

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY—TUESDAY, JANUARY 19, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Cast your cares on the Lord and he will sustain you; he will never let the righteous fall. (Psalm 55:22)

Almighty God, we give You thanks for bringing us safely here, watching our "going out and coming in." Guide and direct our efforts this week and help us deal effectively with those things that are important and necessary. 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, January 14, 2010 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	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	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. 1377, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Cooper, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 1378, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Carr, West Plains, which was adopted.

Senator Shields offered Senate Resolution No. 1379, regarding Joseph Isiah Torchia, Platte City, which was adopted.

Senator Lembke offered Senate Resolution No. 1380, regarding Jeff Gordon Will, which was adopted.

Senators Champion and Crowell offered Senate Resolution No. 1381, regarding Steve Cropper, Nashville, Tennessee, which was adopted.

Senators Champion and Crowell offered Senate Resolution No. 1382, regarding Hollis Cropper, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1383, regarding Norm Sutterer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1384, regarding the death of Delores Jean Bell Cornelius, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1385, regarding Jerry Lee, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1386, regarding Susan Casaleggi, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 1387, regarding Charles F. Redmond, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1388, regarding Jonathan Schmitt, Marthasville, which was adopted.

Senator Schmitt offered Senate Resolution No. 1389, regarding Mike Brown, which was adopted.

Senator Schmitt offered Senate Resolution No. 1390, regarding Beverly Collin, which was adopted.

Senator Schmitt offered Senate Resolution No. 1391, regarding Adams Place Retirement Community, which was adopted.

Senator Schmitt offered Senate Resolution No. 1392, regarding The Magic House, St. Louis Children's Museum, which was adopted.

Senator Schmitt offered Senate Resolution No. 1393, regarding O'Toole Design Associates, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1394, regarding Tom Riggs, St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 1395, regarding Millford Chism, Hayti, which was adopted.

Senator Barnitz offered Senate Resolution No. 1396, regarding Miriam Flores, St. Robert, which was adopted.

Senator Purgason offered Senate Resolution No. 1397, regarding Brandon Joseph Kapp, which was adopted.

Senator Purgason offered Senate Resolution No. 1398, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Starcevich, Osage Beach, which was adopted.

CONCURRENT RESOLUTIONS

Senator Schaefer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 39

WHEREAS, over ninety years ago citizens of the United States dedicated themselves to building a memorial to honor all the individuals who served in World War I; and

WHEREAS, this memorial, the Liberty Memorial in Kansas City, Missouri, was intended to be “a living expression for all time of the gratitude of a grateful people to those who offered and who gave their lives in defense of liberty and our country;” and

WHEREAS, to that end, in 1919 the Liberty Memorial Association raised over \$2.5 million in just ten days to honor those who served in World War I; and

WHEREAS, in 1921, the five supreme allied commanders of the war from Belgium, Italy, France, Great Britain, and the United States gathered together in Kansas City, Missouri to dedicate the site for the Liberty Memorial; and

WHEREAS, the Liberty Memorial was designed, created, and dedicated by the same generation of individuals who lost their friends and family to World War I; and

WHEREAS, the United States Congress designated the museum at the Liberty Memorial as America's National World War I Museum in 2004; and

WHEREAS, the Secretary of the Interior recognized the national and historical significance of the Liberty Memorial by declaring it a National Historic Landmark in 2006; and

WHEREAS, in 2006, an over 100 million dollar renovation of the memorial and museum was completed and the state-of-the-art National World War I Museum opened; and

WHEREAS, the centrally located Liberty Memorial has served as an easily accessible unofficial national memorial for decades:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, believe that no more fitting memorial exists to the sacrifice of the brave men and women who served in World War I than the Liberty Memorial in Kansas City, Missouri and urge the United States Congress to designate the Liberty Memorial as the National World War I Memorial by passing H.R. 1849 and S. 760, as proposed by the 1st Session of the 111th United States Congress; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the Interior and each member of Missouri's congressional delegation.

INTRODUCTION OF BILLS

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

SB 788—By Lembke.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to interscholastic athletics.

SB 789—By Shoemyer and Barnitz.

An Act to repeal section 348.432, RSMo, and to enact in lieu thereof one new section relating to the

new generation cooperative tax credit program.

SB 790—By Shoemyer.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to identifiable information in registries maintained by public governmental bodies to assist certain individuals in case of a disaster or emergency.

SB 791—By Griesheimer.

An Act to repeal sections 204.300, 204.571, 250.070, and 250.233, RSMo, and to enact in lieu thereof four new sections relating to sewer districts.

SB 792—By Dempsey and Rupp.

An Act to repeal sections 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof three new sections relating to abortion recordkeeping, with penalty provisions.

SB 793—By Mayer, Dempsey, Rupp, Nodler, Lembke and Stouffer.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

SB 794—By Mayer.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to license plates for property-carrying commercial motor vehicles.

SB 795—By Mayer and Nodler.

An Act to repeal section 319.306, RSMo, and to enact in lieu thereof one new section relating to blasting safety, with a penalty provision.

