

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTH DAY—WEDNESDAY, JANUARY 14, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Spend your money on good books, and you'll find its equivalent in gold of intelligence.” (Immanuel, “The Mahberot”)

Heavenly Father, we are thankful that each new generation does not have to rediscover all things for themselves but that the legacy of the wisdom You have revealed to others has been written down so that we may build on what others have learned. Help us make time to read good books along with Your Word so we may increase our storehouse of knowledge and make contributions of our own guided by Your Holy Spirit. 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 the Senate were given permission to use flash in the 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	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.

President Pro Tem Shields assumed the Chair.

Senator Nodler assumed the Chair.

## **RESOLUTIONS**

Senator Goodman offered Senate Resolution No. 36, regarding Michael A. Albright, Ash Grove, which was adopted.

Senator Shields offered Senate Resolution No. 37, regarding Amy Johnson, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 38, regarding the One Hundredth Anniversary of the Missouri Society of Certified Public Accountants, which was adopted.

Senator McKenna offered Senate Resolution No. 39, in memory of Sergeant Brandon L. Wallace, Festus, which was adopted.

Senator Shields offered Senate Resolution No. 40, regarding Judith Trout, Saint Joseph, which was adopted.

Senator Mayer offered Senate Resolution No. 41, regarding the Missouri State Board of Accountancy, which was adopted.

Senator Crowell offered Senate Resolution No. 42, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Miller, Perryville, which was adopted.

## **CONCURRENT RESOLUTIONS**

Senator Pearce offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, only about forty-two percent of the petroleum that our country consumes originates from domestically-produced sources; and

WHEREAS, the United States relies upon foreign suppliers for a majority of our nation's petroleum needs; and

WHEREAS, this dependence on foreign suppliers of petroleum makes our nation more vulnerable to supply shifts and price fluctuations; and

WHEREAS, this vulnerability gives foreign powers more influence and control over our domestic activities; and

WHEREAS, our nation has potentially vast untapped natural resources within our own territory in the form of oil and natural gas reserves beneath our coastal waters; and

WHEREAS, our nation has the technological capability to explore and utilize these resources in a manner that is safe and that minimizes potential impacts to our coastal environments:

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, hereby urge Congress to secure greater energy independence for the United States by allowing

new off-shore drilling activities in areas where the likelihood of resource recovery is high; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Missouri Congressional delegation.

### **INTRODUCTION OF BILLS**

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

**SB 189**—By Shields.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

**SB 190**—By Shoemyer.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to accessibility of offices in the state capitol.

**SB 191**—By Shoemyer.

An Act to repeal section 100.286, RSMo, and to enact in lieu thereof one new section relating to the issuance of Missouri development finance board development fund contribution tax credits.

**SB 192**—By Shoemyer.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to intoxication-related traffic offenses, with penalty provisions.

**SB 193**—By Shoemyer.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to a tax credit for equity investments in qualified Missouri businesses.

**SB 194**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto five new sections relating to private investigations for farm commodities.

**SB 195**—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with penalty provisions.

**SB 196**—By Shoemyer.

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

**SB 197**—By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

**SB 198**—By McKenna.

An Act to repeal sections 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to teacher and school employee retirement systems.

**SB 199**—By McKenna.

An Act to repeal sections 347.187, 355.020, 355.171, 355.631, 355.791, and 359.121, RSMo, and to enact in lieu thereof six new sections relating to Missouri small business organizations.

**SB 200**—By Cunningham.

An Act to repeal section 570.040, RSMo, and to enact in lieu thereof one new section relating to stealing, with penalty provisions.

**SB 201**—By Cunningham.

An Act to repeal section 578.030, RSMo, and to enact in lieu thereof two new sections relating to dog fighting.

**SB 202**—By Schaefer.

An Act to amend chapters 379 and 537, RSMo, by adding thereto two new sections relating to the assignment of comparative fault for operating a motorcycle.

