

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 22, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Two are better than one, because they have a good return for their work: If one falls down, his friend can help him up. But pity the man who falls and has no one to help him up!” (Ecclesiastes 4:9-10)

Gracious God, as we return this day to those we love help us to be mindful of the blessing they are to us. They help us when we are down to see the joy that is right there next to us. They help us be aware of the beauty in the world and people about us. They encourage us to always do the right thing and comfort us when difficulties arise for us. We pray for Your blessing on our loved ones for truly they are a blessing to 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	Lager
Lembke	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Mayer McKenna—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 88, regarding the late William B. Moorkamp, Jr., D.D.S., Ballwin, which was adopted.

Senator Cunningham offered Senate Resolution No. 89, regarding the new Government Center, Maryland Heights, which was adopted.

Senator Crowell offered Senate Resolution No. 90, regarding Neal Edwards, which was adopted.

Senator Crowell offered Senate Resolution No. 91, regarding Servpro of Cape Girardeau and Scott Counties, which was adopted.

Senators Engler and Crowell offered Senate Resolution No. 92, regarding Elvin Sikes, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 93, regarding Jones Drug Store, Inc., which was adopted.

Senator Crowell offered Senate Resolution No. 94, regarding the Overhead Door Company of Southeast Missouri, which was adopted.

Senator Crowell offered Senate Resolution No. 95, regarding Busey Truck Equipment, Inc., Jackson, which was adopted.

Senator Barnitz offered Senate Resolution No. 96, regarding Norman J. De Leo, D.D.S., Cuba, which was adopted.

Senator Crowell offered Senate Resolution No. 97, regarding Kelly Florian, Cape Girardeau, which was adopted.

Senator Shoemyer offered Senate Resolution No. 98, regarding Gail Jarboe, Bowling Green, which was adopted.

Senator Shoemyer offered Senate Resolution No. 99, regarding Nancy Lee Entwistle, Kirksville, which was adopted.

Senator Shoemyer offered Senate Resolution No. 100, regarding James E. "Jim" Thompson, New London, which was adopted.

Senator Shoemyer offered Senate Resolution No. 101, regarding Sheila Foster, Hannibal, which was adopted.

Senator Bartle offered the following resolution:

SENATE RESOLUTION NO. 102
NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

President Pro Tem Shields referred the above resolution to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 103

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 16, 2009.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 103** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 103** was adopted.

Senator Shields moved that **SR 86** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 86** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Clemens	Mayer	McKenna—3
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Vacancies—None

Senator Bray offered the following resolution:

SENATE RESOLUTION NO. 104

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2009, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 24, 2009.

Senator Bray requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 104** up for adoption, which request was granted.

On motion of Senator Bray, **SR 104** was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Shields submitted the following:

**Committee Assignments
95th General Assembly
First Regular Session
January 22, 2009**

Committee on Agriculture, Food Production and Outdoor Resources:

Chairman Senator Clemens, Vice Chairman Senator Stouffer, Senators Mayer, Purgason, Barnitz and Shoemyer.

Committee on Appropriations:

Chairman Senator Nodler, Vice Chairman Senator Mayer, Senators Dempsey, Pearce, Purgason, Rupp, Schaefer, Barnitz, Bray, Green and Wilson.

Committee on Commerce, Consumer Protection, Energy and the Environment:

Chairman Senator Lager, Vice Chairman Senator Schaefer, Senators Bartle, Dempsey, Griesheimer, Lembke, Ridgeway, Bray, Green and Justus.

Committee on Education:

Chairman Senator Mayer, Vice Chairman Senator Pearce, Senators Champion, Nodler, Rupp, Schaefer, Barnitz, Days and Wilson.

Committee on Financial and Governmental Organizations and Elections:

Chairman Senator Scott, Vice Chairman Senator Cunningham, Senators Bartle, Crowell, Lembke, Pearce, Ridgeway, Justus, Smith and Wright-Jones.

Committee on General Laws:

Chairman Senator Goodman, Vice Chairman Senator Rupp, Senators Clemens, Scott, Vogel, McKenna and Wilson.

Committee on Governmental Accountability and Fiscal Oversight:

Chairman Senator Purgason, Vice Chairman Senator Lembke, Senators Lager, Schaefer, Stouffer, Days and Shoemyer.

