

# Journal of the Senate

SECOND REGULAR SESSION

---

**FIFTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2010**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 6:8b)

Merciful Lord, as concerns of the judiciary are brought to our attention help us be mindful of Micah’s teaching. Let us assure our people that justice will be fairly meted out. And as our struggling economy shows the needs of the unemployed increase and the poor need our help. Fill us with compassion and wisdom so that we might be about those things that are truly helpful, and do what we can to grow jobs and increase the opportunity for employment. 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	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 1542, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Ross, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 1543, regarding the Fifty-sixth Wedding Anniversary of Mr. and Mrs. Alan Duane Mickel, which was adopted.

Senator Crowell offered Senate Resolution No. 1544, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Horrell, Scott City, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1545, regarding Ryan Daffron, Bowling Green, which was adopted.

Senator Engler offered Senate Resolution No. 1546, regarding Mike Rawson, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1547, regarding Don Roper, Farmington, which was adopted.

Senator Shields offered Senate Resolution No. 1548, regarding the One Hundredth Anniversary of Boy Scouts of America, which was adopted.

Senator Shields offered Senate Resolution No. 1549, regarding Alex Olson, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1550, regarding Zach Kesner, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 881**—By Green.

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, and 321.711, RSMo, and to enact in lieu thereof five new sections relating to political subdivisions.

**SB 882**—By Green.

An Act to repeal sections 105.473, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.036, 130.046, 130.057, 130.071, 138.190, 138.200, 215.020, 286.010, 386.050, and 621.015, RSMo, and to enact in lieu thereof twenty new sections relating to the ethics commission, with penalty provisions for certain sections.

**SB 883**—By Dempsey.

An Act to repeal section 94.270, RSMo, and to enact in lieu thereof one new section relating to license taxes imposed by certain cities.

**SB 884**—By Schaefer.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof seven new section relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

**SB 885**—By Schaefer.

An Act to repeal section 414.072, RSMo, and to enact in lieu thereof two new sections relating to motor fuel training and equipment.

**SB 886**—By Schaefer.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to plumbing codes.

**SB 887**—By Schaefer.

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the designation of controlled substances, with penalty provisions.

**SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 604**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 604**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 604**

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

Was taken up.

Senator Mayer moved that **SCS** for **SB 604** be adopted.

At the request of Senator Mayer, **SB 604**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Engler moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Ray Price, which motion prevailed.

**JOINT SESSION**

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

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

Absent—Senators

Champion Purgason—2

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Allen	Atkins	Aull	Biermann	Bivens	Brandom	Bringer	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Burnett	Calloway	Carter	Casey

Chappelle-Nadal	Colona	Cooper	Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Englund	Ervin	Faith	Fallert	Fischer107	Fisher 125
Flanigan	Flook	Frame	Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 89	Jones 117	Kander	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Lair	Lampe	Largent	Leara
LeBlanc	LeVota	Liese	Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nasheed	Newman	Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn	Riddle	Rucker	Ruestman
Ruzicka	Sater	Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter	Wilson 119	Witte	Wright
Yaeger	Zerr	Zimmerman	Mr Speaker—148				

## Absent and Absent with Leave—Representatives

Curls	Holsman	Jones 63	Keeney	Kuessner	Roorda	Salva	Sander
Schlottach	Viebrock	Wilson 130—11					

## Vacancies—4

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Ray Price, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

Chief Justice William Ray Price, Jr.  
State of the Judiciary Address  
February 3, 2010

Mr. Speaker, Mr. President, Members of the General Assembly:

It is my honor to deliver this 37th State of the Judiciary Address.

I am completing my 17<sup>th</sup> year as a judge of the Missouri Supreme Court. In that time I have seen governors come and go, speakers of the House, lieutenant governors, president pro tems of the Senate, representatives and senators, all come and go. They all faced challenges and all claimed success of one kind or another.

As we look at this coming year, it is helpful to place ourselves in the context of time. Modern science teaches us that the universe we know began with a “great bang” 14 billion years ago. The earth was formed four billion years ago. Human life came into existence perhaps one or two million years ago. The reigns of David and Solomon were three thousand years ago. Against this backdrop, our lives, our times of service, are but a blink of God’s eye. Or in the words of the 90<sup>th</sup> Psalm: “All our days, pass away ... like a sigh.”

The famous author, John Updike, who died this year, described life as a “leap out of the dark and back.” In more earthy terms, my uncle, an Iowa farmer, says that “no man plows too deep a furrow.” But no matter how brief our time or small our step, this is our opportunity to do what we can to make Missouri a better place.

In some years, there have been grand proposals and bold initiatives. Given the economic realities confronting us, that will not be the case this year. Instead our contribution will be to live within our means, to provide the core services of government to our people, to maintain what is essential for our future, and to focus intensely upon the cost and benefit of everything that we do in state government.

Today I will talk about three things: first, how the judiciary is doing its part to address the state's financial short-fall; second, the need to rethink our strategies to deal with nonviolent crime, including drug and alcohol abuse; and third, a brief thought about the Missouri Nonpartisan Court Plan.

The judiciary has come to this time of financial crisis already lean. We were not favored in the last few years when times were better. Nonetheless, when the extent of the state's budget crisis became evident last year, we voluntarily returned nearly \$3 million of our appropriated funds for fiscal 2009. We will return another \$3 million of appropriated funds for fiscal 2010. We expect that we will do the same for fiscal 2011. This was not -- and is not -- an easy thing for us to do. The effect of these cuts is magnified by similar budget cuts being made by the counties. For example, Jackson County circuit court alone has been cut \$3 million by the county.

