

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTH DAY—THURSDAY, JANUARY 15, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Many waters cannot quench love, neither can floods drown it.” (Song of Songs 8:7)

As we complete another week and head home, remind us Lord, that You have given us those whom we are to love and glorify in our words and actions so that we might truly express the love we feel for them. Help us to pray with them and be found in Your house of worship so that we are truly in You and You in us completing and becoming all You intend for us to be. 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	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Shields—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 43, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Carl Eakins, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 44, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gene Rhodes, Cape Girardeau, which was adopted.

Senator Ridgeway offered Senate Resolution No. 45, regarding Connor Wayne Choice, Liberty, which was adopted.

Senator Barnitz offered Senate Resolution No. 46, regarding the Fortieth Anniversary of the Meramec Regional Planning Commission, which was adopted.

Senator Vogel offered Senate Resolution No. 47, regarding Rob Agee, Jefferson City, which was adopted.

Senator Lembke offered Senate Resolution No. 48, regarding Eric Viehman, St. Louis, which was adopted.

Senator Griesheimer offered the following resolution:

**SENATE RESOLUTION NO. 49**

WHEREAS, the Missouri Senate recognizes the important contribution of Community Colleges to the higher education system of the state of Missouri; and

WHEREAS, the Missouri Community College Association serves the educational needs of the citizens of the state of Missouri by offering educational leadership through the state's community colleges; and

WHEREAS, the Missouri Senate has maintained a policy of granting the use of the Senate Chamber for beneficial purposes:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, hereby grant the Missouri Community College Association use of the Senate Chamber on Monday, February 23, 2009, from 9:00 a.m. to 11:00 a.m.

Senator Griesheimer requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 49** up for adoption, which request was granted.

On motion of Senator Griesheimer, **SR 49** was adopted.

Senator Clemens offered Senate Resolution No. 50, regarding Alexander Scott "Alex" DeGood, Springfield, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Shoemyer offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 8**

WHEREAS, horse processing is the most tightly regulated of any animal harvest, and the horse is the only animal that has its transportation to processing regulated. If horse processing plants are forced to close and export options are eliminated, the Horse Welfare Coalition estimates that 90,000 to 100,000 unwanted horses annually would be exposed to potential abandonment and neglect; and

WHEREAS, the 90,000 to 100,000 additional unwanted horses each year would compete for adoption with the 32,000 wild horses that United States taxpayers are already paying \$40 million to shelter and feed; and

WHEREAS, the nation's inadequate, overburdened, and unregulated horse rescue and adoption facilities cannot handle the influx of the approximately 60,000 or more additional horses each year that would result from a harvesting ban, according to the Congressional Research Service; and

WHEREAS, many zoo animal diets rely on equine protein because it mimics what the animal would receive in the wild. Veterinarians and animal nutritionists say it is the healthiest diet for big cats and rare birds. If legislation shuts down horse processing facilities, the only source for this meat that is inspected by the U.S. Department of Agriculture (USDA) will be eliminated:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to strongly support the continuation of horse processing in the United States and to offer incentives that help create horse processing plants throughout the United States, such as state-inspected horse harvest for export; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage Congress to support new horse processing facilities and the continuation of existing facilities on both the state and national level; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly urge Congress to oppose any legislation introduced in the 111th Congress that would restrict the transportation and processing of horses in the United States and internationally; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly support the location of USDA-approved horse processing facilities on state, tribal, or private lands under mutually-acceptable and market-driven land leases and, if necessary, a mutually-acceptable assignment of revenues that meet the needs of all parties involved with the facility; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

Senator Shoemyer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the practice of saving seed from one year's harvest in order to plant it for the next year's crop has been an integral part of farming for as long as farming has existed; and

WHEREAS, the act of patenting seed and not allowing the seed to be saved from one crop to the next goes against thousands of years of agricultural practice; and

WHEREAS, the use of federal patent law in this manner allows the patent holder to create a monopoly in this country on the sale of certain crop seeds; and

WHEREAS, the creation of a monopoly under federal patent law contradicts the spirit of federal anti-trust law as well as violates the spirit of the independent American farmer:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, encourage Congress to amend the Patent Act so that the natural offspring of a patented seed are not considered to be covered under the original patent and amend the Patent Act so that inadvertent possession of a seed containing a patented cell or any offspring of such a seed is not considered infringement of the original patent; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional delegation.

**INTRODUCTION OF BILLS**

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

**SB 203**—By Justus.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacy to fill prescriptions.

**SB 204**—By Goodman, Shoemyer and Clemens.

An Act to repeal sections 195.070, 195.100, 337.010, 337.015, 337.020, 337.050, and 338.198, RSMo, and to enact in lieu thereof eight new sections relating to psychologist licensing.

**SB 205**—By Shoemyer.

An Act to amend chapter 523, RSMo, by adding thereto one new section relating to prohibiting condemnation of property owned by a gun or sportsmen's club.

**SB 206**—By Shoemyer.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

**SB 207**—By Rupp.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to data security breaches.

**SB 208**—By Rupp.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to teacher certification for part-time teachers.

**SB 209**—By Clemens.

An Act to amend chapter 430, RSMo, by adding thereto eleven new sections relating to security interests in farm products.

**SJR 8**—By Shoemyer and Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to hand-fishing.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Tuesday, January 20, 2009.

