

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Compassion and justice are companions, not choices.” (William Sloane Coffin)

As we go through the various bills that confront us Lord, remind us that You seek justice and compassion in all decisions that affect the lives of the people we serve. Help us keep in mind that they are truly two colleagues that should not be seen separately for each offer a completion of the other. And help us to be people who live with both qualities in all we do everyday. 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.

President Pro Tem Shields assumed the Chair.

Senator Engler announced that photographers from KRCG-TV and Wade Multimedia, LLC, had been given permission to film in the Senate Chamber and Gallery 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.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 328, regarding Big Brothers Big Sisters of Eastern Missouri, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 329, regarding Kahlil Irving, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 330, regarding Nicola Loebel, Saint Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 331, regarding Nicholas Russo, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 332, regarding Nathan Russo, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 333, regarding Joseph Alan Hook, II, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 334, regarding Kyle Joe Johnson, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 335, regarding the One Hundredth Birthday of Betty McGrane Thurman, Festus, which was adopted.

Senator McKenna offered Senate Resolution No. 336, regarding Michael “Chris” Walter, Arnold, which was adopted.

Senator McKenna offered Senate Resolution No. 337, regarding Sumner Tristan Hunnewell, Arnold, which was adopted.

Senator McKenna offered Senate Resolution No. 338, regarding David M. Schoen, Imperial, which was adopted.

Senator McKenna offered Senate Resolution No. 339, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Freeman, which was adopted.

Senator Engler offered Senate Resolution No. 340, regarding Whitney Welch, Bonne Terre, which was adopted.

Senator Lager offered Senate Resolution No. 341, regarding the One Hundredth Birthday of Verda E. Stafford, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 342, regarding Julia Alexander Harris, Bethany, which was adopted.

INTRODUCTION OF BILLS

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

SB 383—By Dempsey.

An Act to repeal section 169.030, RSMo, and to enact in lieu thereof one new section relating to contribution rates for the public school retirement system of Missouri, with penalty provisions.

SB 384—By Lager.

An Act to repeal section 327.272, RSMo, and to enact in lieu thereof two new sections relating to geographical information systems.

SB 385—By Lager.

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to county ordinances governing brush control, with penalty provisions.

SB 386—By Lager.

An Act to repeal section 67.2000, RSMo, and to enact in lieu thereof one new section relating to the creation of exhibition and recreational facility districts.

SB 387—By Barnitz.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

SB 388—By Barnitz.

An Act to repeal sections 210.482, 210.486, 210.545, 210.565, 210.566, 453.026, and 453.030, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption.

SB 389—By Bray.

An Act to repeal sections 21.145, 105.456, 105.961, 105.963, 130.016, 130.021, 130.037, 130.047, and 130.048, RSMo, and to enact in lieu thereof thirteen new sections relating to ethics, with penalty provisions.

SB 390—By Schaefer and Pearce.

An Act to repeal section 173.1105, RSMo, and to enact in lieu thereof one new section relating to the access Missouri financial assistance program.

SB 391—By Schaefer.

An Act to amend chapter 319, RSMo, by adding thereto one new section relating to public safety arising from geologic sequestration.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 45, SB 212, SB 136, SB 278, SB 279, SB 285** and **SB 288**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 45, 212, 136, 278, 279, 285** and **288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 45, 212, 136, 278, 279, 285 and 288

An Act to repeal sections 100.760, 100.770, 100.850, 135.155, 135.680, 135.800, 135.802, 135.805, 253.550, 620.014, 620.017, 620.472, 620.495, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-five new sections relating to tax incentives for business development, with an emergency clause and an expiration date for a certain section.

Was taken up.

Senator Pearce moved that **SCS** for **SBs 45, 212, 136, 278, 279, 285** and **288** be adopted.

At the request of Senator Pearce, **SB 45**, **SB 212**, **SB 136**, **SB 278**, **SB 279**, **SB 285** and **SB 288**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Smith moved that **SB 140**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 140**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 140**

An Act to repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

Was taken up.

Senator Smith moved that **SCS** for **SB 140** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Smith, **SCS** for **SB 140** was declared perfected and ordered printed.

Senator Goodman moved that **SB 223** and **SB 226**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 223** and **226**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 223 and 226**

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

Was taken up.

Senator Goodman moved that **SCS** for **SBs 223** and **226** be adopted.

At the request of Senator Goodman, **SB 223** and **SB 226**, with **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 36** and **112**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Nodler, Chairman of the Committee on Appropriations, Senator Engler submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 313**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt assumed the Chair.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 5, as it appears on Page 91 of the Senate Journal for Monday, January 12, 2009, Line 45 of said journal page, by striking "1994" and inserting in lieu thereof the following: "**1944**".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 304**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 303**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 302**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE RESOLUTION NO. 207

WHEREAS, the education of its youth is one of the highest priorities of the Missouri State Constitution; and

WHEREAS, the Missouri Senate strongly concurs therein; and

WHEREAS, the St. Louis Public School District and the Kansas City School District have been entrusted with that task; and

WHEREAS, the St. Louis Public School District and the Kansas City School District are political subdivisions of the state of Missouri and they derive the vast majority of their funding and their authority from the state of Missouri; and

