

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY—TUESDAY, FEBRUARY 16, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Confidence...thrives only on honesty, on honor, on the sacredness of obligation, on faithful performance. Without them, it cannot live.”
(Franklin D. Roosevelt)

Heavenly Father, we pray for this type of confidence that reminds us that what we are called to do here is a sacred obligation to which we must be responsible in fulfilling. So we pray that You will assist us to learn all we must, to do the best that we are capable of doing and to do so with an honest integrity that assure our people that what we do here is for the benefit of the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Engler announced that photographers with 4-H University Extension were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	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—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 1640, regarding Clemens Field, Hannibal, which was adopted.

Senator Nodler offered Senate Resolution No. 1641, regarding McCune Brooks Regional Hospital, Carthage, which was adopted.

Senator Lager offered Senate Resolution No. 1642, regarding the Northwest Missouri State University Bearcats cheerleading team, which was adopted.

Senator Bray offered Senate Resolution No. 1643, regarding Boy Scout Troop 11, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1644, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Maize, Union Star, which was adopted.

Senator Vogel offered Senate Resolution No. 1645, regarding Jason Thomas Bangert, which was adopted.

Senator Vogel offered Senate Resolution No. 1646, regarding Ryan Bopp, which was adopted.

Senator Nodler offered Senate Resolution No. 1647, regarding the Boy Scouts of America Ozark Trails Council and the Nih-Ka-Ga-Hah District, which was adopted.

CONCURRENT RESOLUTIONS

Senator Wright-Jones offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 49

WHEREAS, employers in Missouri cut sixty-two thousand six hundred payroll positions in 2009; and

WHEREAS, from December 2008 to December 2009, the unemployment rate in Missouri grew from seven and one-tenth percent to nine and six-tenths percent; and

WHEREAS, Missouri has an uninsured rate of approximately eighteen percent; and

WHEREAS, approximately sixty-five thousand Missourians lost health insurance in 2009 due to the rise in unemployment; and

WHEREAS, currently there are approximately fourteen thousand homeless children in Missouri, and the number of homeless people in Missouri is growing; and

WHEREAS, the safety net of services for Missouri's most vulnerable citizens who are hungry, homeless, ill, or at-risk is imperiled by funding cuts and a reduced charitable-giving base; and

WHEREAS, Missouri is facing a projected budget gap for fiscal year 2012 of 1.2 billion dollars; and

WHEREAS, for fiscal year 2011, Missouri is using 1.2 billion dollars in federal stabilization funds to fill budget shortfalls; and

WHEREAS, Missouri's revenues dropped approximately fifteen percent from 2008 to 2010; and

WHEREAS, since the 2009 legislative session, over one billion dollars has been cut from Missouri's budget; and

WHEREAS, further budget cuts will only deter consumer demand, discourage private industry activity, lead to higher unemployment, and hamper overall economic growth; and

WHEREAS, workers across the state face the dire prospect of job loss during a time of economic uncertainty:

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 request that the President of the United States and the United States Congress take proactive steps to create jobs and enact fiscal relief for state and local governments to foster growth, avoid further budget catastrophe, ensure that states perform the core functions that all American families deserve and deliver jobs to Americans on main street; and

BE IT FURTHER RESOLVED that any job creation and state fiscal relief plan should include extending the federal medical assistance

payments or “federal match” increase for medicaid, provide additional support for education, boost funding for infrastructure projects and public transportation investments, support the long-term unemployed to sustain them until they reenter the workforce, and provide direct financial assistance to state and local governments so that they may provide the vital services needed to maintain growth in local communities across the nation; 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, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Missouri’s congressional delegation.

INTRODUCTION OF BILLS

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

SB 947—By Dempsey.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to telecommunications service cancellation.

SB 948—By Crowell.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to an individual’s participation in a health care system or plan.

SB 949—By Crowell.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education, with an emergency clause.

SB 950—By Bray.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

SB 951—By Wright-Jones.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to state legal expense fund coverage for certain medical consultants.

SB 952—By Wright-Jones.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to environmentally sustainable construction for state-funded buildings.

SB 953—By Wright-Jones.

