

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTEENTH DAY—WEDNESDAY, FEBRUARY 4, 2009

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Sing to God, sing praises to his name..” (Psalm 68:1)

O God, our Comforter, we praise You for Your help and Your generosity. We ask that we may follow Your teachings and by our action give You glory. And when we misunderstand what You would have us do, we ask for forgiveness and that You set us back on the right pathways You desire us to follow. May Your Holy Spirit abide in us and give us His gifts. 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   | 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 Green offered Senate Resolution No. 213, regarding Captain James M. Gieseke, Florissant, which was adopted.

Senator Schaefer offered Senate Resolution No. 214, regarding the 2008 University of Missouri Women's Soccer team, which was adopted.

Senator Crowell offered Senate Resolution No. 215, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. August Glaab, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 216, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L.R. Green, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 217, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Heise, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 218, regarding Russell Sprengel, Cape Girardeau, which was adopted.

Senator McKenna offered Senate Resolution No. 219, regarding Spencer Alexander, Pevely, which was adopted.

Senator Griesheimer offered Senate Resolution No. 220, regarding Kyle Holmes Saunders, Villa Ridge, which was adopted.

Senator Goodman offered Senate Resolution No. 221, regarding Cassville R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 222, regarding Miller R-II School District, which was adopted.

Senator Goodman offered Senate Resolution No. 223, regarding Pierce City R-VI School District, which was adopted.

Senator Goodman offered Senate Resolution No. 224, regarding Marionville R-IX School District, which was adopted.

Senator Goodman offered Senate Resolution No. 225, regarding Mt. Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 226, regarding Aurora R-VIII School District, which was adopted.

Senator Goodman offered Senate Resolution No. 227, regarding Bakersfield R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 228, regarding Gainesville R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 229, regarding Dora R-III School District, which was adopted.

Senator Goodman offered Senate Resolution No. 230, regarding Hurley R-I School District, which was adopted.

Senator Goodman offered Senate Resolution No. 231, regarding Reeds Spring R-IV School District, which was adopted.

Senator Goodman offered Senate Resolution No. 232, regarding Blue Eye R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 233, regarding Branson R-IV School District, which was adopted.

Senator Shields, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 234

Whereas, the members of the Missouri Senate occasionally pause in their diverse legislative endeavors in order to express their high regard for state employees who have contributed an exceptional amount of time and energy to ensuring the success of this legislative body; and

Whereas, Beauford Wayne "B.W." Robinson is currently serving in his twenty-third legislative session as a Doorkeeper and Tour Guide for the Missouri Senate; and

Whereas, a bonafide legend around the capitol, B.W. Robinson brings to his work as a Doorkeeper and Tour Guide a wealth of knowledge, skills, and experiences garnered from earlier employment as an educator who served for a number of years as the Superintendent of the Rolla School District; and

Whereas, in 1964 B.W. Robinson drew his duties and responsibilities with Rolla schools to a close to become the Missouri Director of Vocational and Technical Education under whose leadership the state developed fifty-three vocational education programs throughout the state; and

Whereas, during his career in education, B.W. Robinson developed certification requirements for Missouri teachers, authored the Missouri plan for vocational education, guided the development of curriculum guides for teachers, and expanded the role of women in vocational education; and

Whereas, no stranger to honors and accolades, B.W. Robinson was awarded the Missouri Vocational Association's Distinguished Honor Citation in 1982, just a few short years prior to his retirement as Director of Vocational and Technical Education in 1985 and the start of his new career as a Senate Doorkeeper and Tour Guide; and

Whereas, B.W. Robinson also is the recipient of the Distinguished Alumni Award from the MU Alumni Association, was tapped as a member of Mizzou's Mystical 7 Honor Society, was named as an "Outstanding Citizen" by the Jefferson City Chamber of Commerce, and is the namesake of the B.W. Robinson State School in Rolla:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fifth General Assembly, join to applaud the personal and professional accomplishments garnered thus far in the life and work of B.W. Robinson and to convey to him this legislative body's most heartfelt commendation of his efforts as a Senate Doorkeeper and Tour Guide during this, his twenty-third legislative session; 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 Beauford Wayne "B.W." Robinson.

Senator Mayer offered Senate Resolution No. 235, regarding A.J. Siegler, Puxico, which was adopted.

Senator Mayer offered Senate Resolution No. 236, regarding Ryan Hartman, Puxico, which was adopted.

Senator Mayer offered Senate Resolution No. 237, regarding Adam Rath, Puxico, which was adopted.

Senator Nodler moved that **SR 211** be taken up for adoption, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 211, as it appears on Page 235 of the Senate Journal for Tuesday,

February 3, 2009, Line 43 of said journal page, by striking “Mo HealthNet” and inserting in lieu thereof the following: “MO HealthNet”.