WHEREAS, the St. Louis Public School District and the Kansas City School District have closed many school buildings in recent years; and

WHEREAS, these school buildings were constructed over the course of the past century with the use of taxpayer money for the purpose of providing a free public education in accordance with the principles of the Missouri Constitution; and

WHEREAS, many of these school buildings remain suitable facilities for providing an education for Missouri's children; and

WHEREAS, the St. Louis Public School District and the Kansas City School District are attempting to sell many of their now closed school buildings; and

WHEREAS, private, religious and public charter schools also educate the youth of Missouri within the St. Louis Public School District and the Kansas City School District; and

WHEREAS, reports of discriminatory sales practices by the St. Louis Public School District and the Kansas City School District of surplus school buildings against private, religious or public charter schools have been reported; and

WHEREAS, these buildings were architecturally designed to be used as school facilities for educating children, and by such a design, cannot easily be used for other purposes; and

WHEREAS, such practices would constitute an inefficient use and a waste of limited resources that could be used in a productive and effective manner to educate children; and

WHEREAS, such practices would constitute a public discredit to institutions of state and local government by needlessly preventing their use and represents a waste of state funds and tax dollars, particularly given the difficult and challenging economic times; and

WHEREAS, such practices would be anathema to sound business practice, the Constitution of Missouri, the interests of taxpayers, the education of youth, and the Missouri Senate:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby ask the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, the members of the board of education of the Kansas City School District, and the superintendent and officers of the Kansas City School District to determine if any such policy of discriminatory sales practice is held or similar practice is tolerated and report their intention to cease such policy and practices immediately and to respond to the members of the Missouri Senate regarding their compliance at the next public meeting of the Special Administrative Board of the Transitional School District of the City of St. Louis and the next public meeting of the board of education of the Kansas City School District; 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 Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, the members of the board of education of the Kansas City School District, and the superintendent and officers of the Kansas City School District, and send them via the United States Postal Service, with return receipt service.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 140**, 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 **SCS** for **SB 140** to the Committee on Governmental Accountability and Fiscal Oversight.

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, after examination of **SB 38**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 343, regarding Kevin Michael Tew, Benton, which was adopted.

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: Appointments to the Joint Committee on Legislative Research

Dear Ms. Spieler,

Pursuant to Section 23.010, RSMo, I am appointing the following Senators to the Joint Committee on Legislative Research:

Senator Jason Crowell
Senator Tom Dempsey
Senator Jack Goodman
Senator Timothy Green
Senator Jeff Smith

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 16, 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 Transportation Oversight

Dear Ms. Spieler,

Pursuant to Section 21.795, RSMo, I am appointing Senator Bill Stouffer to the Joint Committee on Transportation Oversight.

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 Griesheimer introduced to the Senate, Tim Baker and Bill McLaren, Pacific.

On behalf of Senator Shields, the President introduced to the Senate, Robert and Matthew Wagner, Platte County.

Senator Shoemyer introduced to the Senate, Dr. Bill Heffernan, Columbia.

Senator Barnitz introduced to the Senate, Jonna Cartwright, Salem; Lisa Brun, Switzerland; Leslie Huffman, Rolla; and Leisa Stilley, Licking.

Senator Mayer introduced to the Senate, teachers and students, Kristen Alexander, Geortasia Bryant, Austin Sellers, Kaitlyn Bracken, Olivia Akins, Dalton Gurley, Bethany Beck, Madison Prater, Cameron Floyd, Hunter Dickey, Kendall Pittman, Alana Mann, Statyn Coppage, Morgan Russell, Caleigh Griffin, Alyssa Counce, Sadie Singleton, Ben Counce, Corey Miller, Stacy Bradshaw, Ginger Goldsby and Stephanie McGraw, from Caruthersville Middle School; and Ben, Corey, Stacy, Ginger and Stephanie were made honorary pages.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank Reiger, III, M.D., FACS, Columbia.

Senator Pearce introduced to the Senate, Samantha Warner, Archie.

Senator Ridgeway introduced to the Senate, Meredith Brunkow, Kearney.

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

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 18, 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
 SB 383-Dempsey

SB 384-Lager
 SB 385-Lager
 SB 386-Lager
 SB 387-Barnitz
 SB 388-Barnitz
 SB 389-Bray
 SB 390-Schaefer and Pearce
 SB 391-Schaefer

THIRD READING OF SENATE BILLS

SB 26-Ridgeway
 SCS for SBs 36 & 112-Goodman
 SS for SCS for SB 1-Scott (In Fiscal Oversight)

SCS for SB 140-Smith and Wright-Jones
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

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

SB 189-Shields, with SCS
SB 313-Nodler and Bray, 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)
SBs 45, 212, 136, 278, 279, 285 &
288-Pearce, with SCS (pending)

SB 128-Rupp, with SCS, SA 1 & SA 1 to
SA 1 (pending)
SBs 223 & 226-Goodman, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/11

SB 154-Goodman
SB 147-Dempsey

SB 156-Goodman
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

SR 141-Engler, with point of order
(pending)
SCR 5-Stouffer, with SCA 1
SCR 7-Pearce
SR 304-Shields

SR 303-Shields
SR 302-Shields
SCR 17-Shields
SR 207-Lembke, with SCS

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