 260.276, RSMo, and to enact in lieu thereof three new sections relating to scrap tires.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 409** be adopted.

At the request of Senator Stouffer, **SB 409**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Clemens moved that **SB 364** be taken up for perfection, which motion prevailed.

At the request of Senator Clemens, **SB 364** was placed on the Informal Calendar.

Senator Nodler moved that **SB 527** be taken up for perfection, which motion prevailed.

At the request of Senator Nodler, **SB 527** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 539**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 539**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 539

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new sections relating to environmental protection, with an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 539** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SB 539**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 539

An Act to repeal sections 640.107, 640.150, and 644.101, RSMo, and to enact in lieu thereof four new sections relating to environmental protection, with an emergency clause.

Senator Schaefer moved that **SS** for **SCS** for **SB 539** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 6, Section 640.160, Line 12, by inserting after all of said line the following:

“644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall expire December 31, [2009] **2010**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, [2009] **2010**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

4. There shall be convened a joint committee appointed by the president pro tem of the senate and the speaker of the house of representatives to consider proposals for restructuring the fees imposed in sections 644.052 and 644.053. The committee shall review storm water programs, the state's implementation of the federal clean water program, storm water, and related state clean water responsibilities, and evaluate the costs to the state for maintaining the programs. The committee shall prepare and submit a report, including recommendations on funding the state clean water program, and storm water programs, to the governor, the house of representatives, and the senate no later than December 31, 2008.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 1, Section A, Line 4, by inserting after all of said line the following:

“204.659. No person who owns real property that is used for residential purposes within the district boundary of a district created under article VI, section 30 of the Missouri constitution shall be assessed any fee, charge, or tax for storm water management services if the district does not directly provide sanitary sewer services to such property.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 6, Section 640.160, Line 7, by striking the number “640.168” and inserting in lieu thereof the following: **“640.160”**.

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

Senator Schaefer moved that **SS** for **SCS** for **SB 539**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 539**, as amended, was declared perfected and ordered printed.

Senator Days moved that **SB 321**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 321**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 321

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

Was taken up.

Senator Days moved that **SCS** for **SB 321** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Days, **SB 321**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Green moved that **SB 117**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 117**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 117

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to school funding.

Was taken up.

Senator Green moved that **SCS** for **SB 117** be adopted.

Senator Ridgeway offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 117, Page 1, Section 163.095, Line 17, by inserting immediately after said line the following:

“177.088. 1. As used in this section, the following terms shall mean:

(1) “Board”, the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) “Educational institution”, any school district, including all community college districts, and any state college or university organized under chapter 174, RSMo.

2. The board of any educational institution may enter into agreements as authorized in this section with a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease from the corporation sites, buildings, facilities, furnishings and equipment which the corporation has acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, to the corporation any existing sites owned by the educational institution, together with any existing buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back or purchase such sites, buildings and facilities from the corporation; provided that upon selling or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more than one year but with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that the corporation agrees to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued by the corporation to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned to the corporation.

5. The board may make rental payments to the corporation under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such

year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued by a corporation to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued by a corporation shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations of the corporation and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned by a corporation in connection with any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements with the corporation necessary or convenient in connection with any project pursuant to this section. The corporation shall comply with sections 290.210 to 290.340, RSMo.

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11. Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the transfer of title.

12. Notwithstanding provisions of this section to the contrary, the board of education of any school

district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Days raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

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

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

Senator Green moved that **SCS** for **SB 117** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 117** was declared perfected and ordered printed.

Senator Justus moved that **SB 94**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 94**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

Was taken up.

Senator Justus moved that **SCS** for **SB 94** be adopted.

Senator Justus offered **SS** for **SCS** for **SB 94**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 94

An Act to amend chapters 208 and 210, RSMo, by adding thereto two new sections relating to child care.

Senator Justus moved that **SS** for **SCS** for **SB 94** be adopted.

At the request of Senator Justus, **SB 94**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 216**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 216**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 216

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers.

Was taken up.

Senator Scott moved that **SCS** for **SB 216** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 216, Page 3, Section 425.350, Line 43, by inserting after “plan.” the following: “**Upon full completion of the debt settlement plan, such aggregate fees shall not exceed the amount the debt settlement plan reduces the principal amount of the debt enrolled in the plan.**”.

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

Senator Scott moved that **SCS** for **SB 216**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 216**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SJR 3** and **SS** for **SB 307**, begs leave to report that it has examined the same and finds that the joint resolution and bill have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 5**—Appropriations.

HCS for **HB 6**—Appropriations.

HCS for **HB 7**—Appropriations.

HCS for **HB 8**—Appropriations.

HCS for **HB 9**—Appropriations.

HCS for **HB 10**—Appropriations.

HCS for **HB 11**—Appropriations.

