

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 11, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will not fear, for You are ever with me, and You will never leave me to face my perils alone.” (Thomas Merton)

Holy God, too often we are more quick to trust in the wisdom of the world and ourselves than we may trust Your wisdom. Strengthen our faith that we may live and work in Your grace and compassion as You guide our steps and efforts this day. 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	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—33

Absent—Senators—None

Absent with leave—Senator Bartle—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shoemyer offered Senate Resolution No. 280, regarding Gary Leu, Shelbina, which was adopted.

Senator Shoemyer offered Senate Resolution No. 281, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Bates, Monroe City, which was adopted.

Senator Champion offered Senate Resolution No. 282, regarding the city of Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 283, regarding Michael Crawford, Long Lane, which was adopted.

Senator Scott offered Senate Resolution No. 284, regarding Thomas Bolin, Buffalo, which was adopted.

Senator Scott offered Senate Resolution No. 285, regarding Fred Marks, Buffalo, which was adopted.

CONCURRENT RESOLUTIONS

Senator Clemens offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, “25 by 25” is a renewable energy initiative proposing that America's agricultural and forestry sectors produce 25 percent of the nation's energy requirements from renewable resources by the year 2025 while continuing to produce abundant and safe food and fiber; and

WHEREAS, having an affordable, reliable, and plentiful energy supply is critical for our state and national economy and the national and international food supply; and

WHEREAS, current and future risks to the nation's energy security are mounting while global energy demands are growing exponentially; and

WHEREAS, Missouri's productive farms and forests can become the future sources for renewable fuels to help supply these growing energy demands; and

WHEREAS, the development of a broad spectrum of renewable energy sources, including but not limited to wind power, biodiesel, biomass, methane digesters, ethanol, and solar, would be beneficial to Missouri's farmers and rural communities by opening additional markets for agricultural commodities, increasing farm income, developing new products from livestock byproducts, improving the productive use of marginal lands, improving wildlife habitat, and creating many new job opportunities; and

WHEREAS, American agriculture is well-positioned to play an expanded role in the development and implementation of new energy solutions and, with appropriate technological innovation, incentives, and investments, America's farms and forests can become the factories that produce a new generation of fuels to help meet the nation's critical energy needs; and

WHEREAS, agriculture's and forestry's role as an energy producer will have a positive effect on national security and United States trade imbalances:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, express our support of the “25 by 25” renewable energy initiative that America's agricultural and forestry sectors provide 25 percent of the nation's energy needs by the year 2025 while they continue to produce abundant, safe, and affordable food and fiber; 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, the Majority Leader and Minority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Majority Leader and Minority Leader of the U.S. House of Representatives, and President Barack Obama.

INTRODUCTION OF BILLS

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

SB 352—By Bray.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the reorganization of state health care, with an emergency clause.

SB 353—By Schmitt.

An Act to repeal section 620.1039, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified research expenses related solely to animal and plant sciences.

SB 354—By Dempsey.

An Act to repeal section 55.030, RSMo, and to enact in lieu thereof one new section relating to county inventory.

SB 355—By Dempsey.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle administrative fees.

SB 356—By Purgason.

An Act to repeal section 306.903, RSMo, and to enact in lieu thereof two new sections relating to waterways, with penalty provisions.

SB 357—By Purgason.

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealer insurance.

SB 358—By Purgason.

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification.

SB 359—By Purgason.

An Act to repeal section 251.430, RSMo, and to enact in lieu thereof one new section relating to regional planning commissions.

SB 360—By Scott.

An Act to repeal sections 443.800, 443.803, 443.805, 443.807, 443.809, 443.810, 443.812, 443.816, 443.817, 443.819, 443.821, 443.823, 443.825, 443.827, 443.830, 443.833, 443.835, 443.837, 443.839, 443.841, 443.843, 443.845, 443.847, 443.849, 443.851, 443.853, 443.855, 443.857, 443.859, 443.861, 443.863, 443.865, 443.867, 443.869, 443.879, 443.881, 443.883, 443.885, 443.887, 443.889, 443.891, and 443.893, RSMo, and to enact in lieu thereof fifty-eight new sections relating to the regulation of the mortgage industry, with penalty provisions for certain sections and an emergency clause.

SB 361—By Crowell.

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to practicing dentistry with a limited license.

SB 362—By Griesheimer.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording user fees.

SB 363—By Griesheimer.

An Act to repeal sections 32.063, 136.055, 144.025, 144.060, 144.070, 144.080, 144.100, and 144.130, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicle sales taxes, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Goodman moved that **SB 36** and **SB 112**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 36** and **112**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 36 and 112

An Act to repeal sections 559.115, 566.030, and 566.060, RSMo, and to enact in lieu thereof three new sections relating to the penalties for certain forcible sexual offenses committed against children, with penalty provisions.

Was taken up.

Senator Dempsey assumed the Chair.

Senator Goodman moved that **SCS** for **SBs 36** and **112** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SBs 36** and **112** was declared perfected and ordered printed.

RESOLUTIONS

Senator Bray moved that **SR 238**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

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

On motion of Senator Bray, **SR 238**, as amended, was adopted.

SENATE BILLS FOR PERFECTION

SB 26 was placed on the Informal Calendar.