We have attempted to make our cuts in areas that would not impact our immediate ability to serve the judicial needs of the people of Missouri. However, the cuts we made severely jeopardize our ability to provide those services in the future. Let me share two examples.

Our statewide computer system needed the next generation of software, a software generation ago. We also needed to add the long promised e-filing component. But we have cut nearly \$1.4 million from our technology budget.

Our programs to keep Missouri judges educated and up-to-date on the law are vitally important to the quality of our judiciary. Judges shouldn't be the lowest paid and the least educated lawyers in the courtroom. But we have cut \$443,000 from that budget. And so on.

My point is this. We recognize that as a branch of state government we must sacrifice to help balance the budget. We also recognize that we must keep the courts open to meet the needs of our people and to resolve the 800,000 lawsuits they file annually. In business terms, we will put the customers -- the people of Missouri -- first. But we have come to the point where any additional cuts will directly threaten our ability to handle Missouri's legal business now and the cuts that we have already made threaten our ability to handle Missouri's legal business in the future. These cuts need to be restored as soon as possible.

Before leaving this subject, I would like to thank Senator Lembke for offering SJR 28. The resolution would link the pay of Missouri judges to 75 percent of the pay for the corresponding federal position. Interestingly, it would raise the pay of our associate circuit court judges to the same level as our circuit court judges.

There is not a single factor that more adversely impacts our ability to attract and retain quality judges as the relatively low level of judicial pay. Today we have four former Supreme Court judges, in the prime of their careers, enjoying the greener pastures of private practice and two enjoying the higher pay of the federal courts.

Missouri currently ranks 39<sup>th</sup> in the nation in pay levels for our trial court judges, who are paid approximately \$120,000 per year. We have lower pay than all the states that surround us: Iowa (\$137,000); Illinois (\$174,000); Tennessee (\$148,000); Arkansas (\$136,000); Oklahoma (\$124,000); and Nebraska (\$128,000) ... excepting only Kansas, whose trial court pay approximately equals ours (\$120,000). (I don't know if it is worse to be below Arkansas or tied with Kansas?)

Nonetheless, I cannot support this resolution. In the current financial crisis, there is no money for judges' raises. I thank you for the idea, but the time is wrong.

Now I need turn our attention to the area of criminal law. Given the difficult financial situation of the state, we must look hard at the costs and effectiveness of our current statutory schemes, especially for nonviolent offenders.

The criminal justice system is very expensive. Law enforcement, prosecutors, public defenders, courthouses, and prisons all cost a lot of money. However, one of the core functions of government is to keep people safe in their homes and safe on the streets. But just because this is one of the most important places that we spend taxpayer money, it does not mean that all of that money is well spent.

For years we have waged a "war on drugs," enacted "three strikes and you're out" sentencing laws, and "thrown away the key" to be tough on crime. What we did not do was check to see how much it costs, or whether we were winning or losing. In fact, it has cost us billions of dollars and we have just as much crime now as we did when we started. We have created a bottleneck by arresting far more people than we can handle down through the rest of the system.

We may have been tough on crime, but we have not been smart on crime. I would like to talk about this problem from three different perspectives: public defenders, prosecutors, and nonviolent offenders. It does no good to commit resources to law enforcement and to arrest criminals if you don't know what you are going to do with them, or you cannot afford to do what you should with them, after they have been arrested.

The first problem is how we are going to try the people we arrest. We already have discussed the financial stress under which the court system is operating. But our public defenders and prosecutors are also stressed to the point of breaking.

Last year the public defenders came to you and told you that they were under-funded and overworked. You appropriated to them an additional \$2 million of which they received \$500,000. A number of lawsuits regarding their situation were heard and decided in our Court. Essentially we acknowledged the public defenders' crisis in funding, but we declared certain of their regulations limiting their workload to be beyond their statutory authority.

The United States Constitution requires that anyone charged with an offense that may result in jail time be provided an attorney if he or she cannot afford one. The United States Constitution also requires timely trials of criminal cases. If there aren't enough public defenders, the system cannot wait, and jail time cannot be threatened or imposed.

The solution to this problem is relatively simple: either increase the public defender's funding or tell the public defender who to defend and who not to defend within the limits of their funding. At present, you only allow the public defender to determine eligibility by indigency. That means only the poorest offenders will qualify, regardless of the severity of the crime. I would suggest that the most serious charges be targeted, and that the least serious charges be those for which jail time cannot be sought, if we cannot adequately fund the public defender's office. This is simple common sense. Spend our money where it counts. But your statutes don't read that way now.

The state's prosecutors are also underpaid and overworked. Even though they bring charges in the name of the State of Missouri, they are county officers and their pay levels and workloads are determined county by county.

In some ways prosecutors are the most powerful individuals in the criminal justice system. They decide whether charges are brought and what charges are brought. They decide what plea agreements are made. If we want these decisions to be made well, we need people making them who are not underpaid and overworked. If we want these decisions made consistently across the state, there needs to be state involvement.

