

# Journal of the Senate

SECOND REGULAR SESSION

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SEVENTEENTH DAY—MONDAY, FEBRUARY 8, 2010

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice evermore.” (1 Thessalonians 5:6)

There is much for us to be thankful and rejoice in. We thank You for the hard work of highway crews that keep our streets and highways clear for our safe passage. We rejoice in the beauty of our world as we drive through the white countryside mindful of all the functional beauty You have created for our benefit. We rejoice in the work we have to do and begin this week energized and wanting to take on the task we have before us. Guide and direct our efforts O God and may they be fruitful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was lead by Sam Stowers, Troop 495, Heart of America Council.

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

The Journal for Thursday, February 4, 2010 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	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—33

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 1582, regarding Richard A. Daniel, Bonne Terre, which was adopted.

Senator Shields offered Senate Resolution No. 1583, regarding Robert Michael Barber, Smithville, which was adopted.

Senator Shields offered Senate Resolution No. 1584, regarding Daniel Austin Goering, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1585, regarding Lawton Paul Huffman, Weston, which was adopted.

Senator Shields offered Senate Resolution No. 1586, regarding Branden Cole Elling, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1587, regarding Reed Patrick Heim, Weston, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1588, regarding Roberts Companies, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1589, regarding Phoenix Redevelopment Group, LLC, which was adopted.

Senator Barnitz offered Senate Resolution No. 1590, regarding the Eightieth Anniversary of the Rolla FFA Chapter, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1591, regarding Katherine “Kathie” Branstetter, Bowling Green, which was adopted.

Senator Shields offered Senate Resolution No. 1592, regarding Gerald L. Duty, Saint Joseph, which was adopted.

Senator Engler offered Senate Resolution No. 1593, regarding Les Amis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1594, regarding Abigail Rose Keeven, New Haven, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1595, regarding Miranda “Andi” Placht, New Haven, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1596, regarding Candace D. Mahon, Union, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Stouffer offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 46**

WHEREAS, the availability and affordability of energy is crucial to Missourians' lives and livelihoods, and Missouri's farms, businesses and industries depend on stable and reliable energy costs to keep their operations running; and

WHEREAS, any policy that would drive up the costs of energy would significantly harm Missouri's farms, businesses, industries, and residents, causing undue additional economic hardship particularly at a time when the state's economy is already strained; and

WHEREAS, the United States Congress is currently debating climate change legislation that would implement an expensive cap and trade emissions trading system by establishing a cap on greenhouse gas emissions, requiring those who emit greenhouse gases to purchase government credits to offset emissions, and allowing those emitters to trade or sell those credits; and

WHEREAS, the considerable costs associated with complying with this legislation would undoubtedly be passed on by companies to their customers, which would make the practical effect of this policy a massive transfer of wealth from energy customers in high greenhouse gas emitting areas; and

WHEREAS, with our reliance on coal as a source of fuel for much of our electricity generation, Missouri, along with other Midwestern states, would suffer abrupt and unprecedented increases in energy costs and its citizens, farms, and businesses would ultimately bear the staggering economic burden that would result from this legislation; and

WHEREAS, in addition to causing Missouri-based businesses to relocate to another state or country, or driving already struggling farms and businesses out-of-business, increases in energy costs have a disproportionately negative impact on the working poor and citizens on fixed incomes, since a greater portion of their constrained budgets would be spent on energy costs; and

WHEREAS, in setting national policies, Congress should strive to develop policies that do not cause sudden and severe negative impacts on the welfare and economies of certain states or regions. Congress should take steps to develop a prudent national energy policy that carefully transitions the country's energy sources over time, and that prevents any abrupt and massive energy price increases in any one state or region; and

WHEREAS, any proposed new environmental or energy legislation enacted by Congress should promote and encourage new technologies to more smoothly transition from higher greenhouse gas emitting sources to lower greenhouse gas emitting sources such as zero-emission advanced nuclear power, biomass energy, fuel cells, and clean coal with carbon capture and sequestration with a goal to bring such technologies to market as quickly as possible. The regulatory, liability, and legal barriers that prevent these technologies from being commercialized and deployed should be addressed before any cap is imposed on greenhouse gas emissions:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to refuse to enact cap and trade legislation that would negatively impact Americans by increasing the costs of goods and services and instead enact legislation that encourages states to establish and develop their own renewable energy portfolio standards; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.

## INTRODUCTION OF BILLS

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

**SB 902**—By Nodler.

An Act to repeal sections 303.025 and 303.040, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle financial responsibility, with a penalty provision.

**SB 903**—By Bray.

An Act to repeal section 184.362, RSMo, and to enact in lieu thereof one new section relating to metropolitan zoological park and museum districts.