Committee on Health, Mental Health, Seniors and Families:

Chairman Senator Champion, Vice Chairman Senator Schmitt, Senators Cunningham, Dempsey, Stouffer, Justus, Smith and Wilson.

Committee on Jobs, Economic Development and Local Government:

Chairman Senator Griesheimer, Vice Chairman Senator Dempsey, Senators Goodman, Lembke, Pearce, Ridgeway, Schmitt, Callahan, McKenna and Shoemyer.

Committee on the Judiciary and Civil and Criminal Jurisprudence:

Chairman Senator Bartle, Vice Chairman Senator Goodman, Senators Cunningham, Mayer, Schaefer, Justus and Smith.

Committee on Progress and Development:

Chairman Senator Callahan, Vice Chairman Senator Justus, Senators Crowell, Lager and Shoemyer.

Committee on Small Business, Insurance and Industry:

Chairman Senator Rupp, Vice Chairman Senator Ridgeway, Senators Clemens, Crowell, Goodman, Vogel, Bray, Callahan and Green.

Committee on Transportation:

Chairman Senator Stouffer, Vice Chairman Senator Griesheimer, Senators Clemens, Cunningham, Scott, Vogel, Barnitz, Bray, Days and McKenna.

Committee on Veterans' Affairs, Pensions and Urban Affairs:

Chairman Senator Crowell, Vice Chairman Senator Schmitt, Senators Cunningham, Pearce, Smith and Wright-Jones.

Committee on Ways and Means:

Chairman Senator Vogel, Vice Chairman Senator Lembke, Senators Bartle, Lager, Purgason, Schmitt, Bray and Barnitz.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

SENATE HEARING SCHEDULE
95th GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 22, 2009

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler) 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)
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		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)	
2:00 p.m.			Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Goodman)	Education SL (Mayer) Ways and Means SCR 1 (Vogel)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

CONCURRENT RESOLUTIONS

Senators Bartle, Pearce, Scott, Griesheimer, Cunningham, Lembke, Clemens, Vogel, Mayer, Shoemyer, Nodler, Purgason, Barnitz, Dempsey, Lager, Goodman, Ridgeway, Champion, Stouffer, Rupp and Engler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, the 111th United States Congress is considering the “Freedom of Choice Act”, which purports to classify abortion as a “fundamental right”, equal in stature to the right of free speech and the right to vote - rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

WHEREAS, the federal “Freedom of Choice Act” would invalidate any “statute, ordinance, regulation, administrative order, decision, policy, practice, or other action” of any federal, state, or local government or governmental office, or any person acting under governmental authority, that would “deny or interfere with a woman's right to choose” abortion, or that would “discriminate against the exercise of the right... in the regulation or provision of benefits, facilities, services, or information”; and

WHEREAS, the federal “Freedom of Choice Act” would nullify any federal or state law “enacted, adopted, or implemented before, on, or after the date of its enactment” and would effectively prevent the State of Missouri from enacting similar protective measures in the future; and

WHEREAS, the federal “Freedom of Choice Act” would invalidate more than 550 federal and state abortion-related laws, laws supported by the majority of the American public; and

WHEREAS, the federal “Freedom of Choice Act” would specifically invalidate the following common-sense, protective laws properly enacted by the State of Missouri:

- a parental consent law for minors seeking an abortion;
- a prohibition on government funding or use of public facilities for abortions;
- health and safety regulation for abortion facilities;
- a twenty-four-hour waiting period and informed consent law that provides an opportunity to consider the gravity of a decision to abort a child;
- a partial-birth abortion ban (“Infant's Protection Act”);
- a requirement that only physicians can perform or induce abortions and that such physicians maintain medical malpractice insurance;
- conscience protections for doctors and hospitals not wanting to perform or induce abortions;
- a prohibition on performing or inducing abortions in order to use fetal organs or tissue for transplantation or experimentation;
- licensing of most abortion clinics as ambulatory surgical centers to ensure basic health and safety of patients; and
- alternatives to abortion programs to encourage and support women who do not want abortions; and

WHEREAS, the federal “Freedom of Choice Act” will not make abortion safe or rare, but will instead actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