The inconsistency that you have read about in statewide DWI prosecution, plea bargaining, and sentencing exists in all other areas of criminal law as well. Listen to the disparity. Prison sentences as a percentage of all criminal dispositions for fiscal 2009 ranged from 10.8 percent to 48.7 percent among our various circuits. That means that 1 out of every 10 people found guilty of a crime is sentenced to jail in our lowest sentencing circuit, while 5 out of every 10 are sentenced to jail in our highest sentencing circuit. The average length of these sentences ranges from 4.5 to 9 years among the various circuits. Such a great disparity from circuit to circuit cannot be what we want from a moral, financial, or any other perspective.

The Missouri Bar has appointed a committee to look into recommendations for public defenders and prosecutors. The committee is chaired by your former colleague Joe Moseley. Prior to serving as a state senator, he also served as a prosecuting attorney and as a public defender. I would expect the committee to come to you with a balanced and practical proposal. Whatever the recommendation, this problem needs careful consideration -- consideration that goes beyond merely the dollars that are appropriated.

Perhaps the biggest waste of resources in all of state government is the over-incarceration of nonviolent offenders and our mishandling of drug and alcohol offenders. It is costing us billions of dollars and it is not making a dent in crime.

Listen to these numbers. In 1994, shortly after I came to the Court, the number of nonviolent offenders in Missouri prisons was 7,461. Today it's 14,204. That's almost double. In 1994, the number of new commitments for nonviolent offenses was 4,857. Last year, it was 7,220 -- again, almost double. At a rate of \$16,432 per offender, we currently are spending \$233.4 million a year to incarcerate nonviolent offenders ... not counting the investment in the 10 prisons it takes to hold these individuals at \$100 million per prison. In 1994, appropriations to the Department of Corrections totaled \$216,753,472. Today, it's \$670,079,452. The amount has tripled. And the recidivism rate for these individuals, who are re-incarcerated within just two years, is 41.6 percent.

I could quote different statistics and relationships to you all morning long, but the simple fact is, we are spending unbelievable sums of money to incarcerate nonviolent offenders, and our prison population of new offenders is going up, not down -- with a recidivism rate that guarantees this cycle will continue to worsen at a faster and faster pace, eating tens of millions of dollars in the process. Missouri cannot afford to spend this much money without getting results.

The problem is not with the administrators of the prisons. I have worked closely with all of them, from Dora Schriro and Gary Kempker, to your former colleague, Larry Crawford, and now George Lombardi. These public servants were -- and are -- excellent at their work, as are their staffs. The problem is that we are following a broken strategy of cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime. Any normal business would have abandoned this failed practice years

ago, and it is costing us our shirts.

Let me be clear: violent offenders need to be separated from us so they cannot hurt innocent men, women, or children, regardless of the cost. I am not talking about them. I am talking about nonviolent offenders.

Nonviolent offenders need to learn their lesson. Most often they need to be treated for drug and alcohol addiction and given job training. Putting them in a very expensive concrete box with very expensive guards, surrounding them with hardened criminals for long periods of time, and separating them from their families who need them and could otherwise help them does not work. Proof is in the numbers: 41 percent are back within two years.

Although this is a horrible Missouri problem, it is not just a Missouri problem. Republicans and Democrats across the country are waking up.

State Senator Stewart Greenleaf, a Republican from Pennsylvania, said:

What we have done with the laws we passed over the last 20 years is thrown our net out there too widely and picked up too many little fish. We filled our prisons with nonviolent, first time offenders, and with no noticeable increase in public safety.

United States Senator Jim Webb, a Democrat from Virginia, said:

Focus must be placed on locking up the most dangerous people instead of diverting time and money to incarcerate the wrong people.

Newt Gingrich said:

We have to fundamentally rethink prisons.

There is a better way. We need to move from anger-based sentencing that ignores cost and effectiveness to evidence-based sentencing that focuses on results -- sentencing that assesses each offender's risk and then fits that offender with the cheapest and most effective rehabilitation that he or she needs. We know how to do this. States across the nation are moving in this direction because they cannot afford such a great waste of resources. Missouri must move in this direction, too.

Of course, we must be careful and deliberate. This effort will require statewide coordination and revision of a number of our statutes. It will require diverting some offenders from prison and removing others from prison more quickly -- after they have learned their lesson, but before they are ruined by worse offenders and before they lose their ability to return to their communities, their families, and hopefully, jobs.

One thing we should do immediately is increase our investment in drug courts and expand that effort to DWI courts. Illegal drug use drives crime. Depending upon the study, 60 to 80 percent of crime involves drug use. We also know that simple incarceration, no matter how expensive, does not cure addiction. Treatment combined with strict judicial oversight does.

We know drug courts work. We have more than 8,500 graduates. And we know the tremendous savings that result from drug courts in Missouri. Many of you have visited our drug courts. Just two weeks ago, Speaker Richard brought two drug court graduates, Richard Rainey and Andrea Berin, to speak to you so you could see their success. Thank you for doing that, Mr. Speaker.

At one fourth to one fifth the cost of incarceration, more than one half of drug court participants graduate, and recidivism is only in the 10 percent range. The last five meta studies on drug courts, from all across the United States, have shown that drug courts reduce crime from 8 to 26 percent.

Five years ago I made a mistake. Senator Lager, then chairman of the House Budget Committee, offered \$10 million to take drug courts to full capacity. I was afraid that we could not handle that much money so quickly and asked instead for \$2 million a year for the next five years. We got the first million that year, but not the rest. So, for the last four years, our drug court program has been operating at half capacity and you have been wasting tens of millions of dollars a year in unnecessary and counterproductive incarceration costs. There is no excuse.

