

Journal of the Senate
NINETY-FOURTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION
VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 10, 2008

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

Reverend Carl Gauck offered the following prayer:

“We must adjust to changing times and still hold to unchanging principles.” (Jimmy Carter)

Almighty God, today we fulfill our constitutional requirement of this Veto Session and are grateful to do so. But today will mark the last time we shall all be in attendance together. We recognize the work of those who have faithfully served here; those who have tried to address the needs of the people of this state with unfailing principles and service and especially those who will now leave the Senate. We thank You for the friendship, collegiality and respect that was earned and shared by all here. And we are thankful for the staff and employees who have given of their time and talents to make sure all things were properly done. Today is special for us Lord and we thank You for making it all possible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Shields announced that photographers from KOMU-TV and 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	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Graham	Green	Griesheimer	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-fourth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-fourth General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

STATE OF MISSOURI

JEFFERSON CITY

65101

July 9, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 873 entitled:

AN ACT

To repeal sections 172.030, 172.035, 172.040, and 172.060, RSMo, and to enact in lieu thereof four new sections relating to student curators.

I disapprove of the Senate Committee Substitute for Senate Bill No. 873. My reasons for disapproval are as follows:

- I. This legislation would create "stakeholder" representatives with voting authority on the Board of Curators where currently none of the nine curators represent a specific group of university stakeholders.
- II. The bill as written would make it extremely difficult to find a student whose status of enrollment matches the student curator's term on the Board. This would significantly limit governors' ability to select the best person for the position.
- III. Student curator representatives are transitional members of the board and experience much greater turnover than its regular members.
- IV. A new policy at the University of Missouri would be inconsistent with other education institutions across the state.
- V. The makeup of the board is unclear if Missouri does not lose a congressional district after the 2010 census, but does so in a later census.
- VI. The potential to add an uneven element to the current climate of the voting members of the board by giving one area or region a stronger vote over others. This power would present potential conflicts of interest.

In addition to these objections, this legislation is also fiercely opposed by many members of the higher education community who also expressed the above concerns and more through correspondence, phone calls and conversation with me and my office.

For the above stated reasons, I am returning Senate Committee Substitute for Senate Bill No. 873 without my approval.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101

July 10, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1061

AN ACT

To amend chapter 58, RSMo, by adding thereto one new section relating to the registration of coroners and their assistants.

I disapprove of Senate Bill No. 1061. My reason for disapproval is as follows:

The Missouri Constitution prohibits the general assembly from passing any special law granting any special or exclusive right or privilege to any corporation, association, or individual. Mo. Const. Art. III, Sec. 40(28). Senate Bill No. 1061 would grant to the Missouri Coroners' and Medical Examiners' Association the exclusive right of having coroners, deputy coroners, and assistants to coroners register with their executive director. Senate Bill No. 1061 would also grant to the Missouri Coroners' and Medical Examiners' Association the exclusive right to train deputy coroners. Although current law grants them this right for deputy coroners seeking a salary increase, Senate Bill No. 1061 would mandate that training within six months.

Current law ties salary increases for coroners and deputy coroners to training but does not require that training. Senate Bill No. 1061 mandates that training. Requiring coroners and deputy coroners to pay for such training and subsequently requiring their respective counties to pay an increased salary results in an unfunded mandate to counties in further contravention of the Missouri Constitution. Mo. Const. Art. X, Sec. 21. The objectives of Senate Bill No. 1061 that coroners, deputy coroners and their assistants be trained, competent, and monitored are laudable. However, the manner through which Senate Bill No. 1061 pursues those objectives is not constitutionally permissible.

Respectfully,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101

July 10, 2008

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 1190 entitled:

AN ACT

To repeal section 620.010, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

I disapprove of Senate Bill No. 1190. My reason for disapproval is as follows:

In 2006, I signed Executive Order 06-04 to move the Divisions of Finance, Credit Unions and Professional Registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) by type III transfer. Statutory codification of that reorganization plan was Truly Agreed and Finally Passed as a part of Senate Committee Substitute for Senate Bill No. 788.

Senate Bill No. 1190 and Senate Committee Substitute for Senate Bill No. 788 contain identical language relating to the division of professional registration. However, Senate Bill No. 1190 is drafted to a section of law that is deleted in Senate Committee Substitute for Senate Bill No. 788. My disapproval of this bill will complete the codification of that transfer and avoid the unnecessary reprinting of a statute that will be obsolete upon the effective date of Senate Committee Substitute for Senate Bill No. 788, which I am returning to you today with my approval.

