

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY—WEDNESDAY, MARCH 3, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“In it the soul feeds upon God, draws new vitality from the source of all life. The citizen who is so strengthened is worth more to the state than the one whose roots do not strike deep into eternity.” (Prayer of Silence, Evelyn Underhill)

As we reach the midpoint of this week help us to spend some time in silence with You our God. Let our “roots strike deep” into You, O Lord, so we too may be of greater worth to this state and the people we serve. And may we gain strength for the many tasks to finish this week and work ahead of us. 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 from KRCG-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

| | | | | | | | |
|---------|-----------------|---------|----------|----------|-------------|----------|------------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Cunningham |
| Days | Dempsey | Engler | Goodman | Green | Griesheimer | Justus | 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 Shields offered Senate Resolution No. 1771, regarding the Missouri Community College Association/Phi Theta Kappa's All-Missouri Academic Teams, which was adopted.

Senator Lembke offered Senate Resolution No. 1772, regarding Mary Glynn Meyer, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1773, regarding Rocky Bossert, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1774, regarding Gregory Luzecky, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1775, regarding Nick Dragon, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1776, regarding John W. "Wally" Littlefield, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1777, regarding Schaefer Autobody Center, Crestwood, which was adopted.

Senator Champion offered Senate Resolution No. 1778, regarding Ryan D. Chambers, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1779, regarding George A. Boyd, IV, Springfield, which was adopted.

Senator Pearce offered Senate Resolution No. 1780, regarding the Deacon Hardware Warehouse project, Harrisonville, which was adopted.

Senator Wilson offered Senate Resolution No. 1781, regarding Parade Park Maintenance Building, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1782, regarding Sarah K. Gallagher, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1783, regarding Paul J. Kountzman, Grain Valley, which was adopted.

Senator Engler offered Senate Resolution No. 1784, regarding Jerry Cartrette, Potosi, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 793**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 793**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 793

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SB 793** be adopted.

Senator Dempsey assumed the Chair.

Senator Schaefer assumed the Chair.

Senator Dempsey assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 793, Page 9, Section 334.245, Line 7, by inserting after all of said line the following:

“Section 1. All of the informed consent provisions and restrictions on the mother obtaining or undergoing an abortion under chapter 188 shall be subject to the paternity of the father of the unborn child being established. Once paternity is established, the father shall be present and shall be provided the same informational materials as required of the pregnant woman, including video presentations or ultrasound viewings. If paternity cannot be established, then the informed consent provisions under section 188.027 and the twenty-four hour waiting period provisions under section 188.039 shall not be applicable to the pregnant woman.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bray 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 Committee Substitute for Senate Bill No. 793, Page 1, Section 1, Line 9, by inserting after “viewings.” the following: **“Once paternity is established, both parents shall be obligated to equally share the cost of raising the child to the age of majority.”**

Senator Bray moved that the above amendment be adopted.

At the request of Senator Mayer, **SB 793**, with **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Shields, **SB 896** was placed on the Informal Calendar.

Senator McKenna moved that **SB 781**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781

An Act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, and 301.570, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

Was taken up.

Senator McKenna moved that **SCS** for **SB 781** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 781**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781

An Act to repeal sections 301.010, 301.032, 301.069, 301.130, 301.196, 301.200, 301.218, 301.280, 301.560, 301.562, 301.567, 301.570, and 304.820, RSMo, and to enact in lieu thereof fifteen new sections relating to the regulation of motor vehicles, with penalty provisions for certain sections and an effective date for certain sections.

Senator McKenna moved that **SS** for **SCS** for **SB 781** be adopted.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18, by inserting after all of said line the following:

“304.705. 1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when:

(1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or

(2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair.

2. As used in this section, “truck” means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways.

3. A violation of this section is [an infraction] **a class C misdemeanor** unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class [C] **B** misdemeanor, or unless an accident results from such violation, in which case such violation is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 34, Section 301.280, Line 25, by inserting immediately after said line the following:

“301.423. If the director of revenue or his or her designated representative reasonably believes that a certificate of ownership, a license plate, or a license plate tab was obtained fraudulently, any person in possession of said item shall surrender same to the director of revenue or his or her designated representative upon request. Any person failing to do so shall be deemed guilty of a class A misdemeanor.”; and

Further amend said bill, page 57, section 301.580, line 18, by inserting immediately after said line the following:

“302.220. It shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any license or nondriver identification card knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered; to lend to or knowingly permit the use of by another any license or nondriver identification card issued to the person so lending or permitting the use thereof; to display or to represent as one's own any license or nondriver identification card not issued to the person so displaying the same, or fail or refuse to surrender to the clerk of any division of the circuit court or the director or his or her designee, any license or nondriver identification card which has been suspended, canceled, disqualified or revoked, as provided by law or that the director or his or her designee has reasonable suspicion to believe is fictitious; to use a false or fictitious name or give a false or fictitious address on any application for a license or nondriver identification card, or any renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of sections 302.010 to 302.780; to employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of sections 302.010 to 302.780, or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand.