We need to expand our drug courts now -- two million dollars more a year -- until we reach capacity. We will save you many times more than that, and you will save lives and families. You saw it right here.

I thank all of you who have supported drug courts over the years, but we are a long way from where we need to be.

I know you will also be looking at ways to improve our DWI laws this session. When you do, I suggest that you focus on your goals. Do you just want to punish offenders, or do you want to make our streets and highways safer places to drive? Long jail sentences and 10 year license revocations certainly punish people. We have those already, and look at the number of repeat offenders -- more than 4,500 a year. The proof

of the misfocus of our anger is in the numbers.

What we need, again, are evidence-based strategies tailored to produce results. A person with a blood alcohol content over .20, arrested for the second time in one year, is different than a person with a blood alcohol content of .081 arrested for the second time in 10 years. One size doesn't fit all. Consistency between jurisdictions is a good goal; consistency among all offenders, despite their individual risks and needs, is not. Some need jail. For others, significantly increased monetary fines will work. Many need treatment for alcoholism.

We have had tremendous success with DWI courts. They operate on the same model as our drug courts. Commissioner Peggy Davis in Springfield runs a nationally recognized DWI court and trains judges across the country. We should have her training judges across this state. Our goal should not be to spend \$16,000 a year to keep these offenders in jail as long as we can. Our goal should be to spend \$3,000 a year to treat their alcoholism, and to return them to our state as productive tax-paying members of society who drive with licenses, with insurance, and who are sober.

Don't kid yourselves. The 10 year, no exception, license revocation that we have now might sound good, but it doesn't work. You cannot live and work in Missouri, especially suburban and rural Missouri, without a driver's license. All the 10-year revocation guarantees is that the offender is driving without a license, without insurance, and probably drunk. What we need is a sober driver who has a restored license and insurance. Expansion of DWI courts statewide, and the return of licenses to sober DWI court graduates, will do more for the safety of our roads and highways than any other change in the law you can make.

I will not comment on the proposed initiative petitions to replace the Missouri Nonpartisan Plan of selecting judges. There is pending litigation regarding these initiatives. That litigation is entitled to full and fair consideration on the merits of the issues raised by all parties. But you, again, have legislative proposals before you, so I will address this issue in a more general way.

There is a difference in our respective jobs that you should consider. You all run for office in general partisan elections. To do so you need to raise money, perhaps to hire special consultants, and to make promises to the voters about what policies you will support or oppose if elected. Once elected, you are expected to hold true to those promises. To some extent this is and has always been tolerated because the policies you campaign on are general in nature. The laws you pass apply to all. You seek to serve the will of the majority. No individual is singled out.

Our job is not that way. Though an equal branch of government, we have a more limited role. We resolve individual disputes. We have no power until litigants come to us with a real controversy, in which they have a real interest. When they do, we are not free to choose any resolution. We are first bound to honor our national and state constitutions. In fact, we are sworn to uphold the Bill of Rights that guarantees the rights of the individual, even against the will of the majority that you serve. We then follow the laws that you enact.

When the people of Missouri walk into our courtrooms, they expect and deserve to have their individual case heard on its facts and on the law, without fear that a rich man or a powerful interest has already bought the promise of the judge to rule the other way. Justice is rendering to each litigant what he or she is entitled to, not using his or her case as a stepping stone for fundraising or as a stepping stone for the advancement of a particular ideological or political goal, or as payback to a contributor.

Remember the *Avery v. State Farm* case from Illinois in which an Illinois Supreme Court justice cast the deciding vote in a \$450 million case in favor of an insurance company ... after receiving more than \$1 million in campaign contributions from those connected to the company. Remember the *Caperton v. Massey* case from West Virginia in which a new West Virginia Supreme Court justice cast the deciding vote in a \$50 million case after the CEO of that company spent approximately \$3 million to defeat the new judge's opponent.

Justice is a sacred but fragile concept. It depends upon the eye of the beholder, the trust and confidence of our people. It cannot be for sale to the richest bidder, the most powerful special interest group, or to the cleverest consultant.

The Supreme Court has just voted to change the rules to release the names of all those interviewed for appointment under the Missouri Nonpartisan Plan. This step to transparency will allow the people of our state to judge the panels of three chosen for submission to the governor against all of those who are considered. It is a significant and good change.

Any change that moves the Missouri plan closer to politics, special interests, or money is a change in the wrong direction.

I would like to end my speech with this thought. In my time on the Court, I have seen how hard your life is in the legislature. I understand the pressures you bear to keep your base, the pressures from special interest groups, the pressures to raise thousands of dollars to fund your campaigns, or to move up in leadership.

I know what I have spoken about today is too complicated for 10-second sound bites, and I don't have hundreds of thousands of dollars to donate to your campaign committees. But let me tell you this. From time to time I run into old senators and representatives. They like to visit



about what they did in office. They never talk about the money they raised or when they buckled to political pressures. What they talk about are the good things that they did; the things they were proud of.

There will be a day when your time of service comes to an end, too. When it does and you go home, you all will want to be proud of what you have done.

Savings millions of dollars, saving lives, saving families, and making Missouri a safer and better place, is something you can be proud of.

On motion of Senator Engler, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Dempsey.

### **SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 604**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 604** was again taken up.

Senator Mayer moved that **SCS** for **SB 604** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 604** was declared perfected and ordered printed.