HCS for **HB 12**—Appropriations.

HB 13—Appropriations.

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 281**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle dealerships.

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 537**, entitled:

An Act to authorize the conveyance of property owned by the state in the city of St. Louis to the state highways and transportation commission.

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 544**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to Missouri accountability portal.

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 811**, entitled:

An Act to repeal section 324.210, RSMo, and to enact lieu thereof one new section relating to dieticians.

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 812**, entitled:

An Act to repeal sections 328.030, 328.040, 328.050, 328.060, 328.115, 328.140, 328.150, 328.160, 329.180, 329.190, 329.191, 329.200, 329.210 329.220, 329.230, and 329.240, RSMo, and to enact in lieu thereof three new sections relating to barber licensure, with a penalty provision.

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 358**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial roadways.

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 278**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to mobility motor vehicle dealers.

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 644**, entitled:

An Act to repeal section 301.218, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

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 326**, entitled:

An Act to repeal sections 337.600 and 337.604, RSMo, and to enact in lieu thereof two new sections relating to social workers.

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 265**, entitled:

An Act to repeal sections 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.630, 169.650, 169.655, 169.670, and 169.690, RSMo, and to enact in lieu thereof fourteen new sections relating to teacher and school employee retirement systems.

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 253**, entitled:

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to motorcycle headlight modulators.

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 282**, entitled:

An Act to authorize the conveyance of property owned by the state in Jasper County to Missouri Southern State University.

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 373**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the general educational development revolving fund.

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 210**, entitled:

An Act to repeal sections 104.540 and 104.1054, RSMo, and to enact in lieu thereof two new sections relating to state retirement.

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 HBs 234 and 493**, 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.

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 283**, entitled:

An Act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer companies.

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 132**, entitled:

An Act to repeal section 311.090, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor.

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 257**, entitled:

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

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 751**, entitled:

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research 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 231**, entitled:

An Act to repeal section 376.428, RSMo, and to enact in lieu thereof one new section relating to continuation of group health insurance after termination of employment, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 647, regarding R. Layne Morrill, Kimberling City, which was adopted.

Senator Purgason offered Senate Resolution No. 648, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rollie Joe Robertson, Grovespring, which was adopted.

Senator Purgason offered Senate Resolution No. 649, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Bobby Brazeal, West Plains, which was adopted.

Senator Vogel offered Senate Resolution No. 650, regarding Joseph E. Pierle, Jefferson City, which was adopted.

Senator Engler offered Senate Resolution No. 651, regarding Ann K. Bohman, which was adopted.

Senator Schmitt offered Senate Resolution No. 652, regarding Rebecca Marie Klussman, Manchester, which was adopted.

Senator Schmitt offered Senate Resolution No. 653, regarding Crestwood Elementary School, Lindbergh School District, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS, SS No. 2** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Ridgeway requested a roll call vote be taken on the adoption of **SA 2**. She was joined in her request by Senators Callahan, Griesheimer, Lager and Lembke.

Senator Engler assumed the Chair.

SA 2 was adopted by the following vote:

YEAS—Senators

Bray	Callahan	Cunningham	Days	Dempsey	Engler	Griesheimer	Justus
Pearce	Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Vogel
Wilson	Wright-Jones—18						

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Goodman	Green	Lager
Lembke	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Stouffer—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 150, Section 135.803, Lines 12-26 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Pearce, **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** and **SS No. 2** for **SCS** (pending), were placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 539**; **SCS** for **SB 216**; and **SCS** for **SB 117**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Shields referred **SCS** for **SB 117**; and **SS** for **SCS** for **SB 539** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Stouffer assumed the Chair.

SENATE BILLS FOR PERFECTION

At the request of Senator Wright-Jones, **SB 477** was placed on the Informal Calendar.

Senator Smith moved that **SB 141**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 141**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 141

An Act to repeal sections 210.826 and 210.828, RSMo, and to enact in lieu thereof three new sections

relating to paternity determinations.

Was taken up.

Senator Smith moved that **SCS** for **SB 141** be adopted.

Senator Smith offered **SS** for **SCS** for **SB 141**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 141

An Act to repeal sections 210.826 and 210.828, RSMo, and to enact in lieu thereof three new sections relating to paternity determinations.

Senator Smith moved that **SS** for **SCS** for **SB 141** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 5, Section 210.854, Lines 7-11 of said page, by striking all of said lines and inserting in lieu thereof the following:

“3. The court, after a hearing wherein all interested parties have been given an opportunity to present evidence and be heard, and upon a finding of probable cause to believe said testing may result in a determination of non-paternity, shall order the relevant parties to submit to genetic paternity testing. The”.

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

Senator Smith moved that **SS** for **SCS** for **SB 141**, as amended, be adopted, which motion prevailed.