WHEREAS, the federal “Freedom of Choice Act” will protect and promote the abortion industry, endanger women and their health; promote a political ideology of unregulated abortion-on-demand, and silence the voices of Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion:

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, strongly oppose the federal “Freedom of Choice Act” and urge the United States Congress to summarily reject it; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because it seeks to circumvent the States' general legislative authority as guaranteed by the 10th Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because it seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly opposes the federal “Freedom of Choice Act” because its enactment would nullify laws in the State of Missouri that the general assembly and the people of Missouri strongly support; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri's congressional delegation, the President of the United States, the Majority Leader and the Minority Leader of the United States Senate, the Speaker and the Minority Leader of the United States House of Representatives, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate with a request that the resolution be printed in the Congressional Record.

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

INTRODUCTION OF BILLS

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

SB 218—By Ridgeway.

An Act to repeal section 211.447, 211.462, and 211.477, RSMo, and to enact in lieu thereof five new sections relating to jury trials in termination of parental rights proceedings.

SB 219—By Ridgeway.

An Act to repeal section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in

lieu thereof one new section relating to continuous alcohol monitoring.

SB 220—By Goodman.

An Act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

SB 221—By Goodman.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting arrest, with penalty provisions.

SB 222—By Goodman.

An Act to repeal sections 210.841, 452.305, 452.310, 452.312, 452.343, 454.500, 454.905, and 454.951, RSMo, and to enact in lieu thereof seven new sections relating to the use and disclosure of personal identification information in certain documents.

SB 223—By Goodman.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions.

SB 224—By Goodman.

An Act to repeal sections 351.085, 351.106, and 355.576, RSMo, and to enact in lieu thereof three new sections relating to articles of incorporation.

SB 225—By Goodman.

An Act to repeal section 532.480, RSMo, and to enact in lieu thereof one new section relating to release on bail.

SB 226—By Bartle.

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions.

SB 227—By Dempsey.

An Act to repeal section 578.023, RSMo, and to enact in lieu thereof one new section relating to dangerous wild animals, with penalty provisions.

SB 228—By Scott, Barnitz, Shoemyer, Vogel, Griesheimer, Green and Engler.

An Act to repeal section 393.135, RSMo, and to enact in lieu thereof sixteen new sections relating to clean energy generation.

SB 229—By Bray.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the posting of nurse staffing levels at hospitals.

SB 230—By Bray.

An Act to amend chapter 445, RSMo, by adding thereto seventy-six new sections relating to the uniform

planned community act.

SB 231—By Cunningham.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

SB 232—By Cunningham.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to education requirements for public employees.

SB 233—By Cunningham.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to teacher certification.

SB 234—By Cunningham.

An Act to repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salaries.

SB 235—By Cunningham.

An Act to repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-nine new sections relating to manufactured homes, with penalty provisions.

SB 236—By Lembke.

An Act to repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims.

SB 237—By Lembke.

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

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:

John M. Britt, 2158 Englewood Terrace, Chesterfield, St. Louis County, Missouri 63017, as Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

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:

Margaret T. Donnelly, 68 Lake Forest Drive, St. Louis, St. Louis County, Missouri 63117, as Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

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:

Ronald J. Levy, 21 Claremont Lane, St. Louis, St. Louis City, Missouri 63124, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

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:

George A. Lombardi, 1922 Whitney Woods, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Corrections, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

January 21, 2009

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:

Lawrence G. Rebman, 6015 McGee St., Kansas City, Jackson County, Missouri 64113, as Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kelvin L. Simmons, as Commissioner of the Office of Administration;

Also,

Karen King Mitchell, as Director of the Department of Revenue;

Also,

Stephen L. Danner, as Adjutant General of the Missouri National Guard.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

COMMITTEE APPOINTMENTS

President Pro Tem Shields submitted the following pursuant to **HCR 10**:

January 22, 2009

Ms. Terry Spieler
Secretary of the Senate
Room 325, State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler,

I have appointed the following Senators to serve as the Senate Escort Committee for the State of the State address:

Senator Bray
Senator Callahan
Senator Days
Senator Dempsey
Senator Engler
Senator Goodman