Senator Rupp moved that **SB 618**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Bray, **SA 2** was withdrawn.

Senator Rupp offered **SS** for **SB 618**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 618**

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for diagnosis and treatment of autism spectrum disorders.

Senator Rupp moved that **SS** for **SB 618** be adopted.

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

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 618, Page 5, Section 376.1224, Line 10 of said page, by striking the following: “seventy-two” and inserting in lieu thereof the following: “**sixty**”.

Senator Crowell moved that the above amendment be adopted.

Senator Schmitt offered **SSA 1** for **SA 1**, which was read:

#### **SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 618, Page 5, Section 376.1224, Line 10 of said page, by striking “seventy-two” and inserting in lieu thereof the following: “**sixty-five**”; and

Further amend said page and section, Line 14 of said page by inserting immediately after said line the following:

**“6. Beginning January 1, 2012, and annually thereafter, the maximum benefit limitation for applied behavior analysis described in subsection 5 of this section shall be adjusted to reflect any change from the previous year in the medical component of the then current Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics of the United States Department of Labor. The current value of the maximum benefit limitation for applied behavior analysis coverage shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.”; and**

Further amend said section by renumbering the remaining subsections accordingly.

Senator Schmitt moved that the above substitute amendment be adopted.

Senator Rupp offered **SA 1** to **SSA 1** for **SA 1**, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 618, Page 1, Section 376.1224, Line 3 of said amendment, by striking the following: “sixty-five” and inserting in lieu thereof the following: **“fifty-five”**.

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

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

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 618, Page 2, Section 376.1224, Line 27 of said page, by striking the following: “or nutritional supplements”; and

Further amend said bill and section, Page 3, Line 16 of said page, by striking the following: “without limitation,”.

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

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 618, Page 1, In the Title, Lines 3-4, by striking “insurance coverage for diagnosis and treatment of autism spectrum disorders” and inserting in lieu thereof the following: “health insurance”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

**“376.685. 1. This section shall be known and may be cited as the “Foreign Health Insurance Purchase Act”.**

**2. The following words and phrases when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

**(1) “Department”, the department of insurance, financial institutions and professional registration;**

**(2) “Director”, the director of the department of insurance, financial institutions and professional registration;**

**(3) “Foreign insurer”, any health carrier, as that term is defined in section 376.1350, licensed by the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa to sell health insurance in that state and if not prohibited under the laws of that state from selling health insurance to the residents of this state;**

**(4) “Health insurance”, an individual or group health insurance policy, subscriber contract, certificate or health benefit plan that provides medical or health care coverage by a health care facility or licensed health care provider.**

**3. Notwithstanding any other provision of law to the contrary, a resident of this state shall have the right to purchase health insurance from a foreign insurer, regardless of whether the foreign insurer is licensed or in compliance with the laws of this state.**

**4. Notwithstanding any other provision of law to the contrary, a foreign insurer domiciled in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa is exempt from holding a license or certificate of authority, if it meets the following criteria:**

**(1) It offers, sells, or renews a health benefit plan in this state that complies with all of the requirements of the domiciliary state applicable to the plan;**

**(2) It is authorized to issue the plan in the state where it is domiciled and to transact business there; and**

**(3) It maintains a process to resolve disputes between it and a resident of this state pertaining to the health insurance policy or health benefit plan.**

**5. Notwithstanding any other provision of law, a health benefit plan or health insurance policy offered, sold, or renewed by in this state by a foreign insurer that satisfies the criteria of subsection 4 of this section is exempt from all other provisions of chapter 375, chapter 376, or any other provision of law that would frustrate the purpose of this section.**

**6. If a Missouri resident purchases or enrolls in a health insurance policy or health benefit plan that is lawfully sold, offered, or issued in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa, the policy or plan shall not be subject to the requirements of this chapter or its accompanying regulations, and the foreign insurer, if not otherwise subject to the insurance laws and regulations of this state, shall not be subject to regulation under this chapter with regard to such policy or plan; except that, the health carrier shall be subject to regulation by the director with regard to enforcement of the contractual benefits under the policy or health benefit plan.**

**7. The department shall publish a notice on its Internet website that explains the right of a resident of this state under this section to purchase health insurance from a foreign insurer. The department may include in the notice information that a resident might find helpful in making a decision to**

**purchase health insurance from a foreign insurer.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 618, Page 7, Section 376.1224, Lines 26-28, by striking all of said lines and further amend said bill and section, Page 8, Lines 1-7 of said page and inserting in lieu thereof the following:

**“16. The provisions of this section shall not apply to a health benefit plan issued to a small employer under sections 379.930 to 379.952 except that health carriers shall offer such small employer the coverage prescribed in this section as an optional benefit to that plan.”.**

Senator Purgason moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bartle, Lembke and Ridgeway.

**SA 4** failed of adoption by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Clemens	Cunningham	Lembke	Mayer	Purgason	Ridgeway
Scott	Wright-Jones—10						

#### NAYS—Senators

Bray	Callahan	Champion	Crowell	Days	Dempsey	Engler	Goodman
Green	Griesheimer	Justus	Keaveny	Lager	McKenna	Nodler	Pearce
Rupp	Schaefer	Schmitt	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Ridgeway offered **SA 5**, which was read:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 618, Page 8, Section 376.1224, Lines 4-7, by striking all of said lines and inserting in lieu thereof the following: **“the cost of the small employer health insurance policy has increased by an amount of two and a half percent or more over the period of a calendar year, in premium costs to the small employer.”.**

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

Senator Rupp moved that **SS** for **SB 618**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 618**, as amended, was declared perfected and ordered printed.

#### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 3, 2010

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

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent:

Julie Ballard, 1927 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Deborah S. Ellis, 16406 Bayshore Cove Court, Wildwood, Saint Louis County, Missouri 63040, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Jean Leonatti, 3406 Wakefield Drive, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Sarah Jones, Democrat, 2211 Brandy Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Amusement Ride Safety Board for a term ending April 17, 2011, and until her successor is duly appointed and qualified; vice, Amy Sweeny Davis, term expired.

James Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board for a term ending April 17, 2014, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Berta M. Sailer, 8305 Harvard Avenue, Raytown, Jackson County, Missouri 64138, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011 and until her successor is duly appointed and qualified; vice, Robin E. Threlkeld, withdrawn.

Mary L. Buren, 5520 Central, Kansas City, Jackson County, Missouri 64113, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Michelle Y. Cebulko, term expired.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Wayne Graves, term expired.

Rebeka R. McIntosh, 4015 South Forest Avenue, Independence, Jackson County, Missouri 64052, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2012, and until her successor is duly appointed and qualified; vice, Maria I. Gomez, term expired.

Mark A. Folsom, 4205 Northwest Claymont Drive, Kansas City, Clay County, Missouri 64116, as a member of the Child Abuse and Neglect Review Board, for a term ending June 01, 2012 and until his successor is duly appointed and qualified; vice, RSMo. 210.153.

Jacquelyn Metheny, 701 East 63<sup>rd</sup> Terrace, Kansas City, Jackson County, Missouri 64110, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2012 and until her successor is duly appointed and qualified; vice, Barbara Smith, term expired.

Teresa M. Wallace, 6653 Devonshire Apartment #2 West, Saint Louis City, Missouri 63109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Suzanne Taggart, withdrawn.

David Kierst, Jr., 7144 McGee, Kansas City, Jackson County, Missouri 64114, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2011, and until his successor is duly appointed and qualified; vice, Vincent Hillyer, term expired.

Holly Monroe, 116 Lindell Drive, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Kristin Thomas-Sohl, term expired.

Suzan Ponder-Bates, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Child Abuse and Neglect Review Board, for a term ending April 07, 2012, and until her successor is duly appointed and qualified; vice, Jeffrey Cox, term

expired.

Regina Staves, 12200 Cherry Street, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2012, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Ruby Harriman, 5221 Washington Place, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Monica Haaf.

L. Carol Scott, 462 Whittier Street, Apartment 203, Saint Louis City, Missouri 63108, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor; vice, Karen Bartz.

Richard Bee, II, 6566 Millstone Road, Houston, Texas County, Missouri 65483, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2010, and until his successor is duly appointed and qualified; vice, Danny Joe Patterson, term expired.

Jean-Paul Bovee, 9011 Washington Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 3, 2010 and until his successor is duly appointed and qualified; vice, Christopher A. Norton, withdrawn.

Michele G. Kilo, 3413 Northwest 62<sup>nd</sup> Terrace, Kansas City, Platte County, Missouri 64151, 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, Michele Kilo, withdrawn.

Paula F. Baker, 502 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Commission on Autism Spectrum Disorders, for a term ending September 03, 2012, and until her successor is duly appointed and qualified; vice, Paula F. Baker, withdrawn.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2009 and until her successor is duly appointed and qualified; vice, James Jackson, term expired.

Letitia Thomas, 1023 Westwinds Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2012 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Richard Ewing, 713 Homestead Drive, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2011, and until his successor is duly appointed and qualified; vice, Steve Wilhelm, term expired.

Audrey Yarbrough, 3090 Key Harbour, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 2010 and until her successor is duly appointed and qualified; vice, Harold Cleberg, term expired.

Stuart Zimmerman, Democrat, 736 Audubon Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2012 and until his successor is duly appointed and qualified; vice, Kathy Conley Jones, term expired.

Larry D. Spence, Republican, 3200 County Road 5430, Willow Springs, Howell County, Missouri 65793, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2012, and until his successor is duly appointed and qualified; vice, Charles Kemper, term expired.

Donald Yarber, Democrat, 76 Scotsdale Court, Cottleville, Saint Charles County, Missouri 63376, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2013, and until his successor is duly appointed and qualified; vice, LaVaunt Maupin, term expired.

Kathleen Alexander, 899 Rohrer Road, Bourbon, Crawford County, Missouri 65441, as a member of the Missouri Quality Home Care Council, for a term ending March 01, 2011, and until her successor is duly appointed and qualified; vice, RSMo. 208.856.

Roxanne McDaniel, 1613 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, Autumn Hooper, term expired.

Ann K. Shelton, 1203 Summer Lynne Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2013, and until her successor is duly appointed and qualified; vice, K' Alice Breinig, resigned.

Kenneth Meyer, 3639 East Kensington, Springfield, Greene County, Missouri 65802, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2012 and until his successor is duly appointed and qualified; vice, Cory Bomgaars, term expired.

Cara Canon, 28663 Highway M, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until her successor is duly appointed and qualified; vice, Billy Meyer, resigned.

Joshua Tennison, 213 Frieda Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2010, and until his successor is duly appointed and qualified; vice, Sarah Tate, resigned.