302.230. Any person who makes a false unsworn statement or affidavit or knowingly swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall be deemed guilty of a class A misdemeanor. No person who pleads guilty or nolo contendere, or is found guilty of making a false statement or affidavit shall be licensed to operate a motor vehicle for a period of one year after such plea, finding or conviction. Notwithstanding any other provision of law, a prosecution under this section may be commenced within one year after the director first discovers the falsity of any statement or affidavit required under sections 302.010 to 302.540, provided that no prosecution shall commence more than six years after such statement or affidavit was made.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18 of said page, by inserting after all of said line the following:

“302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town or village receives more than thirty-five percent of its annual general operating revenue from fines and court costs for traffic violations occurring on state highways, all revenues from such violations in excess of thirty-five percent of the annual general operating revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words “state highways” shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number. **For purposes of this section, the term “traffic violations” shall include moving and nonmoving violations and any moving violations, as that term is defined in section 302.010, that are subsequently pled or amended to nonmoving traffic violations.** The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, or village disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lembke offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Section A, Line 7, by inserting after all of said line the following:

“142.820. The department of revenue or any other agency of this state shall not collect any excise tax imposed by the federal government on taxable fuel as defined in 26 U.S.C. Section 4083, as amended, or assist in its collection in any manner, unless the federal government pays the collecting agency a collection fee equal to two percent of the particular tax collected on the federal government’s behalf.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 57, Section 301.580, Line 18, by inserting immediately after said line the following:

“303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. **No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident’s state of residence.** Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person’s operation of the other’s vehicle; however, no owner **or nonresident** shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner’s financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. **A nonresident motor vehicle owner shall maintain the owner’s financial responsibility which conforms to the requirements of the laws of the nonresident’s state of residence.**

3. Any person who violates this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle

enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points; or

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety. The director shall establish procedures for the record keeping and administration of this section.

4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions and professional registration from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.080. 1. In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

2. When a nonresident's operating privilege is suspended pursuant to [section 303.030 or section 303.140] **this chapter**, the director shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides[, if the law of such other state provides for action in relation thereto similar to that provided for in subsection 3 of this section].

3. Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the director to suspend a nonresident's operating privilege had the accident occurred in this state, the director shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 21, Section 301.130, Line 6 of said page, by inserting after “1.” the following: “**Beginning August 28, 2010,**”; and further amend lines 10 to 12 of said page, by striking all of said lines and inserting in lieu thereof the following: “as the director of revenue may prescribe and [a set of license plates] **only one license plate**, or other evidence of registration, as provided by this section. **The applicant for registration of any motor vehicle described in subsection 10 of this section, however, may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed fifteen dollars.** Each license plate or set of license plates shall bear the name or”; and further amend line 16 of said page, by inserting immediately before the word “plates” the following: “**plate or**”; and further amend line 19 of said page, by inserting immediately before the word “plates” the following: “**plate or**”; and

Further amend said bill and section, Page 22, Line 26 of said page, by striking the following: “or set of license plates”; and

Further amend said bill and section, Page 23, Line 6 of said page, by striking “License plates” and inserting in lieu thereof the following: “**The license plate**”; and further amend line 8 of said page, by striking the following: “front and”; and further amend line 11 of said page, by inserting after “up” the following: “**, or if two plates are issued for the vehicle pursuant to subsection 10 of this section, displayed in the same manner on the front and rear of such vehicle**”; and further amend line 26 of said page, by striking the following: “or set of tabs”; and

Further amend said bill and section, Page 24, line 6 of said page, by striking the following: “or set of tabs”; and further amend lines 7 and 8 of said page, by striking said lines and inserting in lieu thereof the following: “issued shall affix and display such tab [or tabs] in the designated area of the license plate[, no more than one per plate]. **No tab shall be issued for any optional license plate issued pursuant to subsection 3 or subsection 10 of this section and no tab shall be required to be displayed on such optional license plate.**”; and further amend line 9 of said page, by striking the following: “or set of tabs”; and

Further amend said bill and section, Page 26, Line 28 of said page, by inserting after all of said line the following:

“10. An applicant for registration may request and be issued two license plates for any property-carrying commercial motor vehicle as authorized in subsection 3 of this section and any other motor vehicle not specifically described in subsection 3 of this section.

