

Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY—THURSDAY, JANUARY 21, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord...declares: ‘Those who honor me I will honor,’” (1 Samuel 2:30a)

Almighty God, help us to live each day honoring You our God and may we find ways of expressing our thankfulness in the way we act and the things we accomplish, the way we treat others and the way we express love to those You have given us to love. And may we find joy in Your presence this day and weekend as we find ourselves in our community of faith singing Your praise and commending our prayers before 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 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	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1415, regarding Alliance Foam Technologies, LLC, Centralia, which was adopted.

Senator Keaveny offered Senate Resolution No. 1416, regarding Francis R. Slay, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senators Schmitt, Wilson, Pearce, Justus, Callahan and Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, more than 4,000,000 Americans served in World War I; and

WHEREAS, there is no nationally recognized memorial honoring the service of those over 4,000,000 Americans; and

WHEREAS, in 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2 million in two weeks for a memorial dedicated to the service of Americans who served in World War I. This fund was an accomplishment unparalleled by any other city in the United States irrespective of population, and reflected the passion of public opinion about World War I, which had so recently ended; and

WHEREAS, following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial dedicated to the service of Americans in World War I, and the competition yielded a design by Architect H. Van Buren Magonigle; and

WHEREAS, on November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri; and

WHEREAS, the dedication of the site on November 1, 1921 marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, Admiral Lord Earl Beatty of Great Britain, and General of the Armies John J. Pershing of the United States of America, were together at one place; and

WHEREAS, General of the Armies John J. Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that “the people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited”; and

WHEREAS, during an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone; and

WHEREAS, the 217 foot Liberty Memorial Tower has an inscription that reads “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country”, as well as four stone “Guardian Spirits” representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I; and

WHEREAS, during a rededication of the Liberty Memorial in 1961, World War I veterans and former presidents Harry S Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed; and

WHEREAS, the 106th U.S. Congress recognized the Liberty Memorial as a national symbol of World War I; and

WHEREAS, the 108th U.S. Congress designated the museum at the base of the Liberty Memorial as “America's National World War I Museum”; and

WHEREAS, the National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I; and

WHEREAS, the National World War I Museum is known throughout the world as a major center of World War I remembrance:

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, hereby urge the United States Congress to designate the Liberty Memorial, Kansas City, Missouri, at the National World War I Museum as the National World War I Memorial; 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 the members of the Missouri congressional delegation.

INTRODUCTION OF BILLS

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

SB 807—By Callahan.

An Act to repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

SB 808—By Callahan.

An Act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections relating to public administrators.

SB 809—By Goodman.

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet divisions' authority to collect from third-party payers.

SB 810—By Lager.

An Act to repeal sections 320.106, 320.111, 320.131, and 320.136, RSMo, and to enact in lieu thereof four new sections relating to fireworks.

SB 811—By Keaveny and Shoemyer.

An Act to repeal sections 408.500 and 408.505, RSMo, and to enact in lieu thereof two new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

SB 812—By Schmitt.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 813—By Griesheimer.

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 620.1878 and 620.1881, RSMo, and to enact in lieu thereof eleven new sections relating to the development of Missouri businesses.

SB 814—By Justus and Keaveny.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to assault of an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

SB 815—By Bartle.

An Act to repeal sections 168.106, 168.745, and 168.747, RSMo, and to enact in lieu thereof five new sections relating to elementary and secondary education.

SJR 34—By Goodman and Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri relating to state sovereignty.

SJR 35—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.

SJR 36—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation of public officials.

SJR 37—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 4(d) of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the revenue-neutral replacement of all taxes on income with an amended sales and use tax.

RESOLUTIONS

Senator Engler moved that **SR 1400** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **SR 1400** was adopted.

RE-REFERRALS

President Pro Tem Shields re-referred **SB 736** to the Committee on Jobs, Economic Development and Local Government.

President Pro Tem Shields re-referred **SB 721** to the Committee on Small Business, Insurance and Industry.