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

On motion of Senator Nodler, **SR 211**, as amended, was adopted by the following vote:

YEAS—Senators

|         |         |          |          |          |         |                 |            |
|---------|---------|----------|----------|----------|---------|-----------------|------------|
| Barnitz | Bartle  | Bray     | Callahan | Champion | Clemens | Crowell         | Cunningham |
| Days    | Dempsey | Engler   | Goodman  | Green    | Justus  | Lembke          | Mayer      |
| McKenna | Nodler  | Pearce   | Purgason | Ridgeway | Rupp    | Schaefer        | Schmitt    |
| Scott   | Shields | Shoemyer | Smith    | Vogel    | Wilson  | Wright-Jones—31 |            |

NAYS—Senators—None

Absent—Senators

Griesheimer Lager Stouffer—3

Absent with leave—Senators—None

Vacancies—None

Senators Bray, Griesheimer, Schmitt, Pearce, Shoemyer, Justus and Schaefer offered the following resolution:

SENATE RESOLUTION NO. 238

WHEREAS, Congress and the new Administration are working to shape federal policy to respond to the nation's economic crisis; and

WHEREAS, Congress and the new Administration are working to stimulate the economy by some of the largest public works investment in 50 years; and

WHEREAS, difficult choices must be made in determining what types of investments to make in the nation's infrastructure in any federal stimulus and recovery act; and

WHEREAS, passenger train service offers some of the best return on investment as expanded and improved passenger train service is not only an environmentally-friendly transportation choice, but a permanent source of economic development by tying together cities and regions and finally a creator of permanent jobs both in the operation of the service and in the maintenance of the trainsets, tracks, and related infrastructure; and

WHEREAS, railroad jobs, whether with Amtrak, the host freight railroads or railroad suppliers are typically good-paying full-time jobs with benefits that usually pay more than the nation's median income; and

WHEREAS, the United States' passenger rail service is far inferior to those of our global competitors due largely to a lack of rigorous federal investment over the last 50 years; and

WHEREAS, recently the federal government has begun to invest in passenger rail and the upcoming debate over American Recovery and Reinvestment Plan is an opportunity to fully invest in passenger rail as part of the Plan:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, hereby urge Congress and President Barack Obama to maximize the investment in expanded and improved passenger train service as part of the American Recovery and Reinvestment Plan; and

BE IT FURTHER RESOLVED, that the members of the Missouri Senate urge Congress and President Barack Obama to take full advantage of this opportunity for a full, vigorous federal investment in expanding and improving passenger train service with 100 percent federal sources to build the foundation for lasting prosperity with environmentally-friendly connections between cities and towns in the region and the nation; and

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

Senators Champion and Engler offered Senate Resolution No. 239, regarding Bill Rowe, Springfield, which was adopted.

Senator Crowell offered Senate Resolution No. 240, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Michael Baker, Sikeston, which was adopted.

Senator Mayer assumed the Chair.

### **CONCURRENT RESOLUTIONS**

Senator Crowell offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 19**

WHEREAS, in April 2003, the state of Missouri issued \$387,425,000 in Series A revenue bonds; and

WHEREAS, the proceeds of such bonds were used for a new State Health Lab, the University of Missouri-Kansas City Pharmacy building, and various maintenance and repair projects at universities across the state; and

WHEREAS, the state also used approximately \$89 million of the bond proceeds to reimburse the state general revenue fund for previously completed capital improvement projects that used money from the state general revenue fund, as such reimbursement was necessary to cover a budget shortfall for fiscal year 2003; and

WHEREAS, the debt service on the Series A 2003 revenue bonds is approximately \$28 million annually and will continue until 2029; and

WHEREAS, if the state pays the bonds off at maturity in 2029, the state will have paid approximately \$695.7 million in principal and interest; and

WHEREAS, the bonds are callable in fiscal year 2014 with a payoff cost of \$311.2 million, which would result in a savings of \$123.6 million for the state; and

WHEREAS, in order to have the funds necessary to pay off the Series A 2003 bonds at their call date in fiscal 2014, the state needs to create a sinking fund where funds could be appropriated each year leading up to the call date; and

WHEREAS, the Board of Public Buildings must approve any early payoff of the Series A 2003 revenue bonds:

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 office of administration to create a sinking fund to collect moneys needed to payoff the Series A 2003 revenue bonds at the time the bonds are callable in fiscal year 2014; and

BE IT FURTHER RESOLVED that the General Assembly urges the Board of Public Buildings to approve the early payoff of the bonds in order to save the state approximately \$123.6 million that the state would have otherwise paid in principal and interest over the lifetime of the bonds; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of the Office of Administration and each member of the Board of Public Buildings.

### **INTRODUCTION OF BILLS**

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

**SB 305**—By Dempsey, Pearce and Schaefer.

An Act to amend chapter 172, RSMo, by adding thereto six new sections relating to science and technology reinvestment districts, with an emergency clause.

**SB 306**—By Dempsey, Schmitt, Schaefer and Pearce.

An Act to amend chapter 208, RSMo, by adding thereto fourteen new sections relating to the show-me health coverage plan.