11. Notwithstanding subsection 1 of this section, any person applying for a specialized or personalized license plate authorized by the provisions of this chapter or approved by the joint committee on transportation oversight through the specialized license plate process established under section 301.3150 shall be issued two license plates and shall not be required to pay the additional fee for such second license plate described in subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator McKenna moved that **SS** for **SCS** for **SB 781**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **SB 781**, as amended, was declared perfected and ordered printed.

Senator Lager moved that **SB 852** be taken up for perfection, which motion prevailed.

Senator Lager moved that **SB 852** be declared perfected and ordered printed.

Senator Callahan raised the point of order that **SB 852** is out of order in that the subject matter of the bill goes beyond the scope of its title.

The point of order was referred to the President Pro Tem who took it under advisement, which placed the bill on the Informal Calendar with the point of order pending.

Senator Rupp moved that **SB 685**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 685

An Act to repeal section 375.1255, RSMo, and to enact in lieu thereof two new sections relating to the financial condition of certain insurance companies.

Was taken up.

Senator Rupp moved that **SCS** for **SB 685** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 685** was declared perfected and ordered printed.

Senator Rupp moved that **SB 900** be taken up for perfection, which motion prevailed.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 900, Page 5, Section 376.717, Lines 141-144, by striking all bold-faced language from said lines; and further amend lines 160 to 166, by striking all of said lines; and

Further amend said bill and section, Page 6, Lines 167 to 204, striking all of said lines; and

Further amend said bill and section, Page 7, Lines 205 to 211, by striking all of said lines and inserting in lieu thereof the following:

“5. The limitations set forth in subsection 4 of this section”.

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

On motion of Senator Rupp, **SB 900**, as amended, was declared perfected and ordered printed.

Senator Lager moved that **SB 897** be taken up for perfection, which motion prevailed.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 897, Page 3, Section 386.210, Lines 66-69, by striking all of said lines and inserting in lieu thereof the following:

“8. The commission may appear in any proceeding at the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Federal Communications Commission, or any other federal administrative agency that has jurisdiction over a utility that is regulated by the commission or whose decisions may affect utility rates or service in Missouri. The commission may also file or otherwise participate in appeals from such federal administrative agencies. This subsection applies to all proceedings pending at the time of, or commenced after, the effective date of this section.”.

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

On motion of Senator Lager, **SB 897**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 768** be taken up for perfection, which motion prevailed.

On motion of Senator Bartle, **SB 768** was declared perfected and ordered printed.

Senator Wilson moved that **SB 614** be taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 614** was declared perfected and ordered printed.

On motion of Senator Goodman, the Senate recessed until 7:00 p.m.

RECESS

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

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1785, regarding Baue Funeral Home Company, St. Charles County, which was adopted.

Senator Pearce offered Senate Resolution No. 1786, regarding Kingsville Baptist Church, which was adopted.

Senator Schaefer offered Senate Resolution No. 1787, regarding Mathew Charles Taylor, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 1788, regarding Brandon Michael Scherrer, Hillsboro, which was adopted.

Senator Engler offered Senate Resolution No. 1789, regarding Harlee Joseph Scherrer, Hillsboro, which was adopted.

Senator Nodler offered Senate Resolution No. 1790, regarding William Willoughby, Sarcoxie, which was adopted.

Senator Nodler offered Senate Resolution No. 1791, regarding Francis Buzzard, Seneca, which was adopted.

Senator Nodler offered Senate Resolution No. 1792, regarding Transport Distribution Company, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 1793, regarding D & D Sexton, Inc., Carthage, which was adopted.

Senator Lembke offered Senate Resolution No. 1794, regarding Deanne Drew, House Springs, which was adopted.

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 900**; **SB 897**; **SS** for **SCS** for **SB 781**; **SB 768**; **SCS** for **SB 685**; and **SB 614**, 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 Dempsey moved that **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed on a standing division vote.

SCS for **SBs 895**, **813**, **911**, **924**, **922** and **802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 895, 813, 911, 924, 922 and 802

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-four new sections relating to tax incentives for job creation.

Was taken up.

Senator Rupp assumed the Chair.

Senator Dempsey moved that **SCS** for **SBs 895**, **813**, **911**, **924**, **922** and **802** be adopted.

At the request of Senator Dempsey, **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Lager moved that **SB 852** with the point of order (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Callahan, the point of order was withdrawn.

