

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 20, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Grant me, O Lord, to know what I ought to know, to love what I ought to love, to praise what delights you most, to value what is precious in your sight.” (Thomas Kempis)

Almighty God, on such a historic day in which so much is changing and so much expected from the new President, help President Obama and us to be mindful of what is truly needed and desirable. Lead us to value what You consider most precious and important. Help us to apply our hearts and minds to what delights You and guide our work this week to move along the path that You would have us take. 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 15, 2009 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Callahan	Champion	Clemens	Crowell	Cunningham	Days	Engler
Goodman	Green	Griesheimer	Justus	Lager	Lembke	Mayer	Nodler
Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields
Stouffer	Vogel	Wilson—27					

Absent—Senators—None

Absent with leave—Senators

Bartle	Bray	Dempsey	McKenna	Shoemyer	Smith	Wright-Jones—7
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 51, regarding Kenaniah T. Reiser, Farley, which was adopted.

Senator Days offered Senate Resolution No. 52, regarding the death of Terry L. Darris, Florissant, which was adopted.

Senator Engler offered Senate Resolution No. 53, regarding Jeremy Abts, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 54, regarding Connor Abts, Ste. Genevieve, which was adopted.

Senator Crowell offered Senate Resolution No. 55, regarding Mike Shain, Cape Girardeau, which was adopted.

Senator Purgason offered Senate Resolution No. 56, regarding Rita S. Fugate, West Plains, which was adopted.

Senator Stouffer offered Senate Resolution No. 57, regarding the Ninetieth Birthday of Helen Louise Gwinner McDuffee, Macon, which was adopted.

Senators Schmitt and Lembke offered Senate Resolution No. 58, regarding Tessa Greenspan, St. Louis, which was adopted.

Senators Schmitt and Lembke offered Senate Resolution No. 59, regarding Ron Becher, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 60, regarding Ellen O'Brien, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 61, regarding Carol Ann Miller, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 62, regarding Joe and Cindy Roeser, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 63, regarding John Hessel, Kirkwood, which was adopted.

Senator Shields offered Senate Resolution No. 64, regarding Ron and Carol Lemirand, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 65, regarding Carl Brandt, Overland Park, Kansas, which was adopted.

Senator Shields offered Senate Resolution No. 66, regarding Jack Fiorella, Kansas City, which was adopted.

On behalf of Senator Bray, Senator Callahan offered Senate Resolution No. 67, regarding Jack B. Rosen, D.D.S., Saint Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 68, regarding August Holthaus, Gray Summit,

which was adopted.

Senator Griesheimer offered Senate Resolution No. 69, regarding Michael F. Casey, Jr., Gray Summit, which was adopted.

Senator Griesheimer offered Senate Resolution No. 70, regarding Gene Harfst, Gray Summit, which was adopted.

Senator Griesheimer offered Senate Resolution No. 71, regarding Lloyd Harfst, Labadie, which was adopted.

Senator Schmitt offered Senate Resolution No. 72, regarding Daniel George Batten, Manchester, which was adopted.

Senator Crowell offered Senate Resolution No. 73, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Quentin Felty, Millersville, which was adopted.

Senator Crowell offered Senate Resolution No. 74, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton Kasten, Jackson, which was adopted.

Senator Schmitt, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 75

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize individuals who have contributed to the welfare of this great state and its citizens, particularly its public servants; and

Whereas, the members now pause to recognize Michael R. Gibbons, the former senator representing Missouri's fifteenth district, which includes much of southwest St. Louis County; and

Whereas, during his tenure as President Pro Tem and Majority Floor Leader of the Senate, Michael R. Gibbons was looked upon by his colleagues and staff with high esteem and respect for his leadership; and

Whereas, Michael R. Gibbons, found wisdom and guidance daily on the walls of the Senate Chamber, "Nothing is politically right that is morally wrong" and "Free and fair discussion will ever be found the firmest friend to truth"; and

Whereas, a life-long resident of Kirkwood, Missouri, Michael R. Gibbons completed his second term representing Missouri's 15th senatorial district and his term as president pro tem of the Missouri Senate on January 7, 2009; and

Whereas, Michael R. Gibbons began his career in public service in 1986 when he was elected to the Kirkwood City Council; and

Whereas, Michael R. Gibbons then served eight years as a Missouri State Representative representing the residents of Missouri's 94th district before being elected senator from Missouri's 15th district, in 2000; and

Whereas, Michael R. Gibbons practices law at Stinson, Morrison, Hecker LLP in St. Louis, prior to which he practiced for twenty years alongside his father and namesake, Michael Gibbons, in Kirkwood; and

Whereas, Michael R. Gibbons holds a bachelor of arts from Westminster College in Fulton, Missouri, and a juris doctorate from the Saint Louis University School of Law; and

Whereas, Michael R. Gibbons has a long and impressive list of awards and accolades including the Missouri Sheriffs' Association "Missouri Senator of the Year Award", Missouri Deputy Sheriffs' Association "Missouri Senator of the Year Award", Missouri Society of Certified Public Accountants "Legislative Recognition Award", Family Leadership Council "Winston Churchill Leadership Award", Missouri Autism Project "Legislative Award", Judicial Conference of Missouri "Outstanding Legislative Service to the People of Missouri Award", among many, many others; and

Whereas, Michael R. Gibbons is the loyal son of Folsta and Michael Gibbons, the beloved husband of Liz Weddel, and the devoted father of one daughter, Meredith, and of one son, Danny; the protective elder sibling of sister, Edie and her husband, Dan; and uncle to Michael and Sara:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, extend our most heartfelt gratitude to Michael R. Gibbons for his years of public service to the members and leadership of this esteemed body, to the citizens of

Missouri's 15th senatorial district, to the citizens of Missouri's 94th district, to the citizens of Kirkwood, and to the citizens of this great state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Michael R. Gibbons, as a measure of our regard and affection.

