

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 8, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

He who carries God in his heart bears heaven with him wherever he goes. (St. Ignatius of Loyola)

Almighty God, as we travel today and this weekend help us to be mindful that what we do and say is a witness to our character and beliefs. Help us to spend time with our families knowing in the weeks ahead there will be less and less time for us to do that. Help us to spend time in prayer and in Your house this weekend for we know that this will be a year which will call for wisdom and strength that You alone can provide. All this we ask in Your Holy Name. 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	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Bray Nodler—2

Vacancies—None

The Lieutenant Governor was present.

REMONSTRANCES

Senator Green offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, the state of Missouri faces an estimated three hundred forty-two million dollar budget shortfall for 2009; and

WHEREAS, it is estimated that more than five hundred million dollars in tax credits will be redeemed this year; and

WHEREAS, it has been projected that the state of Missouri may lose as many as ten thousand jobs this year; and

WHEREAS, declining property values and weak consumer spending are resulting in sharp declines in state tax revenues; and

WHEREAS, regardless of the decrease in state revenue, the state is expected to provide for the health, safety, and well being of its citizens; and

WHEREAS, last month, in the midst of declining state revenues, projected budget shortfalls for this year and the next, and media reports of continuing declines in fan attendance, the Missouri Development Finance Board approved a measure issuing twenty-five million dollars in tax credits to the Kansas City Chiefs Football Team; and

WHEREAS, just two years prior to this most recent grant of tax credits to the Chiefs organization, the state issued fifty million dollars in tax credits to the Chiefs to pay for renovations; and

WHEREAS, the state of Missouri should take every step to ensure that vital tax incentives be used only to pursue job creation; and

WHEREAS, the state tax incentives should be used to support small businesses, colleges and universities, job training and retraining programs and to help create new jobs that offer both above average wages and health care for employees:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, hereby remonstrates against the misplaced use of essential tax incentives; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this remonstrance to the Governor; the Missouri Development Finance Board; the Director of the Department of Economic Development; the Director of the Department of Revenue; and the Commissioner of the Office of Administration.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 7, regarding William Michael Boaz, St. Peters, which was adopted.

Senator Dempsey offered Senate Resolution No. 8, regarding the late Ronald H. Pflueger, D.D.S., St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 9, regarding Nathaniel D. Leezer, St. Charles, which was adopted.

On behalf of Senator Nodler, Senator Engler offered Senate Resolution No. 10, regarding Richard D. Barlet, D.D.S., which was adopted.

On behalf of Senator Nodler, Senator Engler offered Senate Resolution No. 11, regarding the late Kent and Mary Steadley, Carthage, which was adopted.

Senator Vogel offered Senate Resolution No. 12, regarding Kierstin Boze, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 13, regarding Matthew Callaway, Jefferson City, which was adopted.

Senator Engler offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 14

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, up to three newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Clemens offered Senate Resolution No. 15, regarding Andrew McCalley, which was adopted.

CONCURRENT RESOLUTIONS

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fifth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

The Senate observed a moment of silence in memory of D. Kent King.

Senator Lager assumed the Chair.

INTRODUCTION OF BILLS

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

SB 163–By Justus.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for qualified hybrid motor vehicle purchases.

SB 164–By Justus.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

SB 165–By Justus.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

SB 166–By Justus.

An Act to repeal section 456.5-505, RSMo, and to enact in lieu thereof two new sections relating to the Missouri uniform trust code.

SB 167–By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for the diagnosis and treatment of autism spectrum disorders.

SB 168–By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

SB 169–By Shoemyer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the regulation and licensing of Medicare Advantage insurance agents, with penalty provisions.

SB 170–By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

SB 171–By Griesheimer.

An Act to repeal section 311.360, RSMo, and to enact in lieu thereof two new sections relating to wine manufacturers, with penalty provisions.

SB 172–By Green.

An Act to amend chapter 204, RSMo, by adding thereto one new section relating to storm water management charges.

SB 173–By Green.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to renewable energy generation grants.

