

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 29, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The tongue is the heart’s pen and the mind’s messenger.” (Bahya, *Hobot HaLebabot*)

As we return home to be with loved ones and work with others around us, make us mindful Lord of the power of what we say. Our words have tremendous impact on those who hear them and we should desire never to bring hurt or pain from them. Assist us to always take a moment to think of what we will say and how they will be received by the listener so our intentions are clear and positively heard. 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 Purgason offered Senate Resolution No. 178, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Lee Winfrey, Lebanon, which was adopted.

Senator Shoemyer offered Senate Resolution No. 179, regarding Katie Walker, Hannibal, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lembke moved that **HCR 5** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Lembke, **HCR 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	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—32

NAYS—Senator Bray—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Lembke, title to the concurrent resolution was agreed to.

Senator Lembke moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

INTRODUCTION OF BILLS

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

SB 268—By Justus.

An Act to repeal sections 59.319 and 215.036, RSMo, and to enact in lieu thereof two new sections relating to the Missouri housing trust fund.

SB 269—By Rupp and Cunningham.

An Act to repeal sections 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, and 379.1412, RSMo, and to enact in lieu thereof nine new sections relating to captive insurance companies.

SB 270—By Bray.

An Act to repeal sections 130.016, 130.021, and 130.037, RSMo, and to enact in lieu thereof four new

sections relating to campaign contribution limits.

SB 271—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto eighteen new sections relating to senior citizen homestead deferral of taxes.

SB 272—By Lager.

An Act to repeal section 644.054, RSMo, and to enact in lieu thereof one new section relating to water pollution permit fees.

SB 273—By Engler.

An Act to repeal section 577.070, RSMo, and to enact in lieu thereof one new section relating to the death penalty for littering, with penalty provisions.

SB 274—By Crowell.

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 275—By Callahan.

An Act to repeal section 173.392, RSMo, and to enact in lieu thereof two new sections relating to higher education tuition.

SJR 13—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 (a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

Senator Engler requested unanimous consent of the Senate to withdraw **SB 273**, which request was granted.

President Pro Tem Shields assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer assumed the Chair.

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:

George A. Lombardi, as Director of the Department of Corrections;

Also,

Dr. Jon M. Hagler, as Director of the Department of Agriculture;

Also,

Ronald J. Levy, as Director of the Department of Social Services;

Also,

Lawrence G. Rebman, as Director of the Department of Labor and Industrial Relations;

Also,

John M. Britt, as Director of the Department of Public Safety.

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.

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Wright-Jones, the above motion was withdrawn.

Senator Shields requested unanimous consent of the Senate to have the committee report on Linda M. Martinez, as Director of the Department of Economic Development, returned to the Committee on Gubernatorial Appointments, which request was granted.

REFERRALS

President Pro Tem Shields referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields assumed the Chair.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 5**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no

objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

Senator Griesheimer assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 238—Ways and Means.

SB 239—Judiciary and Civil and Criminal Jurisprudence.

SB 240—Transportation.

SB 241—Ways and Means.

SB 242—Jobs, Economic Development and Local Government.

SB 243—Financial and Governmental Organizations and Elections.

SB 244—Health, Mental Health, Seniors and Families.

SB 245—Commerce, Consumer Protection, Energy and the Environment.

SB 246—Jobs, Economic Development and Local Government.

SB 247—Jobs, Economic Development and Local Government.

SB 248—Jobs, Economic Development and Local Government.

SB 249—General Laws.

SB 250—Financial and Governmental Organizations and Elections.

SB 251—General Laws.

SB 252—Governmental Accountability and Fiscal Oversight.

SB 253—Jobs, Economic Development and Local Government.

SB 254—Governmental Accountability and Fiscal Oversight.

SB 255—Education.

SB 256—Jobs, Economic Development and Local Government.

SB 257—Ways and Means.

SB 258—Jobs, Economic Development and Local Government.

SB 259—Education.

SB 260—Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Dr. Richard D. Barlet and his wife, Pam, Carthage.

Senator Wilson introduced to the Senate, Dr. Sere S. Myers, Sr., his wife, Mrs. Mary Jane Myers and their children, Stewart S. and Sheryll.

Senator Cunningham introduced to the Senate, Dr. William Moorekamp and his wife, Carol,

Chesterfield.

Senator Days introduced to the Senate, leaders of the Family and Community Trust Board from around the state.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 2, 2009.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 2, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 261-Bartle	SB 269-Rupp and Cunningham
SB 262-Bartle	SB 270-Bray
SB 263-Mayer	SB 271-Bray
SB 264-Mayer	SB 272-Lager
SB 265-Mayer, et al	SB 274-Crowell
SB 266-Mayer	SB 275-Callahan
SB 267-Mayer and Green	SJR 13-Lager
SB 268-Justus	

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

RESOLUTIONS

SR 139-Engler
SR 153-Engler

SR 177-Champion

Reported from Committee

SR 141-Engler

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