

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 10, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord can clear the darkest skies,
Can give us day for night;
Make drops of sacred sorrow rise
To rivers of delight.” (Isaac Watts)

Almighty and loving Father, You are always more ready to hear us than we are to pray for which we don't deserve but are grateful. As we face the work before us help us to weigh each bill with our conscience and make decisions based on the wee small voice within us. 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 Smith offered Senate Resolution No. 269, regarding Sumner High School, which was adopted.

Senator Crowell offered Senate Resolution No. 270, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Lester M. Wells, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 271, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Heuring, New Hamburg, which was adopted.

Senator Crowell offered Senate Resolution No. 272, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robey LeGrand, Oran, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 273, regarding Paraquad, Inc., St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 274, regarding Harry A. Keitz, DDS, Brentwood, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 275, regarding Patty Maher, which was adopted.

Senators Vogel and Champion offered Senate Resolution No. 276, regarding Melanie Blunt, which was adopted.

Senator Wilson offered Senate Resolution No. 277, regarding Roy Copeland, Jr., Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 278, regarding Don Motley, which was adopted.

INTRODUCTION OF BILLS

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

SB 346—By Schaefer.

An Act to repeal sections 407.925, 407.928, 407.929, and 407.931, RSMo, and to enact in lieu thereof four new sections relating to sale of tobacco products, with penalty provisions.

SB 347—By Mayer.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

SB 348—By Mayer.

An Act to repeal sections 50.327 and 57.317, RSMo, and to enact in lieu thereof two new sections relating to county sheriff salaries.

SB 349—By Goodman and McKenna.

An Act to repeal section 23.140, RSMo, and to enact in lieu thereof one new section relating to the preparation of fiscal notes for bills that affect the tourism industry of this state.

SB 350—By Clemens and Shoemyer.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing, with penalty provisions.

SB 351—By Shoemyer.

An Act to repeal sections 32.069 and 144.190, RSMo, and to enact in lieu thereof two new sections relating to sales tax refunds, with penalty provisions.

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, which motion prevailed.

Senator Stouffer assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to preneed funeral contracts, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 1** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 1**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1

An Act to repeal sections 436.005, 436.007, 436.011, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.041, 436.045, 436.048, 436.051, 436.053, 436.055, 436.061, 436.063, 436.065, 436.067, 436.069, and 436.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to preneed funeral contracts, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **SB 1** be adopted.

At the request of Senator Scott, **SB 1**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Shields referred **SCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Engler, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schaefer.

REPORTS OF STANDING COMMITTEES

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, after examination of **SB 9**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 238**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 238, as it appears on Page 245 of the Senate Journal for Wednesday, February 4, 2009, Lines 38-39 of said journal page, by striking the following: “with 100 percent federal sources”.

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 279, regarding the One Hundredth Anniversary of the NAACP branch of Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Dr. Pauline Nugent, Dr. Margret Weaver and Dr. Paula Kemp, representatives from Missouri State University, Springfield.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, M.D. and Disa Wagner, Kirksville.

Senator Shoemyer introduced to the Senate, forty-four students from Truman State University, Kirksville.

Senator Pearce introduced to the Senate, David E. Ewing and Jerry Kangas, Warrensburg.

Senator Mayer introduced to the Senate, Susan Hill and Heather Waddle, Dexter.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the

state.

Senator Engler introduced to the Senate, Ron and Jacque Inman and Jack and Leland Huck, Ste. Genevieve.

Senator Rupp introduced to the Senate, members of the Troy Chamber of Commerce.

Senator McKenna introduced to the Senate, Eva Simms and Beulah McCreery, Crystal City.

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

SENATE CALENDAR

TWENTIETH DAY–WEDNESDAY, FEBRUARY 11, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 330-Justus	SB 341-Bray
SB 331-Justus	SB 342-Stouffer
SB 332-Dempsey, et al	SB 343-Stouffer
SB 333-Barnitz	SB 344-Lager
SB 334-Pearce	SB 345-Lager
SB 335-Rupp	SB 346-Schaefer
SB 336-Rupp	SB 347-Mayer
SB 337-Rupp	SB 348-Mayer
SB 338-Rupp	SB 349-Goodman and McKenna
SB 339-Goodman	SB 350-Clemens and Shoemyer
SB 340-Bray	SB 351-Shoemyer

SENATE BILLS FOR PERFECTION

SBs 36 & 112-Goodman, with SCS	SB 37-Goodman, with SCS
SB 26-Ridgeway	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Scott, with SCS & SS for SCS (pending)	SB 128-Rupp, with SCS, SA 1 & SA 1 to SA 1 (pending)
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CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 47-Scott, with SCS

RESOLUTIONS

SR 139-Engler

Reported from Committee

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

SR 238-Bray, et al, with SCA 1

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