**SB 307**—By Dempsey and Rupp.

An Act to amend chapter 190, RSMo, by adding thereto fifteen new sections relating to ambulance

service reimbursement allowance tax, with an expiration date.

**SB 308**—By Bray.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a health care quality report card.

**SB 309**—By Bray.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, 191.776, and 577.070, RSMo, and to enact in lieu thereof seven new sections relating to smoking-related offenses, with penalty provisions.

**SB 310**—By Bartle.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to recording of custodial suspect interrogations, with penalty provisions.

**SB 311**—By Goodman.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

**SB 312**—By Goodman.

An Act to repeal sections 513.600, 513.605, 513.607, 513.610, 513.612, 513.615, 513.617, 513.620, 513.623, 513.625, 513.630, 513.635, 513.637, 513.640, 513.645, 513.647, 513.649, 513.651, and 513.653, RSMo, and to enact in lieu thereof twenty-five new sections relating to criminal forfeiture, with penalty provisions.

**SB 313**—By Nodler and Bray.

An Act to amend chapter 30, RSMo, by adding thereto two new sections relating to the receipt of federal economic stimulus funds.

## **REPORTS OF STANDING COMMITTEES**

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Linda M. Martinez, as Director of the Department of Economic Development, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wright-Jones moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

At the request of Senator Wright-Jones, the above motion was withdrawn.

Senator Shields requested unanimous consent of the Senate to have the committee report on Linda M. Martinez, as Director of the Department of Economic Development, returned to the Committee on Gubernatorial Appointments, which request was granted.

President Pro Tem Shields assumed the Chair.

Senator Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families,

submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 9**, 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.

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

Mr. President: Your Committee on General Laws, to which was referred **SB 47**, 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.

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics has approved the Senate Democrat Caucus, with the hereto attached list of members.

|                  |                  |                    |
|------------------|------------------|--------------------|
| Frank A. Barnitz | Timothy P. Green | Jeff Smith         |
| Joan Bray        | Jolie L. Justus  | Yvonne Wilson      |
| Victor Callahan  | Ryan McKenna     | Robin Wright-Jones |
| Rita Heard-Days  | Wes Shoemyer     |                    |

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics has approved the Senate Majority Caucus, with the hereto attached list of members.

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Jim Lembke      | Luann Ridgeway   | Delbert Scott   |
| Scott Rupp      | Kurt Schaefer    | Jack Goodman    |
| Kevin Engler    | Dan Clemens      | Norma Champion  |
| Carl Vogel      | Bill Stouffer    | David Pearce    |
| Jane Cunningham | Tom Dempsey      | Gary Nodler     |
| Matt Bartle     | Rob Mayer        | Chuck Purgason  |
| Brad Lager      | John Griesheimer | Charlie Shields |
| Eric Schmitt    | Jason Crowell    |                 |

### **REFERRALS**

President Pro Tem Shields referred **SR 210** and **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Mayer assumed the Chair.

### **INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Richard McLaren, Carl Junction.

Senator Nodler introduced to the Senate, Dr. Ron Lankford, Superintendent, Coach John Roderique and sixty-five members of the Class 4 A State Champion Webb City High School football team.

Senator Schaefer introduced to the Senate, Elizabeth Douglas, Tera Missoi, Nathan Hessmann, Dr. Jim Luetkemeyer, M.D., Tom Essman, Linda Tsai, Michael Korenfeld and Nancy Holekamp, members of

Missouri Society of Eye Physicians and Surgeons.

Senator Wright-Jones introduced to the Senate, Meg Ortmeyer and Karla Johansen, Jefferson City.

Senator Green introduced to the Senate, Annie Seal, Caryn Boultinghouse, Dr. Kimberli McCallum, M.D. and former State Representative May Scheve Reardon, St. Louis.

Senator Wright-Jones introduced to the Senate, Chief Dan Isom, Colonel Chris Goodson and Dave Heath, members of the St. Louis City Police Department.

Senator Shoemyer introduced to the Senate, Gary Webb and Howard Ramsey.

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

## SENATE CALENDAR

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SEVENTEENTH DAY—THURSDAY, FEBRUARY 5, 2009

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

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

SB 302-Smith  
 SB 303-Smith  
 SB 304-Crowell  
 SB 305-Dempsey, et al  
 SB 306-Dempsey, et al  
 SB 307-Dempsey and Rupp  
 SB 308-Bray  
 SB 309-Bray  
 SB 310-Bartle  
 SB 311-Goodman  
 SB 312-Goodman  
 SB 313-Nodler and Bray

### SENATE BILLS FOR PERFECTION

SB 128-Rupp, with SCS



INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 9-Champion, with SCS

SB 47-Scott, with SCS

RESOLUTIONS

SR 139-Engler

Reported from Committee

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

To be Referred

SR 238-Bray, et al

SCR 19-Crowell

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