SB 796—By Bray.

An Act to repeal sections 116.080, 116.090, 116.180, 116.332, and 116.334, RSMo, and to enact in lieu thereof seven new sections relating to initiative and referendum petitions, with penalty provisions.

SB 797—By Green.

An Act to repeal sections 56.805 and 56.814, RSMo, and to enact in lieu thereof eight new sections relating to district attorneys.

Senator Pearce assumed the Chair.

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:

Donald C. Bedell, Republican, as a member of the Conservation Commission;

Also,

David D. Kerr, as Director of the Department of Economic Development;

Also,

Kelley Martin, Republican, as a member of the Missouri Development Finance Board;

Also,

John Stanfield, Democrat and Timothy M. Joyce, Republican, as members of the Missouri Housing Development Commission;

Also,

William Miller, Jr., as Director of the Division of Personnel for the Office of Administration;

Also,

Mary Dandurand and Marvin Wright, Democrats, as members of the University of Central Missouri Board of Governors;

Also,

John Huff, as a member of the Alzheimer's State Plan Task Force;

Also,

John Huff, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

P. Wayne Goode, Democrat, as a member of the University of Missouri Board of Curators;

Also,

Julie Jones, Republican, as a member of the Saint Louis County Board of Election Commissioners;

Also,

Gina Hoagland, Republican, Kevin Roberts, Stephen Snead and Jacque Land, Democrats, as members of the State Lottery Commission;

Also,

Robert Kenney, as a member of the Public Service Commission;

Also,

Ellis McSwain, Jr., Democrat, as a member of the Board of Probation and Parole;

Also,

Megan Thornberry, Democrat, as a member of the Kansas City Board of Election Commissioners.

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 appointed the following committee to act with a like committee from the House pursuant to **HCR 1**: Senators Shields, Engler, Mayer, Bartle, Nodler, Callahan, Green, Barnitz, Days and Keaveny.

REFERRALS

President Pro Tem Shields referred **SCR 36**, **SCR 37** and **SCR 38** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

- SB 683**—Governmental Accountability and Fiscal Oversight.
- SB 684**—Health, Mental Health, Seniors and Families.
- SB 685**—Small Business, Insurance and Industry.
- SB 686**—Ways and Means.
- SB 687**—Transportation.
- SB 688**—Education.
- SB 689**—Commerce, Consumer Protection, Energy and the Environment.
- SB 690**—Agriculture, Food Production and Outdoor Resources.
- SB 691**—Progress and Development.
- SB 692**—Judiciary and Civil and Criminal Jurisprudence.
- SB 693**—Health, Mental Health, Seniors and Families.
- SB 694**—Financial and Governmental Organizations and Elections.
- SB 695**—Judiciary and Civil and Criminal Jurisprudence.
- SB 696**—Judiciary and Civil and Criminal Jurisprudence.
- SB 697**—Ways and Means.
- SB 698**—Commerce, Consumer Protection, Energy and the Environment.
- SB 699**—Financial and Governmental Organizations and Elections.
- SB 700**—Jobs, Economic Development and Local Government.
- SB 701**—Transportation.
- SB 703**—Ways and Means.
- SB 705**—Commerce, Consumer Protection, Energy and the Environment.
- SB 706**—Small Business, Insurance and Industry.

- SB 707**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 708**—Judiciary and Civil and Criminal Jurisprudence.
- SB 709**—Financial and Governmental Organizations and Elections.
- SB 710**—Small Business, Insurance and Industry.
- SB 711**—Ways and Means.
- SB 712**—Financial and Governmental Organizations and Elections.
- SB 713**—Jobs, Economic Development and Local Government.
- SB 714**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 715**—Financial and Governmental Organizations and Elections.
- SB 716**—Transportation.
- SB 717**—General Laws.
- SB 718**—Governmental Accountability and Fiscal Oversight.
- SB 719**—Financial and Governmental Organizations and Elections.
- SB 720**—Transportation.
- SB 721**—General Laws.
- SB 722**—Small Business, Insurance and Industry.
- SB 723**—Transportation.
- SB 724**—Commerce, Consumer Protection, Energy and the Environment.
- SB 725**—Health, Mental Health, Seniors and Families.
- SB 726**—Ways and Means.
- SB 727**—Commerce, Consumer Protection, Energy and the Environment.
- SB 728**—Governmental Accountability and Fiscal Oversight.
- SB 729**—Jobs, Economic Development and Local Government.
- SB 730**—Financial and Governmental Organizations and Elections.
- SB 731**—Judiciary and Civil and Criminal Jurisprudence.
- SB 732**—Education.
- SB 733**—Education.
- SB 734**—Education.
- SB 735**—General Laws.
- SB 736**—Ways and Means.
- SB 737**—Financial and Governmental Organizations and Elections.
- SB 738**—Judiciary and Civil and Criminal Jurisprudence.