**SJR 7**—By Rupp.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri revenue retention fund.

**COMMUNICATIONS**

President Pro Tem Shields submitted the following:

January 14, 2009

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Office 325  
Jefferson City, MO 65109

Dear Ms. Spieler:

Please appoint the following Senators to the committees on  
Rules, Joint Rules, Resolutions and Ethics:

Engler, Chairman  
Nodler, Vice-Chairman  
Champion  
Shields  
Bray  
Green

Gubernatorial Appointments:

Shields, Chairman

Engler, Vice-Chairman

Champion

Clemens

Crowell

Schmitt

Callahan

McKenna

Wright-Jones

Sincerely,

/s/ Charlie Shields

Charlie Shields

### **INTRODUCTIONS OF GUEST**

Senator Mayer introduced to the Senate, Dr. Douglas Fitzwater, Caruthersville.

Senator Barnitz introduced to the Senate, Lori Amato and her husband, Tony, Cuba; Marsha Middleton, Lee's Summit; Jerry and Jill Rose, Salem; and Don Martin, Cuba.

Senator Scott introduced to the Senate, Jackie Shelledy and Lisa, Austin, Alyssa, Jake, Priscilla, Justin and Janet Shelledy, Sedalia; Jack R. and Nancy Shelledy and Lori Allee, Kansas City; and Jancey Shelledy, Jefferson City; and Alyssa and Justin were made honorary pages.

Senator McKenna introduced to the Senate, Mike and Brenda Habsieger, Festus.

Senator Griesheimer introduced to the Senate, Joseph Gray and his wife, Kathy, and their son, Dustin, Washington; his father-in-law, Kenneth Oetterer and Donna Null, Pacific.

Senator Barnitz introduced to the Senate, Shirley and Floyd Reed, Steelville.

Senator Goodman introduced to the Senate, Michael Albright and his wife, Amy, and his brother, William Albright, Halltown; and his mother Elaine Albright-Hodge, Springfield.

Senator Shoemyer introduced to the Senate, Josh Houchins and his parents, Jeana and Richard Houchins and his sister, Ashlie; and Jan and Buster Geisendorfer and Nicole Goodwin, Ewing.

Senator Griesheimer introduced to the Senate, Sandra Dailey, Eureka; her parents, Ray and Kathryn Symons, Dallas, Texas; her son, Eric Dailey, St. Louis; her sister, Sharon Aubuchon, Kansas City; Deana Matlock, Branson; and Summer, Taylor, Christina and Stephanie Matlock, and Steve and Alicia Bunn, Chris Adams and Jeff Campbell, St. Charles; and Summer and Christina were made honorary pages.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Steve Smith, St. Louis.

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

## SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 15, 2009

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 1-Scott	SB 35-Goodman and Champion
SB 2-Scott	SB 36-Goodman
SB 3-Scott	SB 37-Goodman
SB 4-Shields	SB 38-Rupp
SB 5-Griesheimer	SB 39-Rupp
SB 6-Griesheimer	SB 40-Rupp
SB 7-Griesheimer	SB 41-Cunningham
SB 8-Champion	SB 42-Cunningham and Smith
SB 9-Champion	SB 43-Pearce
SB 10-Champion	SB 44-Pearce
SB 11-Bartle, et al	SB 45-Pearce
SB 12-Bartle and Smith	SB 46-Schaefer
SB 13-Bartle	SB 47-Scott
SB 14-Nodler	SB 49-Scott
SB 15-Nodler	SB 50-Bray
SB 16-Nodler	SB 51-Bray
SB 17-Bray, et al	SB 52-Bray
SB 18-Bray, et al	SB 53-Days
SB 19-Bray, et al	SB 54-Days
SB 20-Days and Smith	SB 55-Days
SB 21-Days, et al	SB 56-Callahan
SB 22-Days and Bray	SB 57-Stouffer
SB 23-Callahan	SB 58-Stouffer
SB 24-Callahan	SB 59-Stouffer
SB 25-Callahan	SB 60-Wilson
SB 26-Ridgeway	SB 61-Wilson
SB 27-Ridgeway	SB 62-Wilson
SB 28-Ridgeway	SB 63-Rupp and Smith
SB 29-Stouffer	SB 64-Rupp
SB 30-Stouffer	SB 65-Rupp
SB 31-Stouffer	SB 66-Scott
SB 32-Wilson	SB 67-Scott
SB 33-Wilson	SB 68-Bray
SB 34-Wilson	SB 69-Bray