An Act to repeal section 332.011, RSMo, and to enact in lieu thereof two new sections relating to dental assistants and dental hygienists.

SENATE BILLS FOR PERFECTION

Senator Justus moved that **SB 670** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 670** was declared perfected and ordered printed.

Senator Days moved that **SB 594**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 594**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 594

An Act to repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four new sections relating to adoption records.

Was taken up.

Senator Days moved that **SCS** for **SB 594** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 594, Page 4, Section 193.128, Line 40, by inserting immediately after “telephone” the following: “**or United States mail**”; and

Further amend said bill, page 7, section 193.255, line 15, by inserting immediately after the word “The” as it appears the first time in said line the following: “**state**”.

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

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 594, Page 8, Section 193.255, Line 63, by inserting after all of said line the following:

“453.170. 1. When an adoption occurs pursuant to the laws of other states of the United States, Missouri shall, from the date of adoption hold the adopted person to be for every purpose the lawful child of its parent or parents by adoption as fully as though born to them in lawful wedlock, and such adoption shall have the same force and effect as adoption pursuant to the provisions of this chapter, including all inheritance rights.

2. When an adoption occurs in a foreign country and the adopted child has migrated to the United States with the permission of the United States Department of Justice and the United States Department of Immigration and Naturalization Services, this state shall recognize the adoption. The department of health and senior services, upon receipt of proof of adoption as required in subsection [7] **9** of section 193.125, RSMo, shall issue a birth certificate for the adopted child upon request on forms prescribed and furnished by the state registrar pursuant to section 193.125, RSMo.

3. The adoptive parent or parents may petition the court pursuant to this section to request a change of name. The petition shall include a certified copy of the decree of adoption issued by the foreign country and documentation from the United States Department of Justice and the United States Department of Immigration and Naturalization Services which shows the child lawfully entered the United States. The court shall recognize and give effect to the decree of the foreign country and grant a decree of recognition of the adoption and shall change the name of the adopted child to the name given by the adoptive parent, if such a request has been made.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer assumed the Chair.

Senator Days moved that **SCS** for **SB 594**, as amended, be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SB 594**, as amended, was declared perfected and ordered printed.

Senator Bartle assumed the Chair.

Senator Wilson moved that **SB 693** be taken up for perfection, which motion prevailed.

At the request of Senator Wilson, **SB 693** was placed on the Informal Calendar.

Senator Justus moved that **SB 627** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 627** was declared perfected and ordered printed.

Senator Goodman moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

An Act to amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

Was taken up.

Senator Goodman moved that **SCS** for **SB 616** be adopted.

Senator Callahan assumed the Chair.

Senator Goodman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 376.1745, Line 15, by inserting immediately after the word “medical” the following: “**or osteopathic**”; and

Further amend said bill and section, page 2, line 24, by inserting immediately after the word “medical” the following: “**or osteopathic**”; and further amend line 25, by inserting immediately after the word “Association” the following: “**or the Missouri Association of Osteopathic Physicians and Surgeons**”.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 616, Page 2, Section 538.315, Line 10, by striking the word “faith-based” and further amend said bill and section, page 3, line 18, by striking the word “faith-based”.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, In the Title, Line 3, by striking the word “faith-based”.

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

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 616, Page 1, Section A, Line 3, by inserting after all of said line the following:

“376.1226. 1. No contract between a health carrier or health benefit plan and a dentist for the provision of dental services under a dental plan shall require that the dentist provide dental services to insureds in the dental plan at a fee established by the health carrier or health benefit plan if such dental services are not covered services under the dental plan.

2. For purposes of this section, the following terms shall mean:

(1) “Covered services”, services reimbursable under an applicable dental plan, subject to such contractual limitations on benefits as may apply, including but not limited to deductibles, waiting periods, or frequency limitations;

(2) “Dental plan”, any policy or contract of insurance which provides for coverage of dental services;

(3) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(4) “Health carrier”, the same meaning as such term is defined in section 376.1350.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 4** is out of order as it goes beyond the subject matter and title of the bill.

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

SA 4 was again taken up.