- SB 739**—Jobs, Economic Development and Local Government.
- SB 740**—Judiciary and Civil and Criminal Jurisprudence.
- SB 741**—Financial and Governmental Organizations and Elections.
- SB 742**—Health, Mental Health, Seniors and Families.
- SB 743**—Jobs, Economic Development and Local Government.
- SB 744**—Small Business, Insurance and Industry.
- SB 745**—Commerce, Consumer Protection, Energy and the Environment.
- SB 746**—Transportation.
- SB 747**—Small Business, Insurance and Industry.
- SB 748**—Small Business, Insurance and Industry.
- SB 749**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 750**—Commerce, Consumer Protection, Energy and the Environment.
- SB 751**—Transportation.
- SB 752**—Transportation.
- SB 753**—Jobs, Economic Development and Local Government.
- SB 754**—Jobs, Economic Development and Local Government.
- SB 755**—Jobs, Economic Development and Local Government.
- SB 756**—Financial and Governmental Organizations and Elections.
- SB 757**—Governmental Accountability and Fiscal Oversight.
- SB 758**—Financial and Governmental Organizations and Elections.
- SB 759**—Financial and Governmental Organizations and Elections.
- SB 760**—Financial and Governmental Organizations and Elections.
- SB 761**—Small Business, Insurance and Industry.
- SB 762**—Transportation.
- SB 763**—Commerce, Consumer Protection, Energy and the Environment.
- SB 764**—General Laws.
- SB 765**—Governmental Accountability and Fiscal Oversight.
- SB 766**—Agriculture, Food Production and Outdoor Resources.
- SB 767**—Judiciary and Civil and Criminal Jurisprudence.
- SB 768**—Education.
- SB 769**—Ways and Means.
- SB 770**—Small Business, Insurance and Industry.

- SB 771**—Financial and Governmental Organizations and Elections.
- SB 772**—Financial and Governmental Organizations and Elections.
- SB 773**—Financial and Governmental Organizations and Elections.
- SB 774**—Health, Mental Health, Seniors and Families.
- SB 775**—Education.
- SB 776**—Financial and Governmental Organizations and Elections.
- SB 777**—Financial and Governmental Organizations and Elections.
- SB 778**—General Laws.
- SB 779**—Judiciary and Civil and Criminal Jurisprudence.
- SB 780**—Judiciary and Civil and Criminal Jurisprudence.
- SB 781**—Transportation.
- SB 782**—Financial and Governmental Organizations and Elections.
- SB 783**—Education.
- SB 784**—Education.
- SB 785**—Commerce, Consumer Protection, Energy and the Environment.
- SB 786**—Small Business, Insurance and Industry.
- SB 787**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 19**—Transportation.
- SJR 20**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 21**—Governmental Accountability and Fiscal Oversight.
- SJR 22**—Progress and Development.
- SJR 23**—General Laws.
- SJR 24**—Ways and Means.
- SJR 25**—Governmental Accountability and Fiscal Oversight.
- SJR 26**—Governmental Accountability and Fiscal Oversight.
- SJR 27**—General Laws.
- SJR 28**—Judiciary and Civil and Criminal Jurisprudence.
- SJR 29**—Governmental Accountability and Fiscal Oversight.
- SJR 30**—Financial and Governmental Organizations and Elections.
- SJR 31**—General Laws.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

January 19, 2010

Honorable Charlie Shields
Pro Tem
Missouri Senate
State Capitol Building
Jefferson City, MO 65101

Dear Senator Shields,

This letter serves as notice that I'm resigning my position as a member of the Senate Judiciary Committee effective immediately.

Sincerely,

/s/ Robert N. Mayer

Senator Robert N. Mayer

Also,

January 19, 2010

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

Dear Ms. Spieler,

I hereby appoint Senator Eric Schmitt as a Member on *Judiciary and Civil and Criminal Jurisprudence Committee*. This appointment will replace Senator Rob Mayer's slot.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Charlie Shields

Charles W. Shields

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Mrs. Klista Reynolds, Mrs. Jordan Lofting, and students Madison Frost, Darian Parker, Alyssa Brown and Holly Hughes, Joplin R-8.

Senator Shields introduced to the Senate, Dr. Jeanette Westfall, Principal, Mr. Sean Nash, Mrs. Melissa Corey, and students Marcy Withrow, Joseph Walsh, Zack Bailey and Blayr Bolton, Benton High School, St. Joseph.

Senator Mayer introduced to the Senate, Principal Kent Luke, Crystal Slaughter, and third grade students Julianna French and Gracie Thomas, Malden Elementary School; and Julianna and Gracie were made honorary pages.

Senator Rupp introduced to the Senate, Erica Alvarez and her children, Abel and Yzabel, St. Charles County; and Abel and Yzabel were made honorary pages.

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

SENATE CALENDAR

SEVENTH DAY—WEDNESDAY, JANUARY 20, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 788-Lembke	SB 793-Mayer, et al
SB 789-Shoemyer and Barnitz	SB 794-Mayer
SB 790-Shoemyer	SB 795-Mayer and Nodler
SB 791-Griesheimer	SB 796-Bray
SB 792-Dempsey and Rupp	SB 797-Green

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 39-Schaefer

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