

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 13, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Trust the past to God’s mercy, the present to God’s love, and the future to God’s providence.” (St. Augustine of Hippo)

Gracious God, we come to this new day ever mindful that what we need is to trust Your mercy and love and do what You will for us. That as these days unfold You will be our guide and what we do is fitting with Your future for us. Be with us through this day and fill us with Your wisdom and directing spirit so we may accomplish all You have for us to complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 33, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Shoun, Jefferson City, which was adopted.

Senator Goodman offered Senate Resolution No. 34, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Davis, Monett, which was adopted.

Senator Crowell offered Senate Resolution No. 35, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Woods, Jackson, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lager offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

Relating to the recommendations of the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that judges, statewide elected officials, and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2009 and July 2010, provided that legislators shall not receive such increases until January 1, 2011; and

WHEREAS, the Commission has also recommended an additional leadership differential of \$2,500 annually for the representative serving as Speaker of the House of Representatives and the senator serving as the President Pro Tempore of the Senate, as well as an additional leadership differential of \$1,500 annually for the representative serving as Speaker Pro Tempore of the House of Representatives and to each senator or representative serving as the Majority or Minority Floor Leader of the Senate or the House of Representatives; and

WHEREAS, the Commission has also recommended that each Associate Circuit Judge's salary be increased by \$1,500 each year prior to calculating any salary increase based on the increase in the average state worker's salary. Further, a leadership differential of \$2,500 annually shall be paid to the judge serving as Chief Justice. Finally, the Commission recommended that judges be provided expense reimbursement at the same rate as members of the General Assembly for up to three days attendance at the Judicial Conference of Missouri; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2009, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2009:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, disapprove the recommendations of the Missouri Citizen's Commission on the Compensation for Elected Officials contained in its report dated November 26, 2008; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 180—By Bartle.

An Act to repeal sections 195.214, 195.217, 195.218, 566.147, and 566.149, RSMo, and to enact in lieu thereof five new sections relating to criminal mens rea, with penalty provisions.

SB 181—By Bartle.

An Act to repeal section 566.226, RSMo, and to enact in lieu thereof one new section relating to protection of crime victim information.

SB 182—By Bartle.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to false or misleading diplomas, with penalty provisions.

SB 183—By Bartle.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

SB 184—By Bartle.

An Act to amend chapter 273, RSMo, by adding thereto four new sections relating to dangerous dogs, with penalty provisions.

SB 185—By Bray.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to alternate rate schedules.

SB 186—By Bray.

An Act to amend chapter 273, RSMo, by adding thereto twelve new sections relating to the healthy pet act.

SB 187—By Vogel.

An Act to repeal section 67.1000, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 188—By Dempsey, Griesheimer and Rupp.

An Act to repeal sections 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, and 311.490, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

SJR 6—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

GOVERNOR OF MISSOURI

Jefferson City

65102

January 13, 2009

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

I hereby withdraw from your consideration the following appointment to office made by Governor Matt Blunt and submitted to you on January 8, 2009, for your advice and consent:

James B. Anderson, Democrat, 1489 South Ginger Blue Avenue, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2012, and until his successor is duly appointed and qualified; vice, S. Lee Kling, deceased.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON

Senator Shields moved that the appointment of James B. Anderson, along with the appointments appearing on pages 93 through 105 of the Senate Journal for Monday, January 12, 2009, be returned to the Governor per his request, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senators Bray and Days introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, M.D., CPE, FAAFP, St. Louis.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; and their granddaughter, Rachel Nodler and Nicole Anderson, Webb City; and Rachel was made an honorary page.

Senator Mayer introduced to the Senate, Jackson and Alan M. Queen, Bloomfield; and Jackson was made an honorary page.

