

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 16, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost.” (John Quincy Adams, 6th President of the United States)

Gracious God, You have blessed us with outstanding leaders called like we are to serve the people who elected them. Help us always to be people of integrity who vote for the principles and values we hold most dear. Guide us along right pathways that provide decisions and actions to reflect the type of people You want us to be. And abide with us so we may know You and converse with You. 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 for Thursday, February 12, 2009 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 Scott offered Senate Resolution No. 308, regarding Christopher Andrew Hoffmann, Sedalia, which was adopted.

Senator Schmitt offered Senate Resolution No. 309, regarding Aimee Rich, which was adopted.

Senator Schmitt offered Senate Resolution No. 310, regarding the Highway 61 Roadhouse and Kitchen, which was adopted.

Senator Schmitt offered Senate Resolution No. 311, regarding Deborah Reid, which was adopted.

Senator Schmitt offered Senate Resolution No. 312, regarding the Shepherd's Center of Webster/Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 313, regarding Don and Tracy Drissell, which was adopted.

Senator Schmitt offered Senate Resolution No. 314, regarding Emmanuel and Dawn Martirez, which was adopted.

Senator Schmitt offered Senate Resolution No. 315, regarding Ed Johnson, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 316, regarding Irving School, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 317, regarding Carolyn Hewes Toft, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 318, regarding the Meeks family, which was adopted.

Senator Bray offered Senate Resolution No. 319, regarding the Sixty-sixth Wedding Anniversary of Mr. and Mrs. George Trebilcock, Overland, which was adopted.

Senator Vogel offered Senate Resolution No. 320, regarding Twehous Excavating Company, Incorporated, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 321, regarding Opies Transport, Incorporated, Eldon, which was adopted.

Senator Mayer offered Senate Resolution No. 322, regarding Samantha Green, Malden, which was adopted.

Senator Scott offered Senate Resolution No. 323, regarding Joni Bollig, which was adopted.

Senator Crowell offered Senate Resolution No. 324, regarding Martha A. Floyd, Millersville, which was adopted.

Senator Engler offered Senate Resolution No. 325, regarding Joseph Benson, Potosi, which was adopted.

Senator Griesheimer offered Senate Resolution No. 326, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Floyd T. Pratt, St. Clair, which was adopted.

Senator Shields offered Senate Resolution No. 327, regarding Beauford Wayne "B.W." Robinson, which

was adopted.

INTRODUCTION OF BILLS

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

SB 376—By Lager and Callahan.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to energy efficiency investments by electric and gas corporations.

SB 377—By Rupp.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to research park annexation.

SB 378—By Nodler.

An Act to repeal sections 208.437, 208.480, 338.535, 338.550, and 633.401, RSMo, and to enact in lieu thereof five new sections relating to certain provider taxes, with an emergency clause.

SB 379—By McKenna.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees.

SB 380—By Stouffer.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for farm products sold at farmers' markets.

SB 381—By Schaefer.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to conservation easements.

SB 382—By Schaefer.

An Act to amend chapter 197, RSMo, by adding thereto eleven new sections relating to reporting, analysis, and dissemination of information about medical errors.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Shields referred **SS** for **SCS** for **SB 1** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 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:

Michelle L. Hoffmeister, 3071 Countryside Drive, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 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:

Brenda L. Niemeyer, Route 1, Box 174, Edina, Knox County, Missouri 63537, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2010, and until her successor is duly appointed and qualified; vice, Kim Riley, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 12, 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:

Sharon M. Williams, 5537 North East Northgate Crossing, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2009, and until her successor is duly appointed and qualified; vice, Pamela Schneeflock, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

February 16, 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:

Peggy Gettemeier, 1072 Chalet Drive, Ferguson, Saint Louis County, Missouri 63135, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
February 16, 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:

Jimmie Lee Wells, Democrat, 12488 Highway Y, Bowling Green, Pike County, Missouri 63334, as a member of the Board of Probation and Parole, for a term ending February 16, 2015, and until his successor is duly appointed and qualified; vice, David Bertrand, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on gubernatorial Appointments.