Senator Lager offered **SS** for **SB 852**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 852

An Act to repeal sections 213.010, 213.070, 213.101, 213.111, and 287.780, RSMo, and to enact in lieu thereof five new sections relating to employment practices.

Senator Lager moved that **SS** for **SB 852** be adopted.

At the request of Senator Lager, **SB 852**, with **SS** (pending), was placed on the Informal Calendar.

SENATE HEARING SCHEDULE
95th GENERAL ASSEMBLY
SECOND REGULAR SESSION
MARCH 3, 2010

| | Monday | Tuesday | Wednesday | Thursday |
|------------|---|---|--|---|
| 8:00 a.m. | | Appropriations SCR 2 (Mayer) | Appropriations SCR 2 (Mayer) Transportation SCR 1 (Stouffer) | |
| 8:15 a.m. | | Health, Mental Health, Seniors and Families SCR 1 (Champion) | | |
| 8:30 a.m. | | | Gubernatorial Appointments SL (Shields) | Governmental Accountability and Fiscal Oversight SCR 1 (Purgason) Veterans' Affairs, Pensions and Urban Affairs SL (Crowell) |
| 12:00 Noon | | Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Engler) | Jobs, Economic Development and Local Government SL (Griesheimer) Agriculture, Food Production and Outdoor Resources SCR 1 (Clemens) | |
| 12:30 p.m. | Appropriations SCR 2 (Mayer) | | | |
| 1:30 p.m. | | Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Goodman) | Education SL (Pearce) Ways and Means SCR 1 (Vogel) | |
| 2:00 p.m. | | | Progress and Development Bingham Gallery (Callahan) | |
| 2:30 p.m. | Financial and Governmental Organizations and Elections SL (Scott) | | | |
| 7:00 p.m. | Judiciary and Civil and Criminal Jurisprudence SL (Bartle) | | | |

REFERRALS

President Pro Tem Shields referred **SS** for **SCS** for **SB 781** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 1795, regarding Shelley Hancock, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1796, regarding Cory Letchworth, Fenton, which was adopted.

Senator Lembke offered Senate Resolution No. 1797, regarding Jenny Kirchhofer, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1798, regarding Carol Marinaro, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1799, regarding Meri Ellen Taylor, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1800, regarding Michele Hilson, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1801, regarding Debbie Nuessle, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1802, regarding Laura Leyes Woods, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1803, regarding Lisa Sue Braun, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1804, regarding Wendy Hawkins, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Father Ricky Valleroy, John Burcham and parents and students from St. Joseph Catholic School, Farmington.

Senator Shields introduced to the Senate, Dirck Clark and Dr. Mark Laney, St. Joseph; and Jon Doolittle, Albany.

Senator Scott introduced to the Senate, Zach Vandevender, Sedalia; Aaron Schroeder, David Holiway and Hope Lecchi, Smithton; Geoff Karhoff, Josh Smith and Cindy Graves, El Dorado Springs; Diana Ball, Cole Camp; and Matthew Bohanan, Amanda Wesley and Steve Larson, Warsaw.

Senator Shoemyer introduced to the Senate, Dr. Michael Seipel and students, Catie Burke, Caroline Foss, Kurt Nagel, Leann Botkin, Joanna Russell, Miranda Glasgow, Casey Daves and Samantha McKinley, Truman State University.

Senator Schaefer introduced to the Senate, Emily Leonard and forty fourth grade students from West Boulevard Elementary School, Columbia.

Senator Barnitz introduced to the Senate, Ellie Griesbauer and Kaitlyn Blacklock, Montgomery City; and Ellie and Kaitlyn were made honorary pages.

Senator Barnitz introduced to the Senate, Leah Cox, Aimee Campbell, Dan Cavender, Floyd Jerrigan, Mick Gilliam, Lori Moss, Chantae Alfred, Marcia Mayo, Shannon Birdsong, Lucretia Whited, Carla Treece, Jessica Beucler and Donna Garrett, representatives of Leadership Phelps County.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington; and members of Missouri Beer Wholesalers Association.

Senator Cunningham introduced to the Senate, representatives of Greater Missouri Leadership Challenge Legislative Panel.

Senator Lager introduced to the Senate, Doug and Rolanda Dale, Bethany.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Thomas E. Saak, M.D., Ballwin.