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

SENATE CALENDAR

FIFTH DAY—WEDNESDAY, JANUARY 14, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Scott

SB 2-Scott

SB 3-Scott

SB 4-Shields

SB 5-Griesheimer

SB 6-Griesheimer

SB 7-Griesheimer

SB 8-Champion

SB 9-Champion

SB 10-Champion

SB 11-Bartle, et al

SB 12-Bartle and Smith

SB 13-Bartle

SB 14-Nodler

SB 15-Nodler	SB 60-Wilson
SB 16-Nodler	SB 61-Wilson
SB 17-Bray, et al	SB 62-Wilson
SB 18-Bray, et al	SB 63-Rupp and Smith
SB 19-Bray, et al	SB 64-Rupp
SB 20-Days and Smith	SB 65-Rupp
SB 21-Days, et al	SB 66-Scott
SB 22-Days and Bray	SB 67-Scott
SB 23-Callahan	SB 68-Bray
SB 24-Callahan	SB 69-Bray
SB 25-Callahan	SB 70-Bray
SB 26-Ridgeway	SB 71-Stouffer
SB 27-Ridgeway	SB 72-Stouffer
SB 28-Ridgeway	SB 73-Stouffer
SB 29-Stouffer	SB 74-Wilson
SB 30-Stouffer	SB 75-Wilson
SB 31-Stouffer	SB 76-Wilson
SB 32-Wilson	SB 77-Stouffer
SB 33-Wilson	SB 78-Wilson
SB 34-Wilson	SB 79-Wilson
SB 35-Goodman and Champion	SB 80-Wilson
SB 36-Goodman	SB 81-Wilson
SB 37-Goodman	SB 82-Wilson
SB 38-Rupp	SB 83-Wilson
SB 39-Rupp	SB 84-Purgason
SB 40-Rupp	SB 85-Crowell
SB 41-Cunningham	SB 86-Crowell
SB 42-Cunningham and Smith	SB 87-Crowell
SB 43-Pearce	SB 88-Stouffer
SB 44-Pearce	SB 89-Stouffer
SB 45-Pearce	SB 90-Stouffer
SB 46-Schaefer	SB 91-Green, et al
SB 47-Scott	SB 92-Green, et al
SB 49-Scott	SB 93-Green
SB 50-Bray	SB 94-Justus, et al
SB 51-Bray	SB 95-Justus
SB 52-Bray	SB 96-Justus, et al
SB 53-Days	SB 97-Smith
SB 54-Days	SB 98-Smith
SB 55-Days	SB 99-Cunningham
SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green

SB 104-Justus, et al	SB 148-Dempsey
SB 105-Justus, et al	SB 149-Dempsey
SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt
SB 114-Crowell	SB 158-Clemens
SB 115-Bray	SB 159-Clemens
SB 116-Bray	SB 160-Crowell
SB 117-Green	SB 161-Crowell
SB 118-Griesheimer	SB 162-Crowell
SB 119-Griesheimer	SB 163-Justus
SB 120-Bray	SB 164-Justus
SB 121-Purgason	SB 165-Justus
SB 122-Griesheimer	SB 166-Justus
SB 123-Griesheimer	SB 167-Rupp
SB 124-Bray	SB 168-Shoemyer
SB 125-Bray	SB 169-Shoemyer
SB 126-Rupp	SB 170-Shoemyer
SB 127-Rupp	SB 171-Griesheimer
SB 128-Rupp	SB 172-Green
SB 129-McKenna, et al	SB 173-Green
SB 130-McKenna, et al	SB 174-Griesheimer
SB 131-Smith	SB 175-Schmitt
SB 132-Smith	SB 176-Stouffer
SB 133-Smith	SB 177-Stouffer
SB 134-Dempsey	SB 178-Stouffer
SB 135-Dempsey	SB 179-Wright-Jones
SB 136-Rupp and Smith	SB 180-Bartle
SB 137-Rupp	SB 181-Bartle
SB 138-Smith	SB 182-Bartle
SB 139-Mayer	SB 183-Bartle
SB 140-Smith	SB 184-Bartle
SB 141-Smith	SB 185-Bray
SB 142-Bartle	SB 186-Bray
SB 143-Mayer	SB 187-Vogel
SB 144-Wright-Jones	SB 188-Dempsey, et al
SB 145-Wright-Jones	SJR 1-Bartle
SB 146-Dempsey	SJR 2-Bartle
SB 147-Dempsey	SJR 3-Crowell

SJR 4-Cunningham
SJR 5-Schmitt

SJR 6-Lager

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 2-Crowell
SCR 3-Justus
SCR 4-Wright-Jones

SCR 5-Stouffer
SCR 6-Lager

MISCELLANEOUS

SRM 1-Green

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