Creed Jones, 3030 Kelley Drive, Joplin, Jasper County, Missouri 64804, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice, Gregory F. Sharpe, withdrawn.

LeRoy Stromberg, 3250 Hawthorne Boulevard, Saint Louis, Saint Louis County, Missouri 63104, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, J. Howard Fisk, withdrawn.

Byron Hill, 3712 Woodrail on the Green, Columbia, Boone County, Missouri 65203, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2012, and until his successor is duly appointed and qualified; vice, Kurt D. Witzel, withdrawn.

Reginal Hoskins, 3586 South Western Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Richard A. Heithaus, withdrawn.

Laura Evans, 10716 Lancaster Road, Liberty, Clay County, Missouri 64068, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until her successor is duly appointed and qualified; vice, Nancy Montgomery, term expired.

Keith Gary, 17619 South Merriott Road, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2013, and until his successor is duly appointed and qualified; vice, James Upchurch, withdrawn.

Wayne Feuerborn, 440 East 65<sup>th</sup> Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2010, and until his successor is duly appointed and qualified; vice, Richard L. Dawe, resigned.

Joel P. Evans, 505 Park Avenue, Sikeston, Scott County, Missouri 63801, as a member of the Seismic Safety Commission, for a term ending July 01, 2012, and until his successor is duly appointed and qualified; vice, Charles Juden, term expired.

Michael Gerdine, Democrat, 3865 Flora Place, Saint Louis City, Missouri 63110, as a member of the State Board of Health, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, Donna Mannello, term expired.

Benjamin Lampert, Republican, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the State Board of Registration for the Healing Arts, for a term ending September 03, 2012, and until his successor is duly appointed and qualified; vice, Keith LaFerriere, term expired.

Laura A. Confer, 1522 Creekstone Court, Fenton, Saint Louis County, Missouri 63026, as a student representative of the University of Missouri Board of Curators, for a term ending January 01, 2010 and until her successor is duly appointed and qualified; vice, Anton H. Luetkemeyer, term expired.

Timothy White, 5047 Rosa Avenue, Saint Louis City, Missouri 63109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2011, and until his successor is duly appointed and qualified; vice Herbert Martin, term expired.

Daniel Osborn, Republican, 2307 South Forrest Heights Avenue, Springfield, Greene County, Missouri 65809, as a member of the

State Board of Registration for the Healing Arts, for a term ending September 3, 2012, and until his successor is duly appointed and qualified; vice, Daniel Scodary, term expired.

Steven Martin, Republican, 104 Dogwood Circle, Portageville, New Madrid County, Missouri 63873, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014, and until his successor is duly appointed and qualified; vice, Jeff Case, term expired.

Gregory Helbig, Republican, 2064 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, Gale Hackman, resigned.

Thomas Owen, Republican, 851 Green Road, Marshfield, Webster County, Missouri 65706, as a member of the State Milk Board, for a term ending September 28, 2013, and until his successor is duly appointed and qualified; vice, RSMo. 196.941.

John Harper, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, John Harper, withdrawn.

Billy Lee Ransdall, Democrat, 503 Wildwood Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the State Tax Commission, for a term ending January 23, 2012, and until his successor is duly appointed and qualified; vice, Charles Nordwald, resigned.

Maureen Dempsey, 7605 Shadybridge Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Pamela Ross, 18 Aberdeen Place, Saint Louis City, Missouri 63105, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, James Bracht.

Ashley M. Hoyer, 1270 East Guinevere Court #212, Springfield, Greene County, Missouri 65804, as a member of the Missouri State University Board of Governors, for a term ending December 31, 2009 and until her successor is duly appointed and qualified; vice, Ryan S. Childress, resigned.

John Michael Flowers, 597 Sycamore, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending September 30, 2012 and until his successor is duly appointed and qualified; vice, Michael Gray, term expired.

Dale S. Dowell, 17 Tripoli, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, Terry Mackey, term expired.

William F. Horn, Jr., 36500 East Steinhauer, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John C. Morris, 8032 Orlando Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

M. Joan D'Ambrose, 10051 Sakura Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Philip G. Smith, 215 North Third Street, Louisiana, Pike County, Missouri 63353, as a member of the Administrative Hearing Commission, for a term ending June 22, 2015 and until his successor is duly appointed and qualified; vice, Douglas Ommen, resigned.

Lois Zerrer, 1312 South Virginia, Springfield, Greene County, Missouri 65807, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Matthew D. Whittle, 1455 Anderson Hollow Road, Linn Creek, Camden County, Missouri 65052, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, David Topash, term expired.

Charles M. Heiss, 853 Northwest 675, Centerview, Johnson County, Missouri 64019, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, Robert



Davis, term expired.

Don W. Cook, 677 Dougherty Terrace Drive, Manchester, Saint Louis County, Missouri 63021, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Clara Urhahn, term expired.

John J. Temporiti, Democrat, 5413 Kenrick Parke Drive, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Loren Cook, term expired.

Lisa G. Baron, 7929 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Timothy G. Dolan, 387 Larimore Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Gwendolyn Y. Richards, 5823 East 98<sup>th</sup> Court, Kansas City, Jackson County, Missouri 64134, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Clara Carroll Rodriguez, 1921 Grayson Ridge Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, RSMo 191.115.