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

SENATE CALENDAR

THIRTY-SECOND DAY—THURSDAY, MARCH 4, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

| | |
|---------------------|-----------------------------|
| SB 1003-Pearce | SB 1021-Shoemyer and Engler |
| SB 1004-Schaefer | SB 1022-Stouffer |
| SB 1005-Schaefer | SB 1023-Cunningham |
| SB 1006-Schaefer | SB 1024-Cunningham |
| SB 1007-Dempsey | SB 1025-Goodman |
| SB 1008-Bray | SB 1026-Rupp |
| SB 1009-Bray | SB 1027-Rupp |
| SB 1010-Bray | SB 1028-Rupp |
| SB 1011-Griesheimer | SB 1029-Rupp |
| SB 1012-Lager | SB 1030-Rupp |
| SB 1013-Lembke | SB 1031-Bray |
| SB 1014-Bartle | SB 1032-Bray |
| SB 1015-Clemens | SB 1033-Bray |
| SB 1016-Mayer | SB 1034-Bray |
| SB 1017-Mayer | SB 1035-Bray |
| SB 1018-Nodler | SB 1036-Bray |
| SB 1019-Barnitz | SB 1037-Bray |
| SB 1020-Barnitz | SB 1038-Bray |

| | |
|----------------------|----------------------|
| SB 1039-Pearce | SB 1055-Crowell |
| SB 1040-Schaefer | SB 1056-Crowell |
| SB 1041-Schmitt | SB 1057-Shields |
| SB 1042-Schmitt | SB 1058-Shields |
| SB 1043-Schmitt | SB 1059-Shields |
| SB 1044-Schmitt | SB 1060-Bartle |
| SB 1045-Wright-Jones | SB 1061-Bartle |
| SB 1046-Wright-Jones | SB 1062-Schmitt |
| SB 1047-Wright-Jones | SB 1063-Clemens |
| SB 1048-Crowell | SB 1064-Lembke |
| SB 1049-Crowell | SB 1065-Lager |
| SB 1050-Crowell | SB 1066-Wright-Jones |
| SB 1051-Crowell | SB 1067-Shields |
| SB 1052-Crowell | SJR 43-Mayer |
| SB 1053-Crowell | SJR 44-Shields |
| SB 1054-Crowell | |

HOUSE BILLS ON SECOND READING

| | |
|-----------------|-------------------------|
| HCS for HB 1377 | HCS for HBs 1311 & 1341 |
| HCS for HB 1497 | HCS for HB 1498 |
| HCS for HB 1675 | HB 1741-Pratt |
| HCS for HB 1750 | |

THIRD READING OF SENATE BILLS

| | |
|--|--|
| 1. SS for SB 618-Rupp (In Fiscal Oversight) | 10. SB 767-Bartle |
| 2. SB 627-Justus (In Fiscal Oversight) | 11. SCS for SB 630-Cunningham |
| 3. SJR 20-Bartle (In Fiscal Oversight) | 12. SCS for SB 774-Lembke |
| 4. SB 779-Bartle (In Fiscal Oversight) | 13. SB 900-Rupp |
| 5. SS#2 for SCS for SB 577-Shields | 14. SB 897-Lager |
| 6. SB 773-Dempsey | 15. SS for SCS for SB 781-McKenna (In Fiscal Oversight) |
| 7. SB 801-Rupp | 16. SB 768-Bartle |
| 8. SCS for SBs 842, 799 & 809-Schmitt (In Fiscal Oversight) | 17. SCS for SB 685-Rupp |
| 9. SCS for SB 754-Dempsey | 18. SB 614-Wilson |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

| | |
|--------------------------|-------------------------------------|
| SB 579-Shields, with SCS | SB 596-Callahan, with SCS (pending) |
|--------------------------|-------------------------------------|

SBs 607, 602, 615 & 725-Stouffer, with
SCS & SA 1 (pending)
SB 738-Crowell, with SCS
SB 793-Mayer, et al, with SCS, SA 1 &
SA 1 to SA 1 (pending)
SB 818-Lembke, with SCS (pending)
SB 839-Wright-Jones, with SCS
SB 852-Lager, et al, with SS (pending)

SBs 895, 813, 911, 924, 922 &
802-Dempsey, et al, with SCS (pending)
SB 896-Shields and Crowell
SJR 22-Callahan
SJR 29-Purgason and Cunningham, with SCS
SJR 31-Scott
SJR 33-Bartle, with SA 1 (pending)
SJR 40-Goodman, with SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/18

SCS for SB 782-McKenna (In Fiscal Oversight)

Reported 2/25

SB 915-Barnitz, with SCS
SB 863-Callahan, with SCS

SB 862-Callahan, with SCS

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18 (Rupp)
SCR 34-Lembke, et al

SCR 33-Nodler
SCR 46-Stouffer
SCR 47-Engler and Callahan

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