## SENATE CALENDAR

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SEVENTH DAY—TUESDAY, JANUARY 20, 2009

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 1-Scott

SB 2-Scott

SB 3-Scott

SB 4-Shields

SB 5-Griesheimer

SB 6-Griesheimer

SB 7-Griesheimer

SB 8-Champion

SB 9-Champion

SB 10-Champion

SB 11-Bartle, et al

SB 12-Bartle and Smith

SB 13-Bartle

SB 14-Nodler

SB 15-Nodler

SB 16-Nodler

SB 17-Bray, et al	SB 62-Wilson
SB 18-Bray, et al	SB 63-Rupp and Smith
SB 19-Bray, et al	SB 64-Rupp
SB 20-Days and Smith	SB 65-Rupp
SB 21-Days, et al	SB 66-Scott
SB 22-Days and Bray	SB 67-Scott
SB 23-Callahan	SB 68-Bray
SB 24-Callahan	SB 69-Bray
SB 25-Callahan	SB 70-Bray
SB 26-Ridgeway	SB 71-Stouffer
SB 27-Ridgeway	SB 72-Stouffer
SB 28-Ridgeway	SB 73-Stouffer
SB 29-Stouffer	SB 74-Wilson
SB 30-Stouffer	SB 75-Wilson
SB 31-Stouffer	SB 76-Wilson
SB 32-Wilson	SB 77-Stouffer
SB 33-Wilson	SB 78-Wilson
SB 34-Wilson	SB 79-Wilson
SB 35-Goodman and Champion	SB 80-Wilson
SB 36-Goodman	SB 81-Wilson
SB 37-Goodman	SB 82-Wilson
SB 38-Rupp	SB 83-Wilson
SB 39-Rupp	SB 84-Purgason
SB 40-Rupp	SB 85-Crowell
SB 41-Cunningham	SB 86-Crowell
SB 42-Cunningham and Smith	SB 87-Crowell
SB 43-Pearce	SB 88-Stouffer
SB 44-Pearce	SB 89-Stouffer
SB 45-Pearce	SB 90-Stouffer
SB 46-Schaefer	SB 91-Green, et al
SB 47-Scott	SB 92-Green, et al
SB 49-Scott	SB 93-Green
SB 50-Bray	SB 94-Justus, et al
SB 51-Bray	SB 95-Justus
SB 52-Bray	SB 96-Justus, et al
SB 53-Days	SB 97-Smith
SB 54-Days	SB 98-Smith
SB 55-Days	SB 99-Cunningham
SB 56-Callahan	SB 100-Schaefer
SB 57-Stouffer	SB 101-Green
SB 58-Stouffer	SB 102-Green
SB 59-Stouffer	SB 103-Green
SB 60-Wilson	SB 104-Justus, et al
SB 61-Wilson	SB 105-Justus, et al

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 114-Crowell	SB 158-Clemens
SB 115-Bray	SB 159-Clemens
SB 116-Bray	SB 160-Crowell
SB 117-Green	SB 161-Crowell
SB 118-Griesheimer	SB 162-Crowell
SB 119-Griesheimer	SB 163-Justus
SB 120-Bray	SB 164-Justus
SB 121-Purgason	SB 165-Justus
SB 122-Griesheimer	SB 166-Justus
SB 123-Griesheimer	SB 167-Rupp
SB 124-Bray	SB 168-Shoemyer
SB 125-Bray	SB 169-Shoemyer
SB 126-Rupp	SB 170-Shoemyer
SB 127-Rupp	SB 171-Griesheimer
SB 128-Rupp	SB 172-Green
SB 129-McKenna, et al	SB 173-Green
SB 130-McKenna, et al	SB 174-Griesheimer
SB 131-Smith	SB 175-Schmitt
SB 132-Smith	SB 176-Stouffer
SB 133-Smith	SB 177-Stouffer
SB 134-Dempsey	SB 178-Stouffer
SB 135-Dempsey	SB 179-Wright-Jones
SB 136-Rupp and Smith	SB 180-Bartle
SB 137-Rupp	SB 181-Bartle
SB 138-Smith	SB 182-Bartle
SB 139-Mayer	SB 183-Bartle
SB 140-Smith	SB 184-Bartle
SB 141-Smith	SB 185-Bray
SB 142-Bartle	SB 186-Bray
SB 143-Mayer	SB 187-Vogel
SB 144-Wright-Jones	SB 188-Dempsey, et al
SB 145-Wright-Jones	SB 189-Shields
SB 146-Dempsey	SB 190-Shoemyer
SB 147-Dempsey	SB 191-Shoemyer
SB 148-Dempsey	SB 192-Shoemyer
SB 149-Dempsey	SB 193-Shoemyer

SB 194-Shoemyer  
SB 195-Shoemyer  
SB 196-Shoemyer  
SB 197-Goodman  
SB 198-McKenna  
SB 199-McKenna  
SB 200-Cunningham  
SB 201-Cunningham  
SB 202-Schaefer  
SB 203-Justus  
SB 204-Goodman, et al  
SB 205-Shoemyer

SB 206-Shoemyer  
SB 207-Rupp  
SB 208-Rupp  
SB 209-Clemens  
SJR 1-Bartle  
SJR 2-Bartle  
SJR 3-Crowell  
SJR 4-Cunningham  
SJR 5-Schmitt  
SJR 6-Lager  
SJR 7-Rupp  
SJR 8-Shoemyer and Purgason

### INFORMAL CALENDAR

#### RESOLUTIONS

##### To be Referred

SCR 2-Crowell  
SCR 3-Justus  
SCR 4-Wright-Jones  
SCR 5-Stouffer

SCR 6-Lager  
SCR 7-Pearce  
SCR 8-Shoemyer  
SCR 9-Shoemyer

#### MISCELLANEOUS

SRM 1-Green

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