Senator Green
Senator Scott
Senator Stouffer
Senator Shields

Sincerely,
/s/ Charlie
Charles W. Shields

President Pro Tem Shields submitted the following pursuant to **HCR 11**:

January 22, 2009

Ms. Terry Spieler
Secretary of the Senate
Room 325, State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler,

I have appointed the following Senators to serve as the Senate Escort Committee for the State of the Judiciary Address:

Senator Bartle
Senator Callahan
Senator Cunningham
Senator Days
Senator Justus
Senator Lembke
Senator Mayer
Senator Schaefer
Senator Schmitt
Senator Smith

Sincerely,
/s/ Charlie
Charles W. Shields

REFERRALS

President Pro Tem Shields referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

- SB 1**—Small Business, Insurance and Industry.
- SB 2**—Judiciary and Civil and Criminal Jurisprudence.
- SB 3**—Judiciary and Civil and Criminal Jurisprudence.

- SB 4**—Health, Mental Health, Seniors and Families.
- SB 5**—Jobs, Economic Development and Local Government.
- SB 6**—Jobs, Economic Development and Local Government.
- SB 7**—Jobs, Economic Development and Local Government.
- SB 8**—Judiciary and Civil and Criminal Jurisprudence.
- SB 9**—Health, Mental Health, Seniors and Families.
- SB 10**—Agriculture, Food Production and Outdoor Resources.
- SB 11**—Agriculture, Food Production and Outdoor Resources.
- SB 12**—Education.
- SB 13**—Transportation.
- SB 14**—Financial and Governmental Organizations and Elections.
- SB 15**—General Laws.
- SB 16**—Small Business, Insurance and Industry.
- SB 17**—Progress and Development.
- SB 18**—Progress and Development.
- SB 19**—Ways and Means.
- SB 20**—Financial and Governmental Organizations and Elections.
- SB 21**—Financial and Governmental Organizations and Elections.
- SB 22**—Financial and Governmental Organizations and Elections.
- SB 23**—Education.
- SB 24**—Education.
- SB 25**—Education.
- SB 26**—General Laws.
- SB 27**—General Laws.
- SB 28**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 29**—Agriculture, Food Production and Outdoor Resources.
- SB 30**—Transportation.
- SB 31**—Transportation.
- SB 32**—Ways and Means.
- SB 33**—Education.
- SB 34**—Health, Mental Health, Seniors and Families.
- SB 35**—Financial and Governmental Organizations and Elections.

- SB 36**—Judiciary and Civil and Criminal Jurisprudence.
- SB 37**—General Laws.
- SB 38**—Jobs, Economic Development and Local Government.
- SB 39**—Judiciary and Civil and Criminal Jurisprudence.
- SB 40**—Education.
- SB 41**—Education.
- SB 42**—Education.
- SB 43**—Commerce, Consumer Protection, Energy and the Environment.
- SB 44**—Jobs, Economic Development and Local Government.
- SB 45**—Jobs, Economic Development and Local Government.
- SB 46**—Judiciary and Civil and Criminal Jurisprudence.
- SB 47**—General Laws.
- SB 49**—Ways and Means.
- SB 50**—Progress and Development.
- SB 51**—Education.
- SB 52**—Judiciary and Civil and Criminal Jurisprudence.
- SB 53**—General Laws.
- SB 54**—Judiciary and Civil and Criminal Jurisprudence.
- SB 55**—Education.
- SB 56**—Education.
- SB 57**—Transportation.
- SB 58**—Transportation.
- SB 59**—Transportation.
- SB 60**—Education.
- SB 61**—Health, Mental Health, Seniors and Families.
- SB 62**—General Laws.
- SB 63**—General Laws.
- SB 64**—Education.
- SB 65**—Commerce, Consumer Protection, Energy and the Environment.
- SB 66**—Financial and Governmental Organizations and Elections.
- SB 67**—Jobs, Economic Development and Local Government.
- SB 68**—Progress and Development.