**SB 904**—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.773, 191.775, 191.776, and 191.777, RSMo, and to enact in lieu thereof eleven new sections relating to the Missouri indoor clean air act, with penalty provisions.

**SB 905**—By Bray, Shoemyer and Barnitz.

An Act to amend chapters 32 and 144, RSMo, by adding thereto two new sections relating to the

streamlined sales and use tax agreement.

**SB 906**—By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

**SB 907**—By Rupp.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the early high school graduation scholarship program.

**SB 908**—By Green.

An Act to repeal sections 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, and 304.028, RSMo, and to enact in lieu thereof eighteen new sections relating to the brain injury advisory council.

**SB 909**—By Green.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

**SB 910**—By Lembke.

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

**SB 911**—By Shields.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof one new section relating to the quality jobs act.

**SB 912**—By Cunningham.

An Act to repeal sections 105.478, 105.967, and 115.646, RSMo, and to enact in lieu thereof three new sections relating to ethics, with penalty provisions.

**SB 913**—By Cunningham.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to municipal employee residency requirements.

**SB 914**—By Cunningham.

An Act to repeal sections 338.333, 338.335, and 338.337, RSMo, and to enact in lieu thereof three new sections relating to wholesale drug distribution.

**SB 915**—By Barnitz.

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

**SB 916**—By Barnitz.

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

**SB 917**—By Schaefer.

An Act to amend chapter 191, RSMo, by adding thereto three new sections relating to health care quality data standardization and transparency, with penalty provisions.

**SB 918**—By Schaefer.

An Act to amend chapter 376, RSMo, by adding thereto four new sections relating to pharmacy benefit managers, with penalty provisions.

**SB 919**—By Ridgeway.

An Act to repeal section 182.647, RSMo, and to enact in lieu thereof one new section relating to library reports.

**SB 920**—By Keaveny.

An Act to amend chapter 456, RSMo, by adding thereto one new section relating to the transfer of tenancy by the entireties property to a trust.

**SB 921**—By Callahan and Keaveny.

An Act to repeal sections 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, and to enact in lieu thereof seventy-eight new sections relating to the uniform interstate family support act, with a contingent effective date.

**SB 922**—By Callahan.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives for local job creation projects.

**SB 923**—By Mayer.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri catastrophe fund.

**SB 924**—By Griesheimer, Dempsey and Pearce.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof one new section relating to the quality jobs act.

**SB 925**—By Dempsey.

An Act to amend chapter 376, RSMo, by adding thereto one new sections relating to the disclosure of reimbursement rates between health carriers and providers.

Senator Griesheimer assumed the Chair.

**MESSAGES FROM THE GOVERNOR**

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

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard 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, Richard Bee, II, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Donna M. Bushur, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tiffany L. Carter, 818 Lee Drive, Jefferson City, Cole County, Missouri 65101, as a student representative of the Lincoln University Board of Curators for a term ending December 31, 2011, and until her successor is duly appointed and qualified; vice, Tiffany L. Carter, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Robyn C. Chambers, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, 2012 and until her successor is duly appointed and qualified; vice, Laura A. Confer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher 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, Christopher E. Egbert, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Joel P. Evans, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, John Michael Flowers, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Mark A. Folsom, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Devorah Goldenberg, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,



OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Ruby Harriman, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Charles M. Heiss, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ashley M. Hoyer, 1270 East Guinevere Court #212, Springfield, Greene County, Missouri 65804, as the student representative of the Missouri State University Board of Governors, for a term ending December 31, 2011 and until her successor is duly appointed and qualified; vice, Ashley M. Hoyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

*Journal of the Senate*

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Benjamin Lampert, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Steven Martin, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Roxanne McDaniel, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Rebeka R. McIntosh, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Kenneth Meyer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Holly Monroe, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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 Osborn, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Suzan Ponder-Bates, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Berta M. Sailer, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, L. Carol Scott, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Ann K. Shelton, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edna M. Talbot, 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, Edna M. Talbot, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Letitia Thomas, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Teresa M. Wallace, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Matthew D. Whittle, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Donald Yarber, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 4, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

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, Audrey Yarbrough, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

OFFICE OF THE GOVERNOR  
JEFFERSON CITY  
65102

February 08, 2010

**To the Senate of the 95<sup>th</sup> General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Major Ronald K. Replogle, 2215 Moreau Terrace, Jefferson City, Cole County, Missouri 65101, as Superintendent of the Missouri State Highway Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

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

**SECOND READING OF SENATE BILLS**

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

- SB 888**—Small Business, Insurance and Industry.
- SB 889**—Small Business, Insurance and Industry.
- SB 890**—Jobs, Economic Development and Local Government.
- SB 891**—Governmental Accountability and Fiscal Oversight.
- SB 892**—Judiciary and Civil and Criminal Jurisprudence.
- SB 893**—Judiciary and Civil and Criminal Jurisprudence.
- SB 894**—Small Business, Insurance and Industry.
- SB 895**—Jobs, Economic Development and Local Government.
- SB 896**—Veterans' Affairs, Pensions and Urban Affairs.
- SB 897**—Commerce, Consumer Protection, Energy and the Environment.
- SB 898**—Jobs, Economic Development and Local Government.
- SB 899**—Education.
- SB 900**—Small Business, Insurance and Industry.
- SB 901**—Financial and Governmental Organizations and Elections.