President Pro Tem Shields re-referred **SB 587** to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

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 and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Scott Hunt and Donald Cupps, as members of the Public School Retirement System of Missouri Board of Trustees;

Also,

David R. Bradley, Republican, as a member of the University of Missouri Board of Curators;

Also,

Norma J. Nisbet, Independent, and Michelle Word, Democrat, as members of the Missouri Women's Council;

Also,

Pamela Wright, Republican, as a member of the State Lottery Commission;

Also,

Carla Owens Braziel, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Nancy Watkins, Democrat, as a member of the Public Defender Commission;

Also,

Gerald Winship, Independent, and Jon R. Gray, Democrat, as members of the Jackson County Sports Complex Authority;

Also,

Paul Titterington and Mark F. Saladin, as members of the Missouri Dental Board;

Also,

Leata Price-Land, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Emily Martin, as a member of the State Board of Mediation;

Also,

Jeffrey Carter, Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Evelyn E. Jorgenson, as a member of the Midwestern Higher Education Commission;

Also,

Alana M. Barragán-Scott, as Director of the Department of Revenue;

Also,

Hobart Randolph Halsey, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Tamara Thielemier, Jack D. Atterberry, and John Chapman, as members of the Workers' Compensation Determination Review Board;

Also,

Curtis Wall, as a member of the Missouri Propane Gas Commission;

Also,

Kathleen A. Carter, as a member of the Mental Health Commission;

Also,

Jeffrey Cawlfild, Democrat, as a member of the Dam and Reservoir Safety Council.

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 and reappointments, which motion prevailed.

Senator Scott assumed the Chair.

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 Philip G. Smith, as a member of the Administrative Hearing Commission, 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 Shoemyer 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 Shoemyer, the above motion was withdrawn.

At the request of Senator Shields, the committee report on Philip G. Smith was returned to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, Karessa Turner.

Senator Vogel introduced to the Senate, Jodi Newton and her son, Cross, Fort Myers, Florida; and Cross was made an honorary page.

Senator Mayer introduced to the Senate, Sally McVey.

The President introduced to the Senate, Gwen Kueny.

Senator Shoemyer introduced to the Senate, Janet (Ratliff) Phillips, Coffeerville, Kansas.

Senator Bartle introduced to the Senate, Dr. Donald Meyer, Lee's Summit.

Senator Bartle introduced to the Senate, Dr. Robert McCollum, Lee's Summit.

Senator Bartle introduced to the Senate, Harriet Morris, Kansas City.

Senator Dempsey introduced to the Senate, Dr. Norman Freiberger, St. Charles.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Michael J. Bukstein, MD, FACS, Hannibal.

Senator Justus introduced to the Senate, Dr. Dorsey Moore, Kansas City.

Senator Justus introduced to the Senate, Dr. Ronald Davis, Wichita, Kansas.

Senator Lembke introduced to the Senate, Dr. Ellis Memos, St. Louis.

Senator Shields introduced to the Senate, Dr. James Trout, St. Joseph.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, January 25, 2010.

SENATE CALENDAR

NINTH DAY—MONDAY, JANUARY 25, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 788-Lembke	SB 805-Shields
SB 789-Shoemyer and Barnitz	SB 806-Bartle
SB 790-Shoemyer	SB 807-Callahan
SB 791-Griesheimer	SB 808-Callahan
SB 792-Dempsey and Rupp	SB 809-Goodman
SB 793-Mayer, et al	SB 810-Lager
SB 794-Mayer	SB 811-Keaveny and Shoemyer
SB 795-Mayer and Nodler	SB 812-Schmitt
SB 796-Bray	SB 813-Griesheimer
SB 797-Green	SB 814-Justus and Keaveny
SB 798-Crowell	SB 815-Bartle
SB 799-Crowell	SJR 32-Schmitt
SB 800-Bray	SJR 33-Bartle
SB 801-Rupp	SJR 34-Goodman and Schmitt
SB 802-Schmitt	SJR 35-Lager
SB 803-Schmitt	SJR 36-Lager
SB 804-Schmitt	SJR 37-Ridgeway

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 40-Justus and Bray	HCS for HCR 18
SCR 41-Schmitt	SCR 43-Schmitt, et al
SCR 42-Bray	

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