Edna M. Talboy, Democrat, 5323 Northwest Bluffs Way, Parkville, Platte County, Missouri 64152, as a member of the Missouri Health Facilities Review Committee, for a term ending January 01, 2011, and until her successor is duly appointed and qualified; vice, Robert Foster, term expired.

Christopher E. Egbert, 2308 Deer Creek Court, Columbia, Boone County, Missouri 65201, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2012, and until his successor is duly appointed and qualified; vice, David Brown, term expired.

Lance Mayfield, 20 Meadowcrest, Viburnum, Iron County, Missouri 65566, as a member of the Missouri State Employees' Voluntary Life Insurance Commission for a term ending October 7, 2012, and until his successor is duly appointed and qualified; vice, Aaron Vickar, term expired.

Tiffany L. Carter, 818 Lee Drive, Jefferson City, Cole County, Missouri 65101, as the student representative to the Lincoln University Board of Curators for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, Daniel S. Britts, term expired.

Robyn C. Chambers, 564 Eagles Nest Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Teresa McElyea, withdrawn.

Devorah Goldenberg, 1337 Amherst Terrace Way, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Holocaust Education and Awareness Commission for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, RSMo 161.700.

Charles Broomfield, Democrat, 705 Northwest 44<sup>th</sup> Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until his successor is duly appointed and qualified; vice, Judith Beer, term expired.

Michael Brewer, 4700 Clark Lane, #104, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2012, and until his successor is duly appointed and qualified; vice, Terri Woodward, withdrawn.

Stacey L. Dujakovich, 9624 North Charlotte, Kansas City, Clay County, Missouri 64155, as a member of the Children's Trust Fund Board, for a term ending October 15, 2009, and until her successor is duly appointed and qualified; vice, Daniel McVey, term expired.

Peggy Cochran, 29676 Rhodes Point Circle, Rocky Mount, Morgan County, Missouri 65072 as a member of the State Board of

Mediation, for a term ending April 01, 2012 and until her successor is duly appointed and qualified; vice, RSMo 295.030.

Gary Duncan, 1437 Crestwood Drive, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Workforce Investment Board, for a term ending March 03, 2011, and until his successor is duly appointed and qualified; vice, Carol L. Gossett, resigned.

Dennis Kempker, 5815 Roling Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2012, and until his successor is duly appointed and qualified; vice, Keith A. Gary, withdrawn.

Gregory B. Canuteson, Democrat, 1410 Telford, Liberty, Clay County, Missouri 64068, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until his successor is duly appointed and qualified; vice, Ben Kessler, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### **REFERRALS**

President Pro Tem Shields referred **SCR 44** and **SCR 45** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Sherry and Chuck Buchanan, Joplin.

Senator Engler introduced to the Senate, Mary Kay Bader, Megan McCarthy, Kyle Hardiman, Monika Feeney, Mark Li Pari and Cassandra Decker, Ste. Genevieve.

Senator Wright-Jones introduced to the Senate, Phylicia Johnson.

Senator Schmitt introduced to the Senate, Mark Bredenkoetter and members of Boy Scout Troop 680, Ballwin; and Max Bredenkoetter and Eric Mueller were made honorary pages.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D. and his daughter, Emily, Chesterfield.

Senator Rupp introduced to the Senate, his parents, Chester and Eleanor Rupp, St. Charles.

Senator Schaefer introduced to the Senate, Dr. Tom Fuhrman, Sam Richardson and University Extension County Youth Program students: Sadie Appling, Lauren Bell, Sarah David, Chance Drewery, Suzanne Heddinghaus, Ally Jorgensen, Davis Keleher, Halea Schauer, Mark Loeber and Trent Snodgrass, Moberly High School; and Michael Couey, Kathryn Hall, Jessica Schachtele and Mark Skidmore, Higbee High School.

Senator Schaefer introduced to the Senate, Danielle Unterschultz, Clark.

Senator Griesheimer introduced to the Senate, Vicki Coopmans, Tiffany Newstaedter, Kristi Wagner, Wildwood; Marlayna Schoo, Pacific; and Chip Fournier and Daniel Nance, Washington.

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

SENATE CALENDAR

---

SIXTEENTH DAY—THURSDAY, FEBRUARY 4, 2010

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 848-Barnitz	SB 869-Griesheimer
SB 849-Barnitz	SB 870-Schaefer
SB 850-Barnitz	SB 871-Schaefer
SB 851-Schmitt, et al	SB 872-Bray
SB 852-Lager, et al	SB 873-Wright-Jones
SB 853-Keaveny and Wright-Jones	SB 874-Pearce
SB 854-Keaveny and Wright-Jones	SB 875-Dempsey
SB 855-Schaefer	SB 876-Stouffer
SB 856-Schaefer	SB 877-Keaveny
SB 857-Schaefer	SB 878-Lembke
SB 858-Schaefer	SB 879-Schaefer
SB 859-Schaefer	SB 880-Schaefer
SB 860-Bray	SB 881-Green
SB 861-Dempsey	SB 882-Green
SB 862-Callahan	SB 883-Dempsey
SB 863-Callahan	SB 884-Schaefer
SB 864-Lembke	SB 885-Schaefer
SB 865-Wilson and Keaveny	SB 886-Schaefer
SB 866-Wright-Jones	SB 887-Schaefer
SB 867-Mayer	SJR 40-Goodman
SB 868-Shields	SJR 42-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 1544

HB 1442-Jones (89), et al

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS

INFORMAL CALENDAR  
SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

SBs 586 & 617-Bartle, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

✓