On motion of Senator Engler, the Senate adjourned until 10:30 a.m., Monday, January 12, 2009.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 12, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Scott	SB 35-Goodman and Champion
SB 2-Scott	SB 36-Goodman
SB 3-Scott	SB 37-Goodman
SB 4-Shields	SB 38-Rupp
SB 5-Griesheimer	SB 39-Rupp
SB 6-Griesheimer	SB 40-Rupp
SB 7-Griesheimer	SB 41-Cunningham
SB 8-Champion	SB 42-Cunningham and Smith
SB 9-Champion	SB 43-Pearce
SB 10-Champion	SB 44-Pearce
SB 11-Bartle, et al	SB 45-Pearce
SB 12-Bartle and Smith	SB 46-Schaefer
SB 13-Bartle	SB 47-Scott
SB 14-Nodler	SB 49-Scott
SB 15-Nodler	SB 50-Bray
SB 16-Nodler	SB 51-Bray
SB 17-Bray, et al	SB 52-Bray
SB 18-Bray, et al	SB 53-Days
SB 19-Bray, et al	SB 54-Days
SB 20-Days and Smith	SB 55-Days
SB 21-Days, et al	SB 56-Callahan
SB 22-Days and Bray	SB 57-Stouffer
SB 23-Callahan	SB 58-Stouffer
SB 24-Callahan	SB 59-Stouffer
SB 25-Callahan	SB 60-Wilson
SB 26-Ridgeway	SB 61-Wilson
SB 27-Ridgeway	SB 62-Wilson
SB 28-Ridgeway	SB 63-Rupp and Smith
SB 29-Stouffer	SB 64-Rupp
SB 30-Stouffer	SB 65-Rupp
SB 31-Stouffer	SB 66-Scott
SB 32-Wilson	SB 67-Scott
SB 33-Wilson	SB 68-Bray
SB 34-Wilson	SB 69-Bray

SB 70-Bray	SB 114-Crowell
SB 71-Stouffer	SB 115-Bray
SB 72-Stouffer	SB 116-Bray
SB 73-Stouffer	SB 117-Green
SB 74-Wilson	SB 118-Griesheimer
SB 75-Wilson	SB 119-Griesheimer
SB 76-Wilson	SB 120-Bray
SB 77-Stouffer	SB 121-Purgason
SB 78-Wilson	SB 122-Griesheimer
SB 79-Wilson	SB 123-Griesheimer
SB 80-Wilson	SB 124-Bray
SB 81-Wilson	SB 125-Bray
SB 82-Wilson	SB 126-Rupp
SB 83-Wilson	SB 127-Rupp
SB 84-Purgason	SB 128-Rupp
SB 85-Crowell	SB 129-McKenna, et al
SB 86-Crowell	SB 130-McKenna, et al
SB 87-Crowell	SB 131-Smith
SB 88-Stouffer	SB 132-Smith
SB 89-Stouffer	SB 133-Smith
SB 90-Stouffer	SB 134-Dempsey
SB 91-Green, et al	SB 135-Dempsey
SB 92-Green, et al	SB 136-Rupp and Smith
SB 93-Green	SB 137-Rupp
SB 94-Justus, et al	SB 138-Smith
SB 95-Justus	SB 139-Mayer
SB 96-Justus, et al	SB 140-Smith
SB 97-Smith	SB 141-Smith
SB 98-Smith	SB 142-Bartle
SB 99-Cunningham	SB 143-Mayer
SB 100-Schaefer	SB 144-Wright-Jones
SB 101-Green	SB 145-Wright-Jones
SB 102-Green	SB 146-Dempsey
SB 103-Green	SB 147-Dempsey
SB 104-Justus, et al	SB 148-Dempsey
SB 105-Justus, et al	SB 149-Dempsey
SB 106-Justus	SB 150-Griesheimer
SB 107-Green	SB 151-Clemens
SB 108-Justus	SB 152-Clemens
SB 109-Justus, et al	SB 153-Clemens
SB 110-Crowell	SB 154-Goodman
SB 111-Crowell	SB 155-Goodman
SB 112-Crowell	SB 156-Goodman
SB 113-Crowell	SB 157-Schmitt

SB 158-Clemens
SB 159-Clemens
SB 160-Crowell
SB 161-Crowell
SB 162-Crowell
SB 163-Justus
SB 164-Justus
SB 165-Justus
SB 166-Justus
SB 167-Rupp
SB 168-Shoemyer

SB 169-Shoemyer
SB 170-Shoemyer
SB 171-Griesheimer
SB 172-Green
SB 173-Green
SJR 1-Bartle
SJR 2-Bartle
SJR 3-Crowell
SJR 4-Cunningham
SJR 5-Schmitt

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 2-Crowell

SCR 3-Justus

MISCELLANEOUS

SRM 1-Green

✓