Respectfully submitted,
MATT BLUNT

Senator Shields requested unanimous consent to allow members of the Missouri State Capitol Police force to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Vogel, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals and organizations that have contributed to the welfare of this great state and its citizens, particularly members of the law enforcement community; and

Whereas, the members now pause to recognize Edward W. Hayob, Esquire, of Jefferson City, Missouri, who is celebrating his thirtieth year with the Missouri State Capitol Police Department with a special celebration to be held on September 13, 2008; and

Whereas, a member of United Sportsman's Club, Officer Hayob graduated from Creighton University with a Juris Doctorate in 1978 and subsequently passed the Missouri Bar exam; and

Whereas, a truly remarkable source of history and trivia concerning Missouri's capitol building, Officer Hayob is the brother of John Leo Hayob of Kansas City; and

Whereas, the members of the Missouri Senate are pleased and proud for the opportunity to formally recognize the many and various contributions of Officer Hayob during his three decades of service on the Missouri State Capitol Police force; and

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our most sincere congratulations and gratitude to Officer Hayob on the illustrious occasion of his thirtieth year in the service of the great state of Missouri; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Officer Edward W. Hayob, Esquire.

Senator Shields moved that the Senate proceed to the order of business of Vetoed Bills and that the calendar be called, which motion prevailed.

Senator Graham moved that **SCS** for **SB 873** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Crowell	Days	Engler	Graham
Green	Justus	Kennedy	Koster	McKenna	Shoemyer	Smith	Wilson—16

NAYS—Senators

Bartle	Champion	Clemens	Dempsey	Gibbons	Griesheimer	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer

Vogel—17

Absent—Senators—None

Absent with leave—Senator Goodman—1

Vacancies—None

SB 1061 was called thereafter and no motion was taken thereon.

SB 1190 was called thereafter and no motion was taken thereon.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2008 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **SCS HB 1689**, **CCS SCS HCS HB 2003**, **CCS SCS HCS HB 2008**, **CCS SCS HCS HB 2010**, **CCS SCS HCS HB 2011** and **CCS SCS HCS HB 2023** when the bills were called by the Speaker.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 4

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's vetoes of Senate Bill No. 1061 and Senate Bill No. 1190 when the bills were so called by the President.

COMMUNICATIONS

Senator Coleman submitted the following:

August 27, 2008

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of SS/HCS/HCR 30 (2008), I hereby appoint the following senators to the Joint Interim Committee on Voice Communications Regulations.

Senator Joan Bray

Senator Rita Days

Please do not hesitate to contact me if you have any questions regarding these appointments.

Sincerely,

/s/ Maida J. Coleman

Maida J. Coleman

Minority Floor Leader

Also,

August 27, 2008

Terry Spieler - Secretary of the Senate
 State Capitol, Room 325
 Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 21.840, RSMo as passed in SCS/SB 788 (2008), I hereby appoint the following senators to the Joint Committee on Preneed Funeral Contracts:

Senator Maida Coleman
 Senator Wes Shoemyer
 Senator Jolie Justus

Please do not hesitate to contact me if you have any questions regarding these appointments.

Sincerely,
 /s/ Maida J. Coleman
 Maida J. Coleman
 Minority Floor Leader

President Pro Tem Gibbons submitted the following:

August 28, 2008

Mrs. Terry Spieler
 Secretary of the Senate
 State Capitol Building
 Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to SS/HCS/HCR 30 (2008), I hereby appoint the following senators to the Joint Interim Committee on Voice Communications Regulation:

Senator John Griesheimer
 Senator Kevin Engler
 Senator Tom Dempsey

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS

Also,

August 28, 2008

Mrs. Terry Spieler
 Secretary of the Senate
 State Capitol Building
 Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 633.200, RSMo (SB 768 2008), I hereby appoint the following senator to the Missouri Commission on Autism Spectrum

Disorders:

Senator Scott Rupp

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

August 28, 2008

Mrs. Terry Spieler
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 21.840, RSMo (SCS SB 788 2008), I hereby appoint the following senators to the Joint Committee on Preneed Funeral Contracts:

Senator Delbert Scott

Senator Bill Stouffer

Senator Carl Vogel

Senator Tom Dempsey

Please do not hesitate to contact me if you have any questions regarding this matter.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Senator Coleman submitted the following:

September 10, 2008

Terry Spieler – Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Ms. Spieler:

Pursuant to the provisions of section 633.200.3(1) – which became law through the enactment of SB 768 (2008) – I hereby appoint Senator Jeff Smith to the Missouri Commission on Autism Spectrum Disorders.

Please do not hesitate to call me if you have any questions regarding this matter.

Sincerely,

/s/ Maida

Maida J. Coleman

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Representative-elect Chris Carter, Representative-elect Don Calloway and Representative-elect Tishaura Jones, St. Louis.

Senator Champion introduced to the Senate, Kristen Fisher and Colin Handzinski, Michigan; and Kelisen Molloy.

On motion of Senator Shields, the Senate of the Veto Session of the Second Regular Session of the 94th General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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