SB 70-Bray	SB 114-Crowell
SB 71-Stouffer	SB 115-Bray
SB 72-Stouffer	SB 116-Bray
SB 73-Stouffer	SB 117-Green
SB 74-Wilson	SB 118-Griesheimer
SB 75-Wilson	SB 119-Griesheimer
SB 76-Wilson	SB 120-Bray
SB 77-Stouffer	SB 121-Purgason
SB 78-Wilson	SB 122-Griesheimer
SB 79-Wilson	SB 123-Griesheimer
SB 80-Wilson	SB 124-Bray
SB 81-Wilson	SB 125-Bray
SB 82-Wilson	SB 126-Rupp
SB 83-Wilson	SB 127-Rupp
SB 84-Purgason	SB 128-Rupp
SB 85-Crowell	SB 129-McKenna, et al
SB 86-Crowell	SB 130-McKenna, et al
SB 87-Crowell	SB 131-Smith
SB 88-Stouffer	SB 132-Smith
SB 89-Stouffer	SB 133-Smith
SB 90-Stouffer	SB 134-Dempsey
SB 91-Green, et al	SB 135-Dempsey
SB 92-Green, et al	SB 136-Rupp and Smith
SB 93-Green	SB 137-Rupp
SB 94-Justus, et al	SB 138-Smith
SB 95-Justus	SB 139-Mayer
SB 96-Justus, et al	SB 140-Smith
SB 97-Smith	SB 141-Smith
SB 98-Smith	SB 142-Bartle
SB 99-Cunningham	SB 143-Mayer
SB 100-Schaefer	SB 144-Wright-Jones
SB 101-Green	SB 145-Wright-Jones
SB 102-Green	SB 146-Dempsey
SB 103-Green	SB 147-Dempsey
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 158-Clemens	SB 184-Bartle
SB 159-Clemens	SB 185-Bray
SB 160-Crowell	SB 186-Bray
SB 161-Crowell	SB 187-Vogel
SB 162-Crowell	SB 188-Dempsey, et al
SB 163-Justus	SB 189-Shields
SB 164-Justus	SB 190-Shoemyer
SB 165-Justus	SB 191-Shoemyer
SB 166-Justus	SB 192-Shoemyer
SB 167-Rupp	SB 193-Shoemyer
SB 168-Shoemyer	SB 194-Shoemyer
SB 169-Shoemyer	SB 195-Shoemyer
SB 170-Shoemyer	SB 196-Shoemyer
SB 171-Griesheimer	SB 197-Goodman
SB 172-Green	SB 198-McKenna
SB 173-Green	SB 199-McKenna
SB 174-Griesheimer	SB 200-Cunningham
SB 175-Schmitt	SB 201-Cunningham
SB 176-Stouffer	SB 202-Schaefer
SB 177-Stouffer	SJR 1-Bartle
SB 178-Stouffer	SJR 2-Bartle
SB 179-Wright-Jones	SJR 3-Crowell
SB 180-Bartle	SJR 4-Cunningham
SB 181-Bartle	SJR 5-Schmitt
SB 182-Bartle	SJR 6-Lager
SB 183-Bartle	SJR 7-Rupp

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 2-Crowell	SCR 5-Stouffer
SCR 3-Justus	SCR 6-Lager
SCR 4-Wright-Jones	SCR 7-Pearce

### MISCELLANEOUS

SRM 1-Green