- SB 69**—Small Business, Insurance and Industry.
- SB 70**—Financial and Governmental Organizations and Elections.
- SB 71**—Governmental Accountability and Fiscal Oversight.
- SB 72**—Health, Mental Health, Seniors and Families.
- SB 73**—Progress and Development.
- SB 74**—Governmental Accountability and Fiscal Oversight.
- SB 75**—Governmental Accountability and Fiscal Oversight.
- SB 76**—Education.
- SB 77**—Health, Mental Health, Seniors and Families.
- SB 78**—Education.
- SB 79**—Education.
- SB 80**—Jobs, Economic Development and Local Government.
- SB 81**—Judiciary and Civil and Criminal Jurisprudence.
- SB 82**—Judiciary and Civil and Criminal Jurisprudence.
- SB 83**—General Laws.
- SB 84**—Transportation.
- SB 85**—Governmental Accountability and Fiscal Oversight.
- SB 86**—Progress and Development.
- SB 87**—Ways and Means.
- SB 88**—Transportation.
- SB 89**—Health, Mental Health, Seniors and Families.
- SB 90**—Health, Mental Health, Seniors and Families.
- SB 91**—Financial and Governmental Organizations and Elections.
- SB 92**—Financial and Governmental Organizations and Elections.
- SB 93**—Transportation.
- SB 94**—Education.
- SB 95**—Financial and Governmental Organizations and Elections.
- SB 96**—Health, Mental Health, Seniors and Families.
- SB 97**—Education.
- SB 98**—Governmental Accountability and Fiscal Oversight.
- SB 99**—Ways and Means.
- SB 100**—Transportation.

- SB 101**—Health, Mental Health, Seniors and Families.
- SB 102**—Jobs, Economic Development and Local Government.
- SB 103**—Governmental Accountability and Fiscal Oversight.
- SB 104**—Health, Mental Health, Seniors and Families.
- SB 105**—Governmental Accountability and Fiscal Oversight.
- SB 106**—Financial and Governmental Organizations and Elections.
- SB 107**—Governmental Accountability and Fiscal Oversight.
- SB 108**—Progress and Development.
- SB 109**—Progress and Development.
- SB 110**—Transportation.
- SB 111**—Ways and Means.
- SB 112**—Judiciary and Civil and Criminal Jurisprudence.
- SB 113**—Ways and Means.
- SB 114**—Transportation.
- SB 115**—Financial and Governmental Organizations and Elections.
- SB 116**—Education.
- SB 117**—Education.
- SB 118**—Agriculture, Food Production and Outdoor Resources.
- SB 119**—Commerce, Consumer Protection, Energy and the Environment.
- SB 120**—Health, Mental Health, Seniors and Families.
- SB 121**—Governmental Accountability and Fiscal Oversight.
- SB 122**—Jobs, Economic Development and Local Government.
- SB 123**—Jobs, Economic Development and Local Government.
- SB 124**—Transportation.
- SB 125**—Transportation.
- SB 126**—Small Business, Insurance and Industry.
- SB 127**—General Laws.
- SB 128**—Transportation.
- SB 129**—Transportation.
- SB 130**—Transportation.
- SB 131**—Jobs, Economic Development and Local Government.
- SB 132**—Education.

SB 133—Education.

SB 134—Transportation.

SB 135—Education.

SB 136—Jobs, Economic Development and Local Government.

SB 137—Health, Mental Health, Seniors and Families.

SB 138—Governmental Accountability and Fiscal Oversight.

SB 139—Education.

SB 140—Judiciary and Civil and Criminal Jurisprudence.

SB 141—General Laws.

SB 142—Governmental Accountability and Fiscal Oversight.

SB 143—Agriculture, Food Production and Outdoor Resources.

SB 144—Health, Mental Health, Seniors and Families.

SB 145—Financial and Governmental Organizations and Elections.

SB 146—Governmental Accountability and Fiscal Oversight.

SB 147—Health, Mental Health, Seniors and Families.

SB 148—Governmental Accountability and Fiscal Oversight.

SB 149—Health, Mental Health, Seniors and Families.

SB 150—Veterans' Affairs, Pensions and Urban Affairs.

RE-REFERRALS

President Pro Tem Shields re-referred **SB 1** to the Committee on Financial and Governmental Organizations and Elections.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 105, regarding Michael David Robert Jennemann, which was adopted.

Senator Ridgeway offered Senate Resolution No. 106, regarding Cody William Cash, which was adopted.

