

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 3, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“As the eye needs light to see, so the soul needs labor to comprehend.” (Philo)

Gracious God, as we begin a new day working together, we are grateful that we have this work to do for it helps us to understand what is required of us, how our values and ethics come to play in our decisions and how our relationship with You is called forth and our soul magnifies Your gracious guidance in our yeas and nays. So we give You thanks and praise for this opportunity. In Your Gracious 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	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 209, regarding Alexander Thomas Tritico, which was adopted.

Senator Schaefer offered the following resolution:

SENATE RESOLUTION NO. 210

WHEREAS, television broadcasting in the United States will switch from analog to digital after February 17th of this year; and

WHEREAS, without the purchase and installation of a signal converter box, many analog televisions will become obsolete after that date; and

WHEREAS, instead of using a converter box to extend the life of an analog television, many Missourians may choose to purchase a new digital television and discard their older t.v.'s; and

WHEREAS, televisions can contain various amounts of heavy metals such as lead, chromium, and mercury, which in certain concentrations can be harmful to human health and the environment; and

WHEREAS, if disposed of improperly, hazardous substances and heavy metals can leach out of solid waste landfills and poison the state's soil and water resources; and

WHEREAS, much of the material used to make a television set is reusable and recyclable; and

WHEREAS, the Missouri Department of Natural Resources coordinates the recycling of electronic waste, or "e-waste," to prevent e-waste from accumulating in landfills; and

WHEREAS, there are a number of e-waste recyclers that operate in the state that are prepared and equipped to safely recycle old t.v.'s; and

WHEREAS, many communities have already scheduled local e-waste collection events where their citizens may drop off their unwanted electronic consumer goods to prevent them from going into the communities' landfills:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, strongly urge the citizens of Missouri to recycle their analog televisions if they do not intend to keep them after the national switch to digital broadcasting; and

BE IT FURTHER RESOLVED the Missouri Senate encourages Missourians to find out about where to recycle their unwanted analog televisions by contacting their community solid waste program, the Missouri Department of Natural Resources at 1-800-361-4827, visit the department's Internet website at <http://www.dnr.mo.gov/ecyclemo/events.htm> to find a list of scheduled e-waste collection events, or www.dnr.mo.gov/env/hwp/computerlist.htm to find a list of recognized e-waste recyclers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Association of Counties, the Missouri Municipal League and the Missouri Department of Natural Resources.

Senator Nodler offered the following resolution:

SENATE RESOLUTION NO. 211

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from Jasper County of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that Senate Rule 28 be amended to read as follows:

"Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee

or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon **all** bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

6. The Committee on Financial and Governmental Organizations and Elections shall consider and report upon bills and matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider and report upon bills and matters referred to it relating to election law.

7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

8. The Committee on Governmental Accountability and Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also consider and report upon bills and matters referred to it relating to tax credits, tax credit reform, budget reform, governmental efficiency and management.

9. The Committee on gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

10. The Committee on Health, Mental Health, Seniors and Families shall consider and report upon bills and matters referred to it concerning health, Mo HealthNet, alternative health care delivery system proposals, mental health, developmental disabilities, and substance abuse and addiction. It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.

11. The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

13. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

15. The Committee on Small Business, Insurance and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

16. The Committee on Transportation shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses.

17. The Committee on Veterans' Affairs, Pensions and Urban Affairs shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas.

18. The Committee on Ways and Means shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that the temporary rules adopted January 7, 2009, as amended, hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-fifth General Assembly.

Senator Lembke offered Senate Resolution No. 212, regarding Senior Chief Yeoman Kevin Martin, Affton, which was adopted.

Senator Engler moved that **SR 153** be taken up for adoption, which motion prevailed.

On motion of Senator Engler, **SR 153** was adopted.

CONCURRENT RESOLUTIONS

Senators Bartle and Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the “bailout plan”, became law on October 3, 2008; and

WHEREAS, the bailout plan authorized the United States Treasury to spend up to seven hundred billion dollars to purchase distressed assets and attempt to inject money into the banking industry; and

WHEREAS, the bailout plan requires little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, the bailout plan has committed the United States government to squander taxpayer money by buying illiquid assets at above-market values and therefore requiring the American public to overpay for these illiquid assets of Wall Street; and

WHEREAS, the economic problems of the United States were created largely by unwise policies by the federal government that incited banks to abandon common-sense lending standards, leading to excess credit and debt being accumulated and ultimately creating a tremendous number of bad mortgages that have had a toxic effect on the overall economic health of our nation; and

WHEREAS, the United States Congress is currently proposing to spend hundreds of billions of additional taxpayer dollars on new bailout proposals which primarily serve to expand government involvement in the private sector and to promote wasteful government spending on unnecessary programs which will result in tremendous debt for our government and citizenry without realistic prospects of meaningful benefit to the economy and will leave to future generations of Americans a staggering debt to repay:

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 express our strong disapproval of the actions of the United States federal government in passing and implementing the Emergency Economic Stabilization Act of 2008 to the detriment of our nation's future economic prosperity; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly urges Congress to oppose and refuse to pass any further legislation providing blanket financial assistance to, or “bailing out” of, certain segments of our economy; and

BE IT FURTHER RESOLVED that if Congress persists in this unwise course of action that any and all “bailout” funds given to the State of Missouri come only in the form of a block grant without any requirements that these funds be spent on social programs or other dedicated projects so that the Missouri General Assembly might return these dollars to the taxpayers of the State of Missouri to spend as they see fit; 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, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Missouri congressional delegation.