SECOND READING OF SENATE BILLS

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

- SB 352**—Health, Mental Health, Seniors and Families.
- SB 353**—Jobs, Economic Development and Local Government.
- SB 354**—Jobs, Economic Development and Local Government.
- SB 355**—Jobs, Economic Development and Local Government.
- SB 356**—Agriculture, Food Production and Outdoor Resources.
- SB 357**—Transportation.
- SB 358**—Jobs, Economic Development and Local Government.
- SB 359**—Jobs, Economic Development and Local Government.
- SB 360**—Financial and Governmental Organizations and Elections.
- SB 361**—Financial and Governmental Organizations and Elections.
- SB 362**—Jobs, Economic Development and Local Government.
- SB 363**—Jobs, Economic Development and Local Government.
- SB 364**—Agriculture, Food Production and Outdoor Resources.
- SB 365**—Health, Mental Health, Seniors and Families.
- SB 366**—Rules, Joint Rules, Resolutions and Ethics.
- SB 367**—Ways and Means.

SB 368—Transportation.

SB 369—Health, Mental Health, Seniors and Families.

SB 370—Financial and Governmental Organizations and Elections.

SB 371—Commerce, Consumer Protection, Energy and the Environment.

SB 372—Agriculture, Food Production and Outdoor Resources.

SB 373—Education.

SB 374—General Laws.

SB 375—Health, Mental Health, Seniors and Families.

RE-REFERRALS

President Pro Tem Shields re-referred **SB 191** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 12, 2009

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

RE: Appointment to the Joint Committee on Tax Policy

Dear Ms. Spieler,

Pursuant to Section 21.810, RSMo, I am appointing Senator Robin Wright-Jones to the Joint Committee on Tax Policy.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields
President Pro-Tem

Also,

February 12, 2009

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

RE: Appointments to the Joint Committee on Capitol Improvements and Leases Oversight

Dear Ms. Spieler,

Pursuant to Section 21.530, RSMo, I am appointing the following Senators to the Joint Committee on Capitol Improvements and Leases Oversight:

Senator Timothy Green

Senator Robert Mayer

Senator David Pearce

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Charlie
Charles W. Shields
President Pro-Tem

Also,

February 13, 2009
Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointments to the Missouri Consolidated Health Care Plan Board of Trustees

Dear Ms. Spieler,

Pursuant to Section 103.008, RSMo, I am appointing the following Senators to the Missouri Consolidated Health Care Plan Board of Trustees:

Senator Scott
Senator Barnitz

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Charlie
Charles W. Shields
President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, members of Delta Sigma Theta Society, Inc. from around the state.

Senator Stouffer introduced to the Senate, members of 4-H Legislative Academy: Hannah Bartholomew, Taylor Moreland, and Samantha Warner, Johnson County; Meredith Brunkow, Clay County; Andrew Fisher and Ethan Colbert, Monroe County; Natasha Frost, Jackson County; Lane Howard and Julia Witthaus, Dent County; Sara Kahrs, St. Clair County; Tyler Lappe, Cape Girardeau County; Kelsea Scott, Cole County; and Rajaye Smith, Stoddard County.

Senator Scott introduced to the Senate, John Clark, Belton; Kevin Dockery, James, Tara and Megan Cihy, and members of Boy Scout Troop 34 Alan and Christian Dockery, Cole and Matthew Cihy, Trent Clark, and Tyler Davis, Warsaw.

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

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 376-Lager and Callahan

SB 377-Rupp

SB 378-Nodler
 SB 379-McKenna
 SB 380-Stouffer

SB 381-Schaefer
 SB 382-Schaefer

THIRD READING OF SENATE BILLS

SB 26-Ridgeway
 SCS for SBs 36 & 112-Goodman
 (In Fiscal Oversight)

SS for SCS for SB 1-Scott
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 45, 212, 136, 278, 279,
 285 & 288-Pearce, with SCS
 SB 140-Smith, with SCS
 SBs 223 & 226-Goodman, with SCS

SB 29-Stouffer
 SB 100-Schaefer, with SCS
 SB 58-Stouffer
 SB 189-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS
 (Griesheimer) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Goodman, with SCS & SA 1 (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to
 SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman
 SB 38-Rupp
 SB 147-Dempsey

SB 156-Goodman
 SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order (pending)

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