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

Senator Goodman moved that **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

Senator Wilson moved that **SB 693** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 693, Page 1, Section A, Line 3, by inserting after all of said line the following:

“37.710. 1. The office of the child advocate shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children’s division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211, RSMo.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, **child care providers, health care providers, educational institutions**, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem. **Upon making an appearance in any court on the case of a child in the protective custody of the state, the office of the child advocate shall be joined by the court as a party to all proceedings and shall prepare independent recommendations to the court after consultation with the juvenile office and guardians ad litem;**

(4) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level utilizing the resources of the office of the attorney general;**

(5) To [initiate] **convene** meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers **and make recommendations to them for necessary action;**

(6) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(7) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest; and

(8) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report **with the exception that any findings and recommendations resulting from such investigation may be released upon request with names and other such identifying information redacted.**

37.715. 1. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of children who are recipients of the services of the

departments of social services and mental health, and the juvenile court. Such procedures shall address complaints relating to the actions, inactions, or decisions of providers or their representatives, public or private child welfare agencies, social service agencies, or the courts which may adversely affect the health, safety, welfare, or rights of such recipient.

2. The office shall establish and implement procedures for the handling and[, whenever possible,] the resolution of complaints.

3. The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary.

4. The office may recommend to any state or local agency changes in the rules adopted or proposed by such state or local agency which adversely affect or may adversely affect the health, safety, welfare, or civil or human rights of any recipient. The office shall make recommendations on changes to any current policies and procedures. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to services in the state and shall recommend to the department, courts, general assembly, and governor changes in such laws, regulations and policies deemed by the office to be appropriate.

5. The office shall, at its discretion, seek to be joined as a party to the case of a child or children in the state's custody, when the office feels that such action is necessary to ensure the health, safety, welfare, or civil or human rights of the child. Such requests shall be honored by the court with the jurisdiction in the case.

6. The office shall inform recipients, their guardians or their families of their rights and entitlements under state and federal laws and regulations through the distribution of educational materials.

[6.] 7. The office shall annually submit to the governor, the general assembly, and the Missouri supreme court a detailed report on the work of the office of the child advocate for children's protection and services. Such report shall include, but not be limited to, the number of complaints received by the office, the disposition of such complaints **including the number of complaints in which the office needed to take legal action to protect children**, the number of recipients involved in complaints, the state entities named in complaints and whether such complaints were found to be substantiated, and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office of the child advocate for children's protection and services."; and

Further amend said bill, page 2, section 143.1015, line 42 by inserting after all of said line the following:

"210.566. 1. (1) The children's division and its contractors, recognizing that foster parents are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a manner consistent with the National Association of Social Workers' ethical standards of conduct as described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team in a manner consistent with their ethical responsibilities as professional team members.

(2) The children's division and its contractors shall provide written notification of the rights enumerated in this section at the time of initial licensure and at the time of each licensure renewal following the initial licensure period.

2. (1) The children's division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents shall be provided with any information regarding the child or the child's family, including but not limited to the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or other destructive behavior by the child, substance abuse by the child or child's family, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. Knowingly providing false or misleading information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

(3) The children's division and its contractors shall arrange preplacement visits, except in emergencies.

(4) The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the children's division and its contractors shall update the foster parents as new information about the child is gathered.

(5) Foster parents shall be informed in a timely manner by the children's division and its contractors of all team meetings and staffings concerning their licensure status or children placed in their homes, and shall be allowed to participate, consistent with section 210.761.

(6) The children's division and its contractors shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures established by the children's division and its contractors for requesting and using respite care.

(7) Foster parents shall treat all information received from the children's division and its contractors about the child and the child's family as confidential. Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster parents may share information necessary with school personnel in order to secure a safe and appropriate education for the child. Additionally, foster parents shall share information they may learn about the child and the child's family, and concerns that arise in the care of the child, with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in preplacement visits whenever possible, before deciding whether to accept a child for placement.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The children's division shall allow foster parents to help plan visitation between the child and the child's siblings or biological family. Visitations should be scheduled at a time that meets the needs of the child, the biological family members, and the foster family whenever possible. Recognizing that visitation with family members is an important right of children in foster care, foster parents shall be flexible and cooperative with regard to family visits.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Recognizing that cultural competence can be learned, the children's division and their contractors shall provide foster parents with training that specifically addresses cultural needs of children, including but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's biological family, and referrals to community resources for ongoing education and support.