Senator Ridgeway offered Senate Resolution No. 107, regarding Sean Patrick Keenan, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 108, regarding Bryan Lloyd Otte, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 109, regarding Ryan Michael Curtis, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 110, regarding Jordon A. Cook, which was adopted.

Senator Ridgeway offered Senate Resolution No. 111, regarding Matthew Donald “Matt” Shuman, Kansas City, which was adopted.

Senator Days offered Senate Resolution No. 112, regarding Ardell Henderson, Jr., Berkeley, which was adopted.

Senator Days offered Senate Resolution No. 113, regarding the Fiftieth Birthday of Venus McGhaw, Berkeley, which was adopted.

Senator Schaefer offered Senate Resolution No. 114, regarding Jennifer Rawson, Ashland, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Roman and Linda Marquart, Washington.

Senator Nodler introduced to the Senate, Villa and Gary Waltz and Shelton Solum, Ben Sisseck, Caroline Waldbuesser, Steven Chartier, Chelsea Smith, Laura Myers, Shelby Carnes, Elizabeth Housh, Kayla Whitemyer, Cheyenne Tilley, Darren Adams, Ryan Rector, Morgan Faubion, Travis Ball, Caleb Russell, Matt McDowell, Andrew Chartier, Shaun Athey and Daniel Sprenkle, students from Jasper High School participating in the Creating Civic Leaders program.

Senator Shields introduced to the Senate, Ann Turner, Sedalia.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, January 26, 2009.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 26, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 151-Clemens
SB 152-Clemens
SB 153-Clemens
SB 154-Goodman
SB 155-Goodman
SB 156-Goodman
SB 157-Schmitt
SB 158-Clemens
SB 159-Clemens
SB 160-Crowell
SB 161-Crowell
SB 162-Crowell
SB 163-Justus
SB 164-Justus
SB 165-Justus

SB 166-Justus
SB 167-Rupp
SB 168-Shoemyer
SB 169-Shoemyer and Engler
SB 170-Shoemyer
SB 171-Griesheimer
SB 172-Green
SB 173-Green
SB 174-Griesheimer
SB 175-Schmitt
SB 176-Stouffer
SB 177-Stouffer
SB 178-Stouffer
SB 179-Wright-Jones
SB 180-Bartle

SB 181-Bartle	SB 216-Scott
SB 182-Bartle	SB 217-Goodman
SB 183-Bartle	SB 218-Ridgeway
SB 184-Bartle	SB 219-Ridgeway
SB 185-Bray	SB 220-Goodman
SB 186-Bray	SB 221-Goodman
SB 187-Vogel	SB 222-Goodman
SB 188-Dempsey, et al	SB 223-Goodman
SB 189-Shields	SB 224-Goodman
SB 190-Shoemyer	SB 225-Goodman
SB 191-Shoemyer	SB 226-Bartle
SB 192-Shoemyer	SB 227-Dempsey
SB 193-Shoemyer	SB 228-Scott, et al
SB 194-Shoemyer	SB 229-Bray
SB 195-Shoemyer	SB 230-Bray
SB 196-Shoemyer	SB 231-Cunningham
SB 197-Goodman	SB 232-Cunningham
SB 198-McKenna	SB 233-Cunningham
SB 199-McKenna	SB 234-Cunningham
SB 200-Cunningham	SB 235-Cunningham
SB 201-Cunningham	SB 236-Lembke
SB 202-Schaefer	SB 237-Lembke
SB 203-Justus	SJR 1-Bartle
SB 204-Goodman, et al	SJR 2-Bartle
SB 205-Shoemyer	SJR 3-Crowell
SB 206-Shoemyer	SJR 4-Cunningham
SB 207-Rupp	SJR 5-Schmitt
SB 208-Rupp	SJR 6-Lager
SB 209-Clemens	SJR 7-Rupp
SB 210-Lembke and Cunningham	SJR 8-Shoemyer and Purgason
SB 211-Lembke	SJR 9-Lembke and Cunningham
SB 212-Griesheimer	SJR 10-Lembke
SB 213-Scott	SJR 11-Lembke
SB 214-Scott	SJR 12-Scott
SB 215-Shields	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 11-Bartle, et al

SCR 12-Bray

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