INTRODUCTION OF BILLS

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

SB 292—By Justus.

An Act to repeal section 620.1881, RSMo, and to enact in lieu thereof three new sections relating to certain tax credit programs administered by the department of economic development.

SB 293—By Barnitz, Mayer, Purgason and Shoemyer.

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades.

SB 294—By Barnitz.

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name reservation.

SB 295—By Scott.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to licensed professional counselors.

SB 296—By Scott.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the licenses of professions regulated by the board for architects, professional engineers, professional land surveyors, and landscape architects.

SB 297—By Scott.

An Act to repeal sections 414.530, 414.560, and 414.570, RSMo, and to enact in lieu thereof three new sections relating to the Missouri propane education and research council.

SB 298—By Scott.

An Act to repeal sections 327.031, 327.411, and 327.351, RSMo, and to enact in lieu thereof three new sections relating to professions regulated by the board for architects, professional engineers, professional land surveyors and landscape architects.

SB 299—By Griesheimer.

An Act to repeal sections 393.275 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to gas corporations.

SB 300—By Bray.

An Act to repeal sections 143.011, 143.021, and 143.171, RSMo, and to enact in lieu thereof four new sections relating to individual income tax, with a referendum clause.

SB 301—By Pearce.

An Act to amend chapter 650, RSMo, by adding thereto seven new sections relating to law enforcement canine team certification.

SB 302—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to after school programs for public school students.

SB 303—By Smith.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to instant runoff voting.

SB 304—By Crowell.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

RESOLUTIONS

Senator Champion moved that **SR 177** be taken up for adoption, which motion prevailed.

Senator Lager assumed the Chair.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 177, as it appears on Page 213 of the Senate Journal for Wednesday, January 28, 2009, Line 19 of said journal page, by inserting immediately after “bill.” the following: “; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-fifth General Assembly, First Regular Session, that the temporary rules adopted January 7, 2009, as amended, hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-fifth General Assembly.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Champion, **SR 177**, as amended, was adopted by the following vote:

YEAS—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	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

Jefferson City

65102

February 2, 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:

Gracia L. Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as Director of the Division of Employment Security, 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

February 2, 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:

Jane A. Rackers, 6900 Whippoorwill, Jefferson City, Cole County, Missouri 65101, as Director of the Division of Professional Registration, 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.

REFERRALS

President Pro Tem Shields referred **SR 207**; **SCR 15**; **SCR 16**; and **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

SB 276—Jobs, Economic Development and Local Government.

SB 277—Small Business, Insurance and Industry.

SB 278—Jobs, Economic Development and Local Government.

SB 279—Jobs, Economic Development and Local Government.

SB 280—Small Business, Insurance and Industry.

SB 281—Agriculture, Food Production and Outdoor Resources.

SB 282—Commerce, Consumer Protection, Energy and the Environment.

SB 283—Small Business, Insurance and Industry.

SB 284—Jobs, Economic Development and Local Government.

SB 285—Jobs, Economic Development and Local Government.

SB 286—Jobs, Economic Development and Local Government.

SB 287—Education.

SB 288—Jobs, Economic Development and Local Government.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, members of the Division of Youth Services Advisory Board.

Senator Barnitz introduced to the Senate, Russell Scheulen, Ray Schwartze, Terry Libbert, James Morgan, Vince Sampson, Elmer Senevey, Jerry Wolfe, Richard Cavender, Bonnie Prigge, Tammy Snodgrass, Mary Heywood and Marcus Maggard, members of Meramec Regional Planning Commission.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Daniel T. Purdom, M.D., Independence; and Chris Blanner, Raytown.

Senator Cunningham introduced to the Senate, Ellen Bredenkoetter, St. Louis.

Senator Lager introduced to the Senate, the Great Northwest Delegation.

Senator Wilson introduced to the Senate, Cokethea Hill and Wayne Thompson, Jr., Kansas City.

Senator Dempsey introduced to the Senate, Dr. Bernard DuBray, Superintendent and Dr. Patty Corum, Deputy Superintendent, Fort Zumwalt School District.

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

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 4, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 289-Griesheimer	SB 297-Scott
SB 290-Crowell	SB 298-Scott
SB 291-Shields	SB 299-Griesheimer
SB 292-Justus	SB 300-Bray
SB 293-Barnitz, et al	SB 301-Pearce
SB 294-Barnitz	SB 302-Smith
SB 295-Scott	SB 303-Smith
SB 296-Scott	SB 304-Crowell

SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

RESOLUTIONS

SR 139-Engler

SR 211-Nodler

Reported from Committee

SR 141-Engler, with point of order
(pending)

To be Referred

SR 210-Schaefer

SCR 18-Bartle and Rupp