On motion of Senator Smith, **SS** for **SCS** for **SB 141**, as amended, was declared perfected and ordered printed.

On motion of Senator Engler, the Senate recessed until 8:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lager, **SS No. 2** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** was withdrawn.

Senator Griesheimer offered **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, stating that it had been distributed and requested a waiver of the reading.

Senator Crowell objected to the waiver of the reading.

Senator Griesheimer moved that the reading of **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 & 288

An Act to repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.820, 99.865, 100.286, 100.297, 100.760, 100.770, 100.850, 105.145, 135.090, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.600, 135.680, 135.700, 135.766, 135.800, 135.802, 135.805, 135.967, 208.770, 238.207, 238.212, 238.235, 253.550, 253.557, 348.505, 447.708, 620.014, 620.017, 620.470, 620.472, 620.478, 620.495, 620.1039, 620.1878, 620.1881, and 660.055, RSMo, and to enact in lieu thereof fifty-two new sections relating to taxation, with penalty provisions and an emergency clause and an expiration date for a certain section.

be waived, which motion prevailed on a standing division vote.

SS No. 3 for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** was taken up.

Senator Griesheimer moved that **SS No. 3** for **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 43, Section 100.850, Lines 12-15, by striking all of said lines; and further amend line 16, by striking the word “dollars” and inserting in lieu thereof the following:

“twenty-five million dollars annually”.

Senator Lager moved that the above amendment be adopted.

Senator Ridgeway offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 45, 212, 136, 278, 279, 285 and 288, Page 43, Section 100.850, Line 11, by striking the opening and closing brackets on said line; and

Further amend said bill, section, and page lines 12-15, by striking all of said lines; and

Further amend said bill, section and page line 16, by striking the word “dollars” and inserting in lieu thereof the following:

“million dollars annually”; and

Further amend said bill, section, and page, line 22, by inserting immediately after the word “project.” the following:

“Provisions of this section to the contrary notwithstanding, the total amount of tax credits provided under sections 100.700 to 100.850, which may be authorized in fiscal year 2010 for issuance, shall not exceed twenty million dollars. No tax credits provided under sections 100.700 to 100.850 shall be authorized for projects approved after June 30, 2010, unless an allocation sufficient to provide tax credits for such project is made pursuant to the provisions of section 135.821, provided, however, that

in no case shall such allocation exceed twenty million dollars. In any fiscal year for which an allocation is made pursuant to the provisions of section 135.821, RSMo, no more than the amount of tax credits so allocated shall be authorized.”; and

Further amend said bill, section, and page, line 24, by striking the number “2015” and inserting in lieu thereof the following: “2012”; and further amend line 27 by striking the number “2015” and inserting in lieu thereof the following: “2012”; and

Further amend said bill, section 135.805, page 99, line 5, by inserting immediately after all of said line the following:

“135.821. 1. Provisions of law to the contrary notwithstanding, no tax credit provided under sections 100.700 to 100.850, RSMo, shall be authorized after June 30, 2010, for issuance to a recipient, unless sufficient credits have been allocated for such program. No later than October 1, 2009, and the first day of October each year thereafter, the department of economic development shall provide to the budget committee of the house of representatives and the appropriations committee of the senate a request for an allocation for the tax credit program provided under sections 100.700 to 100.850, RSMo. Allocations made pursuant to the provisions of this section shall provide the amount of tax credits which may be authorized during the fiscal year immediately following the fiscal year in which such allocation is made. In the case of allocations for authorizations of tax credits which may be issued over a period of fiscal years for a single project or projects, such allocation shall be made for the total amount of tax credits to be issued in the aggregate over the entire term of fiscal years, and the subsequent issuance of tax credits so authorized shall not be taken into account in subsequent fiscal years for purposes of determining compliance with statutory limitations on tax credit authorization. For purposes of this section, “streaming credit issuance” shall mean any instance where an administering agency is allowed, by law, to issue tax credits over a period of years to a recipient for a single project or series of projects.

2. The allocations provided under this section shall only be made in the annual appropriation bill relating to public debt and shall specify:

(1) The program under which such tax credits may be authorized;

(2) The maximum amount which may be authorized for such program and the actual fiscal year allocation being made; and

(3) Whether the amount authorized is for streaming credit issuance and the amount so designated.

3. Allocations for any tax credit program which remain unauthorized at the end of the fiscal year shall expire on the thirtieth day of June of such fiscal year. The provisions of this section shall not be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits authorized prior to July 1, 2010.”; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Pearce, **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285 and SB 288**, with **SCS and SS No. 3** for **SCS** (pending), were placed on the Informal Calendar.

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 **SCS** for **SB 141**, 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.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Art Reyes, Flint, Michigan.

Senator Nodler introduced to the Senate, James Sigler, Joplin.

Senator Wright-Jones introduced to the Senate, the Physician of the Day, Dr. Marsha Fisher, M.D., St. Louis.