(3) Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Foster parents shall use discipline methods which are consistent with children's division policy.

4. (1) Consistent with state laws and regulations, the children's division and its contractors shall provide, upon request by the foster parents, information about a child's progress after the child leaves foster care.

(2) Except in emergencies, foster parents shall be given two weeks advance notice and a written statement of the reasons before a child is removed from their care. When requesting removal of a child from their home, foster parents shall give two weeks advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

(3) Recognizing the critical nature of attachment for children, if a child reenters the foster care system and is not placed in a relative home, the child's former foster parents shall be given first consideration for placement of the child.

(4) Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

(5) If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

[(5)] (6) If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home, including but not limited to providing information on the history and care needs of the child and accommodating transitional visitation.

5. Foster parents shall be informed by the court no later than two weeks prior to all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

6. The children's division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal.

7. The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster homes, the provision of foster care, and the adoption process. Foster parents shall, upon request, be provided with written documentation of the policies of the

children's division and their contractors. Per licensure requirements, foster parents shall comply with the policies of the child placement agency.

8. For purposes of this section, "foster parent" means a resource family providing care of children in state custody.

210.617. 1. There is hereby created within the department of social services the "Missouri State Foster Care and Adoption Board", which shall provide consultation and assistance to the department and shall draft and provide an independent review of the children's division policies and procedures related to the provision of foster care and adoption in Missouri. Additionally, the board shall determine the nature and content of in-service training which shall be provided to foster and adoptive parents in order to improve the provision of foster care and adoption services to children statewide consistent with section 210.566. The board shall be comprised of foster and adoptive parents as follows:

(1) Two members from each of the seven children's division areas within the department of social services delineated as follows:

- (a) The northwest region;**
- (b) The northeast region;**
- (c) The southeast region;**
- (d) The southwest region;**
- (e) The Kansas City region;**
- (f) The St. Louis area region;**
- (g) The St. Louis City region;**

(2) Area members shall be appointed by the governor, with the advice and consent of the senate, based upon recommendations by regional foster care and adoption boards, or other similar entities.

2. Statewide foster care and adoption association representatives shall be voting members of the board as approved by the board.

3. All members of the board shall serve for a term of at least two years. Members may be re-appointed to the board by their entities for consecutive terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.

4. Each member of the board may be reimbursed for actual and necessary expenses incurred by the member in performance of his or her official duties. All reimbursements made under this subsection shall be made from funds within the department of social services' children's division budget.

5. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030.

6. The board shall elect officers from the membership consisting of a chairperson, co-chairperson, and secretary. Officers shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

7. The board shall establish such procedures necessary to:

(1) Review children’s division proposed policy and provide written responses to the children’s division indicating approval or notifying the children’s division of the board’s disapproval and provide recommendations for change within thirty days of receipt of the proposed policy;

(2) Provide draft policy suggestions, at the request of the children’s division or in response to issues by the board, to the children’s division for improvements in foster care or adoption practice; and

(3) Fulfill its statutory requirement in accordance with section 210.566 to determine the content of in-service training to be provided by the children’s division to foster and adoptive parents.

8. The board shall provide to the director of the department of social services, the governor, the office of the child advocate, and upon request, members of the general assembly, a written report of annual activities conducted and made.

9. The board shall exercise its powers and duties independently of the children’s division within the department of social services in order to ensure partnership and accountability in the provision of services to the state’s children affected by abuse and neglect. Budgetary, procurement, and accounting functions shall continue to be performed by the children’s division.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

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

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Bill No. 693, Page 2, Section 37.710, Line 11, by inserting after the word “litem” the following: **“and the court appointed special advocate if one has been appointed”**.

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

SA 1, as amended, was again taken up.

