

# Journal of the Senate

SECOND REGULAR SESSION

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**TWENTIETH DAY—THURSDAY, FEBRUARY 11, 2010**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A man must always be exceedingly careful to show honor to his wife.” (Babylonian Talmud)

Loving Father, on this Valentine weekend we are mindful that relationships are always under assault from the competing claims that often have us passing each other like ships moving in opposite directions. Help us to honor our partners in this life that we may not show contempt with our words or behavior that leave them feeling empty, angry and lonely. But help us seek to make the effort to listen to what they have to say and to share - to struggle and honestly seek, ask and knock so as to bond in meaningful and dedicated efforts. May our relationships reflect Your love and principles that may help us become all we are capable of becoming. 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	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schmitt—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 1619, regarding the Honorable James G. Spencer, Milan, which was adopted.

Senator Lager offered Senate Resolution No. 1620, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Oliver Prewitt, Trenton, which was adopted.

Senator Bray offered Senate Resolution No. 1621, regarding Mr. and Mrs. David Ryan Molamphy, which was adopted.

Senator Pearce offered Senate Resolution No. 1622, regarding Ivan R. “Rusty” Harrison, Knob Noster, which was adopted.

Senator Goodman offered Senate Resolution No. 1623, regarding the Seventy-fifth Birthday of Larry William Tracy, Mt. Vernon, which was adopted.

Senator Rupp offered Senate Resolution No. 1624, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Guffey, Elsberry, which was adopted.

Senator Shields offered Senate Resolution No. 1625, regarding Conner Paul Kostelac, Platte City, which was adopted.

Senator Purgason offered Senate Resolution No. 1626, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyle Johnson, Couch, which was adopted.

**CONCURRENT RESOLUTIONS**

Senators Engler and Callahan offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 47**

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

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 authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

**INTRODUCTION OF BILLS**

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

**SB 934**—By Griesheimer.

An Act to amend chapter 429, RSMo, by adding thereto three new sections relating to mechanics' liens, with penalty provisions.

**SB 935**—By Griesheimer.

An Act to repeal sections 429.050 and 429.060, RSMo, and to enact in lieu thereof one new section relating to statutory liens against real estate.

**SB 936**—By Pearce.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to science, technology, engineering, and mathematics education.

**SB 937**—By Justus.

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday.

**SB 938**—By Justus.

An Act to repeal sections 169.270, 169.280, 169.301, 169.324, and 169.328, RSMo, and to enact in lieu thereof five new sections relating to school retirement systems.

Senator Pearce assumed the Chair.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 604**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 604**

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 604** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Scott	Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Clemens      Ridgeway—2

Absent with leave—Senators

Schmitt      Vogel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

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

**SS for SCS for SBs 586 and 617**, introduced by Senator Bartle, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 586 and 617**

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.

On motion of Senator Bartle, **SS for SCS for SBs 586 and 617**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Keaveny	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Scott
Shields	Shoemyer	Stouffer	Wilson	Wright-Jones—29			

NAYS—Senators

Green            Justus—2

Absent—Senator Clemens—1

Absent with leave—Senators

Schmitt            Vogel—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

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

**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:

Tiffany L. Carter, as a student representative of the Lincoln University Board of Curators;

Also,

Joel P. Evans, as a member of the Seismic Safety Commission;

Also,

Mark A. Folsom, as a member of the Child Abuse and Neglect Review Board;

Also,

Ruby Harriman, as a member of the Coordinating Board for Early Childhood;

Also,

Charles M. Heiss, as a member of the Corrections Officer Certification Commission.

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.

President Pro Tem Shields assumed the Chair.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 772**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 773**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 771**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 758**, 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 Financial and Governmental Organizations and Elections, to which

was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 686**, 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 Ways and Means, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 588**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 581**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 670**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 736**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 693**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 627**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 616**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 767**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 779**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 20**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SJR 33**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 824**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 687**, 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 716**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SJR 31**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 579**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 621**, begs leave to report that it has considered the same and recommends that the bill do pass.

### SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 607, SB 602, SB 615 and SB 725**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SBs 607, 602, 615 and 725**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 607, 602, 615 and 725

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Was taken up.

Senator Stouffer moved that **SCS for SBs 607, 602, 615 and 725** be adopted.

Senator Lager assumed the Chair.

Senator Stouffer offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 607, 602, 615 and 725, Page 1, In the Title, Line 2, by striking the word “illegal”; and further amend lines 3-4 of said title, by striking all of said lines and inserting in lieu thereof the following: “public assistance programs under the family support division.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

**“205.959. By December 31, 2011, the family support division within the department of social services shall conduct a study to submit to the general assembly determining the impact to the state's food stamp program should the division be allowed to limit the use of food stamps for nutritious foods similar to the distribution of funding for the federal women, infant's and children (WIC) food program.”; and**

Further amend the title and enacting clause accordingly.



Senator Stouffer moved that the above amendment be adopted.