Senator McKenna introduced to the Senate, Mike Evans, Erika Hoffman and Michael Singer, Andrew Cudworth, James McCabe, Brenda Pauley, Cameron Dawson and Rae Gayse, eleventh grade students from Fox High School, Arnold.

Senator Smith introduced to the Senate, Monique S. Gilliam, St. Louis.

Senator Bray introduced to the Senate, Abigail Baum, St. Louis.

Senator Bartle introduced to the Senate, Katie Wright and students from Oak Grove High School.

On behalf of Senators Green, Days, Cunningham, Wright-Jones, Bray and Smith, Senator Schmitt introduced to the Senate, Kevin Drollinger, board members, staff and Leshia Campbel, Shanise Harrie, Michael Austin, Laquita Howard, Jacquela Jackson, Melissa Whitaker, Keenan Kendrick, Erin Young, Ashley Cooley, Quincy Stroud, Jasmine Hulsey, Alisha Wahlers, Desiree Redus, Lattesia Graves, Ralanda Jones, Taylor Johnson and Desiree Thompson students from the Epworth Aging Out Youth Program, Webster Groves.

Senator Ridgeway introduced to the Senate, Paul and Karen Dexter, Liberty; and Roxi Griffin, Kansas City.

Senator Schmitt introduced to the Senate, Lauren Ross and Nicole Hatfield, Kirkwood.

Senator Pearce introduced to the Senate, David Mudd, Fred Niblock and seven American Legion State Youth and Government students.

Senator Griesheimer introduced to the Senate, thirty tenth grade American Legion of Missouri Youth students from St. Clair High School.

Senator Nodler introduced to the Senate, Matt Prihoda, James Link and fifty students from Ozark Bible School, Neosho.

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

SENATE CALENDAR

FORTY-FIFTH DAY—WEDNESDAY, APRIL 1, 2009

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 229-Ervin	HB 644-Wilson (130)
HCS for HB 427	HB 326-Sutherland
HCS for HB 661	HCS for HB 265
HB 248-Funderburk	HB 253-Davis, et al
HCS for HB 540	HB 282-Stevenson, et al
HCS for HBs 320, 39 & 662	HB 373-Wallace
HCS for HB 382	HB 210-Deeken
HCS for HB 281	HCS for HBs 234 & 493
HB 537-Dixon, et al	HB 283-Wood
HB 544-Smith (150), et al	HB 132-Fallert, et al
HB 811-Wasson	HB 257-Schieffer
HB 812-Wasson	HB 751-Schad, et al
HCS for HB 358	HCS for HB 231
HB 278-Meiners, et al	

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp (In Fiscal Oversight)	SS for SCS for SB 539-Schaefer (In Fiscal Oversight)
SS for SB 291-Shields (In Fiscal Oversight)	SCS for SB 216-Scott
SS for SJR 3-Crowell	SCS for SB 117-Green (In Fiscal Oversight)
SS for SB 307-Dempsey	SS for SCS for SB 141-Smith

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------|-----------------------------------|
| 1. SB 267-Mayer and Green | 6. SB 378-Nodler |
| 2. SBs 335 & 16-Rupp, with SCS | 7. SB 558-Mayer, et al, with SCS |
| 3. SBs 207 & 245-Rupp, with SCS | 8. SJR 12-Scott, with SCS |
| 4. SB 172-Green and Cunningham | 9. SB 555-Lager, with SCS |
| 5. SB 406-Scott, with SCS | 10. SB 228-Scott, et al, 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 18-Bray, et al, with SCS & SS for SCS
(pending)
SB 29-Stouffer
SBs 45, 212, 136, 278, 279, 285 & 288-Pearce
and Smith, with SCS & SS#3 for SCS (pending)
SB 57-Stouffer, with SCS
SB 72-Stouffer, with SCS
SB 94-Justus, et al, with SCS & SS for SCS
(pending)
SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending)
SCS for SB 189-Shields
SBs 223 & 226-Goodman and Nodler,
with SCS (pending)

SB 236-Lembke
SBs 261, 159, 180 & 181-Bartle and Goodman,
with SCS & SS#3 for SCS (pending)
SB 264-Mayer
SB 284-Lembke, et al
SB 306-Dempsey, et al, with SCS
SB 321-Days, et al, with SCS (pending)
SB 363-Griesheimer, with SCS, SS for SCS
and SA 2 (pending)
SB 364-Clemens and Schaefer
SB 409-Stouffer, with SCS (pending)
SB 477-Wright-Jones
SB 527-Nodler and Bray

RESOLUTIONS

Reported from Committee

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

SCR 14-Schmitt
SCR 21-Clemens
SCR 10-Rupp
SCR 18-Bartle and Rupp
SCR 23-Schmitt

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