**HOUSE BILLS ON SECOND READING**

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

- HCS for HB 1544**—Small Business, Insurance and Industry.

President Pro Tem Shields assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 839**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

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 **SBs 586** and **617**, 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.

### CONCURRENT RESOLUTIONS

Senator Schmitt moved that **SCR 37** be taken up for adoption, which motion prevailed.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 37, as it appears on Page 109 of the Senate Journal for Wednesday, January 13, 2010, Line 29 of said journal, by inserting immediately after said line the following:

“BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from such action until such time as HR 3590 actually becomes law; and”.

Senator Callahan 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 Concurrent Resolution No. 37, as it appears on Page 109 of the Senate Journal for Wednesday, January 13, 2010, Line 28 of said journal, by inserting immediately after the word “thoroughly”, the following: “and immediately”; and further amend line 29 by inserting after all of said line the following:

“BE IT FURTHER RESOLVED that, in order to ensure that the dollars of Missouri taxpayers are wisely spent, and in order to ensure that the Attorney General's resources are properly used on criminal prosecutions, enforcement of undocumented worker laws, protection of Missouri consumers, protection of Missouri's natural resources, and other vital duties, the General Assembly urges Attorney General Koster to refrain from any litigation regarding the constitutionality and legality of HR 3590 until such time as HR 3590 actually becomes law; and”.

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

On motion of Senator Schmitt, **SCR 37**, as amended, was adopted by the following vote:



YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Cunningham	Days	Dempsey
Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer	McKenna
Nodler	Pearce	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Shoemyer	Stouffer	Wilson	Wright-Jones—28				

NAYS—Senator Justus—1

Absent—Senators

Bartle	Green	Purgason—3
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Absent with leave—Senators

Crowell	Vogel—2
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Vacancies—None

Senator Schmitt moved that **SCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Schmitt, **SCR 36** was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens	Cunningham	Dempsey	Engler	Goodman
Griesheimer	Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schmitt	Scott	Shields	Shoemyer	Stouffer—23	

NAYS—Senators

Bray	Days	Justus	Keaveny	Wilson	Wright-Jones—6
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Absent—Senators

Bartle	Green	Schaefer—3
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Absent with leave—Senators

Crowell	Vogel—2
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Vacancies—None

### INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Mike Miller and Scouts: Sam Stowers and Thomas King, Heart of America Council; Benjamin Scott, Harrison Scott, Jacob Scott, Jack Kearns, William Doggett, Kevin Neiheisel, Nicholas Stegmann, and Chris Cooper, Great Rivers Council; and Sam, Thomas, Benjamin, Harrison, Jacob, Jack, William, Kevin, Nicholas and Chris were made honorary pages.

Senator Schaefer introduced to the Senate, Katherine Kadlec, Columbia; and Katherine was made an honorary page.

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

## SENATE CALENDAR

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 EIGHTEENTH DAY—TUESDAY, FEBRUARY 9, 2010
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 902-Nodler	SB 914-Cunningham
SB 903-Bray	SB 915-Barnitz
SB 904-Bray	SB 916-Barnitz
SB 905-Bray, et al	SB 917-Schaefer
SB 906-Bray	SB 918-Schaefer
SB 907-Rupp	SB 919-Ridgeway
SB 908-Green	SB 920-Keaveny
SB 909-Green	SB 921-Callahan and Keaveny
SB 910-Lembke	SB 922-Callahan
SB 911-Shields	SB 923-Mayer
SB 912-Cunningham	SB 924-Griesheimer, et al
SB 913-Cunningham	SB 925-Dempsey

## HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al

## THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SCS for SB 604-Mayer SS for SCS for SBs 586 & 617-Bartle
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## SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS	SB 596-Callahan, with SCS
SBs 607, 602, 615 & 725-Stouffer, with SCS	SJR 22-Callahan
SB 738-Crowell, with SCS	SB 839-Wright-Jones, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey

SB 670-Justus

SB 669-Justus

SB 668-Justus

SB 628-Dempsey

SB 581-Griesheimer

SB 649-Days and Wright-Jones

SB 804-Schmitt

RESOLUTIONS

To be Referred

SCR 46-Stouffer

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