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

On motion of Senator Wilson, **SB 693**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 578**; **SB 581**; **SS** for **SCS** for **SB 588**; and **SCS** for **SB 644**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 779** be taken up for perfection, which motion prevailed.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 779, Page 2, Section 488.5050, Line 34, by inserting after all of said line the following:

“556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo;

(5) During any period of time after a DNA profile is developed from evidence collected in relation to the commission of an offense, but before the time when the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analyses of a sample.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 779**, with **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 627**; **SB 670**; and **SCS** for **SB 594**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Shields referred **SCR 48** and **HCR 38** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 616**, 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.

Also,

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 **HCS** for **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 16, 2010

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

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

Jack Baker, Democrat, Rural Route # 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2013, and until his successor is duly appointed and qualified; vice, Jack Baker, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 16, 2010

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

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

Jerome Wallach, Democrat, 1280 Dry Ridge Road, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, Rodney J. Boyd, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 16, 2010

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

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

David Zimmermann, Democrat, #5 River Cove, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, David Zimmermann, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

REFERRALS

President Pro Tem Shields referred **SB 627** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 693**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

On behalf of himself and Senator Crowell, the President introduced to the Senate, Jim and Renate Deblois, Cape Girardeau.

Senator Cunningham introduced to the Senate, members of the Missouri Society of Anesthesiologists.

Senator Schmitt introduced to the Senate, Nicholas Simmons, Kirkwood; and Joe Forand, Grantwood Village.

Senator Schmitt introduced to the Senate, David and Becky Schulze, their children, Christopher, Nicholas and Cameron, and Darla Templeton, Kirkwood.

Senator Mayer introduced to the Senate, Ben Counce, Corey Miller and eighth grade students from Caruthersville Middle School; and Connor Akins, Tyler Grissom, Ethan Marshall, Joey Middleton and Diedra Motton were made honorary pages.

Senator Schaefer introduced to the Senate, members of the Missouri Association of Prosecuting Attorneys.

Senator Clemens introduced to the Senate, State FFA Officers from around the state.

Senator Scott introduced to the Senate, Aaron Fisher and Travis DeMoss, Sedalia.

Senator Justus introduced to the Senate, George Helmkamp and Elizabeth Bejan, Kansas City.

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

SENATE CALENDAR

TWENTY-THIRD DAY–WEDNESDAY, FEBRUARY 17, 2010

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 936-Pearce
SB 937-Justus
SB 938-Justus
SB 939-Barnitz and Mayer
SB 940-Pearce
SB 941-Clemens
SB 942-Rupp
SB 943-Shields
SB 944-Shields

SB 945-Bray
SB 946-Bray, et al
SB 947-Dempsey
SB 948-Crowell
SB 949-Crowell
SB 950-Bray
SB 951-Wright-Jones
SB 952-Wright-Jones
SB 953-Wright-Jones

HOUSE BILLS ON SECOND READING

HCS for HB 1377

HCS for HB 1497

THIRD READING OF SENATE BILLS

1. SS for SB 618-Rupp (In Fiscal Oversight)
2. SS for SCS for SB 580-Griesheimer
(In Fiscal Oversight)
3. SS for SB 578-Shields
4. SB 581-Griesheimer
5. SS for SCS for SB 588-Nodler
6. SCS for SB 644-Shields
7. SB 627-Justus (In Fiscal Oversight)
8. SB 670-Justus
9. SCS for SB 594-Days
10. SCS for SB 616-Goodman
11. SB 693-Wilson

SENATE BILLS FOR PERFECTION

SJR 20-Bartle
SJR 33-Bartle
SB 806-Bartle

SJR 31-Scott
SB 579-Shields, with SCS
SB 621-Lager

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS, SA 3
& SSA 1 for SA 3 (pending)
SB 596-Callahan, with SCS (pending)
SBs 607, 602, 615 & 725-Stouffer, with SCS
& SA 1 (pending)

SB 738-Crowell, with SCS
SB 779-Bartle, with SA 1 (pending)
SB 839-Wright-Jones, with SCS
SJR 22-Callahan

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey
SB 669-Justus
SB 668-Justus

SB 649-Days and Wright-Jones
SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

To be Referred

SCR 49-Wright-Jones

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