At the request of Senator Stouffer, **SB 607**, **SB 602**, **SB 615** and **SB 725**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

**SECOND READING OF  
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:  
**HCS** for **HCRs 34** and **35**—Rules, Joint Rules, Resolutions and Ethics.

**RE-REFERRALS**

President Pro Tem Shields re-referred **SB 659** to the Committee on Ways and Means.

**SECOND READING OF SENATE BILLS**

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

**SB 902**—Small Business, Insurance and Industry.

**SB 903**—Jobs, Economic Development and Local Government.

**SB 904**—Judiciary and Civil and Criminal Jurisprudence.

**SB 905**—Ways and Means.

**SB 906**—Ways and Means.

**SB 907**—Education.

**SB 908**—Health, Mental Health, Seniors and Families.

**SB 909**—Transportation.

**SB 910**—Judiciary and Civil and Criminal Jurisprudence.

**SB 911**—Jobs, Economic Development and Local Government.

**SB 912**—Rules, Joint Rules, Resolutions and Ethics.

**SB 913**—Jobs, Economic Development and Local Government.

**SB 914**—Financial and Governmental Organizations and Elections.

**SB 915**—Jobs, Economic Development and Local Government.

**SB 916**—Jobs, Economic Development and Local Government.

**SB 917**—Small Business, Insurance and Industry.

**SB 918**—Commerce, Consumer Protection, Energy and the Environment.

**SB 919**—Financial and Governmental Organizations and Elections.

**SB 920**—Judiciary and Civil and Criminal Jurisprudence.

**SB 921**—Judiciary and Civil and Criminal Jurisprudence.

**SB 922**—Jobs, Economic Development and Local Government.

**SB 923**—Small Business, Insurance and Industry.

**SB 924**—Jobs, Economic Development and Local Government.

**SB 925**—Judiciary and Civil and Criminal Jurisprudence.

**SB 926**—Agriculture, Food Production and Outdoor Resources.

**SB 927**—Financial and Governmental Organizations and Elections.

**SB 928**—Ways and Means.

**SB 929**—Commerce, Consumer Protection, Energy and the Environment.

**SB 930**—Judiciary and Civil and Criminal Jurisprudence.

**SB 931**—Small Business, Insurance and Industry.

**SB 932**—Financial and Governmental Organizations and Elections.

**SB 933**—Health, Mental Health, Seniors and Families.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1540**, entitled:

An Act to repeal sections 304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twelve new sections relating to infractions, with penalty provisions and an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1377**, entitled:

An Act to amend chapters 105 and 208, RSMo, by adding thereto three new sections relating to drug testing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, representatives from the Salvation Army, Majors Jeffrey and Dorothy Smith, Kansas and Western Missouri Division; and Majors Loneal and Patty Richardson and Jim Hoffmeister, Midland Division.

Senator Cunningham introduced to the Senate, Diane Buhr and junior and senior high school students representing the Fred Saigh Leadership Foundation, St. Louis County.

On behalf of Senator Shields, the President introduced to the Senate, Ashley Haney and Leslie Olsen; Todd and Amy Barr and their children, Katie and David; Terry and Julie White and their daughter, Grace; John Cline; and Julie Hutchinson and her children, Charlie and Laurel, Platte County; and Katie and Grace were made honorary pages.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 15, 2010.

SENATE CALENDAR

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TWENTY-FIRST DAY—MONDAY, FEBRUARY 15, 2010

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 934-Griesheimer  
SB 935-Griesheimer  
SB 936-Pearce

SB 937-Justus  
SB 938-Justus

HOUSE BILLS ON SECOND READING

HB 1442-Jones (89), et al  
HCS for HB 1540

HCS for HB 1377

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 738-Crowell, with SCS  
2. SB 596-Callahan, with SCS  
3. SJR 22-Callahan  
4. SB 839-Wright-Jones, with SCS  
5. SB 644-Shields, with SCS  
6. SB 588-Nodler, with SCS  
7. SB 578-Shields  
8. SB 581-Griesheimer  
9. SB 670-Justus  
10. SB 594-Days, with SCS

11. SB 693-Wilson  
12. SB 627-Justus  
13. SB 616-Goodman, with SCS  
14. SB 779-Bartle  
15. SJR 20-Bartle  
16. SJR 33-Bartle  
17. SB 806-Bartle  
18. SJR 31-Scott  
19. SB 579-Shields, with SCS  
20. SB 621-Lager

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,  
SA 3 & SSA 1 for SA 3 (pending)

SBs 607, 602, 615 & 725-Stouffer, with  
SCS & SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey  
SB 669-Justus  
SB 668-Justus

SB 649-Days and Wright-Jones  
SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS  
SB 773-Dempsey  
SB 771-Scott  
SB 758-Rupp and Keaveny  
SB 629-Dempsey  
SB 686-Rupp

SB 736-McKenna  
SB 767-Bartle  
SB 824-Clemens  
SB 687-Wright-Jones  
SB 716-Goodman

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1

To be Referred

SCR 47-Engler and Callahan