Senator Stouffer offered Senate Resolution No. 76, regarding the Seventy-fifth Anniversary of Boy Scout Troop 317, which was adopted.

Senators Shields, Ridgeway and Stouffer offered Senate Resolution No. 77, regarding David R. Carpenter, Parkville, which was adopted.

INTRODUCTION OF BILLS

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

SB 210—By Lembke and Cunningham.

An Act to repeal section 484.040, RSMo, and to enact in lieu thereof one new section relating to a voluntary state bar association, with an effective date.

SB 211—By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of automated photo red light enforcement systems by local governments.

SB 212—By Griesheimer.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Small Business and Entrepreneurial Growth Act.

SB 213—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

SB 214—By Scott.

An Act to repeal sections 700.010, 700.100, and 700.650, RSMo, and to enact in lieu thereof three new sections relating to manufactured homes.

SB 215—By Shields.

An Act to repeal sections 68.025, 68.035, 68.040, and 68.070, RSMo, and to enact in lieu thereof seventeen new sections relating to port authorities.

SJR 9—By Lembke and Cunningham.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 25 (a), 25 (d), and 25 (e), of article V of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the appellate judicial commission.

SJR 10—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to

impeachment trials.

SJR 11—By Lembke.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 2 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the protection of economic freedom.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen L. Danner, 1075 Crescent Drive, Hollister, Taney County, Missouri 65672, as Adjutant General of the Missouri National Guard, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan Eckles, 8650 Delmar Boulevard, Apartment 1E, University City, Saint Louis, Missouri 63124, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2011, and until her successor is duly appointed and qualified; vice, Linda Allen, resigned.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dr. Jon M. Hagler, P.O. Box 533, St. James, Phelps County, Missouri 65559, as Director of the Department of Agriculture, for a term

ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dena Ladd, 6 Rio Vista, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Children's Trust Fund Board, for a term ending September 15, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen King Mitchell, 903 Haverhill Court, Columbia, Boone County, Missouri 65203, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 15, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelvin L. Simmons, 2010 East 61st Terrace, Kansas City, Jackson County, Missouri 64130, as Commissioner of the Office of Administration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
Jefferson City
65102
January 20, 2009

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda M. Martinez, 1517 Washington Avenue #8, St. Louis City, Missouri 63103, as Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully Submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

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 adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Tuesday, January 27, 2009, to receive a message from His Excellency, the Honorable Jeremiah W. (Jay) Nixon, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-fifth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

BE IT RESOLVED, by the House of Representatives of the Ninety-fifth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 28, 2009, to receive a message from Her Honor Chief Justice Laura Denvir Stith, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform Her Honor that the House of Representatives and the Senate of the Ninety-fifth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that Her Honor may desire to submit, and that the Chief Clerk

of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 2—Rules, Joint Rules, Resolutions and Ethics.

SCR 3—Rules, Joint Rules, Resolutions and Ethics.

SCR 6—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Shields referred **SCR 4**; **SCR 5**; **SCR 7**; **SCR 8**; and **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Shields referred **SRM 1** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 21, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Scott	SB 13-Bartle
SB 2-Scott	SB 14-Nodler
SB 3-Scott	SB 15-Nodler
SB 4-Shields	SB 16-Nodler
SB 5-Griesheimer	SB 17-Bray, et al
SB 6-Griesheimer	SB 18-Bray, et al
SB 7-Griesheimer	SB 19-Bray, et al
SB 8-Champion	SB 20-Days and Smith
SB 9-Champion	SB 21-Days, et al
SB 10-Champion	SB 22-Days and Bray
SB 11-Bartle, et al	SB 23-Callahan
SB 12-Bartle and Smith	SB 24-Callahan

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 62-Wilson	SB 106-Justus
SB 63-Rupp and Smith	SB 107-Green
SB 64-Rupp	SB 108-Justus
SB 65-Rupp	SB 109-Justus, et al
SB 66-Scott	SB 110-Crowell
SB 67-Scott	SB 111-Crowell
SB 68-Bray	SB 112-Crowell
SB 69-Bray	SB 113-Crowell

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 150-Griesheimer	SB 194-Shoemyer
SB 151-Clemens	SB 195-Shoemyer
SB 152-Clemens	SB 196-Shoemyer
SB 153-Clemens	SB 197-Goodman
SB 154-Goodman	SB 198-McKenna
SB 155-Goodman	SB 199-McKenna
SB 156-Goodman	SB 200-Cunningham
SB 157-Schmitt	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
SB 210-Lembke and Cunningham
SB 211-Lembke
SB 212-Griesheimer
SB 213-Scott
SB 214-Scott

SB 215-Shields
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
SJR 9-Lembke and Cunningham
SJR 10-Lembke
SJR 11-Lembke

INFORMAL CALENDAR

RESOLUTIONS

HCR 10-Tilley (Engler)

HCR 11-Tilley (Engler)

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