Senator Goodman moved that **SB 37**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 37

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **SB 37** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 37, Page 2, Section 600.015, Line 2, by striking the word “seven” and inserting in lieu thereof the following: “**eight**”; and further amend line 4, by inserting at the end of said line the following: “**At least one member shall be a person actively serving as an assistant public defender, as defined in section 600.011, with at least one year of service as an assistant public defender.**”; and

Further amend said bill and section, page 3, line 20, by inserting at the end of said line the following: “**A commission member, who serves as an assistant public defender, shall receive his or her regular salary for that position. No member serving in the assistant public defender position on the commission shall be subject to any adverse employment action for a vote taken, or comments made, during a commission meeting.**”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Goodman, **SB 37**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Ridgeway moved that **SB 26** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SB 26** was declared perfected and ordered printed.

President Pro Tem Shields assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 154**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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 147**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on General Laws, to which was referred **SB 156**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dempsey assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 330—Judiciary and Civil and Criminal Jurisprudence.

SB 331—Progress and Development.

SB 332—Jobs, Economic Development and Local Government.

SB 333—Jobs, Economic Development and Local Government.

SB 334—Veterans' Affairs, Pensions and Urban Affairs.

SB 335—Small Business, Insurance and Industry.

SB 336—Small Business, Insurance and Industry.

SB 337—Jobs, Economic Development and Local Government.

SB 338—Judiciary and Civil and Criminal Jurisprudence.

SB 339—General Laws.

SB 340—Commerce, Consumer Protection, Energy and the Environment.

SB 341—Financial and Governmental Organizations and Elections.

SB 342—Transportation.

SB 343—Transportation.

SB 344—Education.

SB 345—Education.

SB 346—Small Business, Insurance and Industry.

SB 347—Judiciary and Civil and Criminal Jurisprudence.

SB 348—Jobs, Economic Development and Local Government.

SB 349—General Laws.

SB 350—Agriculture, Food Production and Outdoor Resources.

SB 351—Ways and Means.

COMMUNICATIONS

President Pro Tem Shields submitted the following:

February 10, 2009

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
201 West Capitol Avenue
Jefferson City, MO 65101

RE: Appointments to the Health Facilities Review Committee

Dear Ms. Spieler,

Pursuant to Section 197.310, RSMo, I am appointing the following Senators to the Health Facilities Review Committee:

Senator Schmitt

Senator Wright-Jones

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Charlie

Charles W. Shields
President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, fifteen students from Carl Junction High School.

Senator Nodler introduced to the Senate, forty Dental Hygienist students from Joplin.

Senator Purgason introduced to the Senate, Ted Houx and Ryan Shoffner, Amy Frazee, and Jory Cox, students from Lake Career and Technical Center, Camdenton.

Senator Champion introduced to the Senate, Dr. Jennifer Baker and Councilman Conrad Griggs, Springfield.

Senator Cunningham introduced to the Senate, Debbie Trunk and Sandra Pritchard, Bernie Cadiz, Emilia Sehnert and Nicole Hampton, Dental Hygienist students from St. Louis.

Senator Schaefer introduced to the Senate, the University of Missouri Women's Soccer Team, Columbia.

Senator McKenna introduced to the Senate, Bill Knitting, Kathy Harris, Sara Suzharski, Linda Dallas and Jerry Suhuenemann, Jefferson County.

Senator Scott introduced to the Senate, Vickie Hillsman, El Dorado Springs.

Senator Purgason introduced to the Senate, Kailyn Rogers, Matt Phillips, Holly Bolch and Debbie Schaffer, Lebanon; and Lindsay Cantrell, Hartville.

Senator Mayer introduced to the Senate, Myra Callahan and Shirley Stephens, Kennett; and Cheryl Jones, David Terrell and Kathy Teachout, Sikeston.

Senator Mayer introduced to the Senate, Nycole Born, Kyle Whited and Connie Griffin, Bloomfield.

Senator Lembke introduced to the Senate, Toni Moll and Jon Gannon, Alica Tape, Anne Bewig, James Perretta, Joe Presson, Maria Garcia, Andrew Robson and Eric Pashia, members of the St. Louis Symphony Youth Orchestra.

Senator Scott introduced to the Senate, Patricia Schafer, Ashleigh Page, Austin Hansen, Leah Zimmerman, Jared Bahr, Alex Arnold, Melissa Wray, Nathan Dawolt, Josh Schellack, Jaedon Lamb, Rachel Grotheer, Marcus Page, and Jeremy and C.J. Budy, Fort Scott, Kansas.

Senator Smith introduced to the Senate, Joel Henneberry, Patrick Page, Tiffany Wang and McKayla Talasek, St. Louis.

Senator Schmitt introduced to the Senate, eleven members of the St. Louis Youth Symphony Orchestra.

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

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 12, 2009

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 352-Bray	SB 358-Purgason
SB 353-Schmitt	SB 359-Purgason
SB 354-Dempsey	SB 360-Scott
SB 355-Dempsey	SB 361-Crowell
SB 356-Purgason	SB 362-Griesheimer
SB 357-Purgason	SB 363-Griesheimer

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
SB 37-Goodman, with SCS & SA 1 (pending)	SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/29

SB 31-Stouffer

Reported 2/4

SB 47-Scott, with SCS

Reported 2/11

SB 154-Goodman
SB 38-Rupp
SB 147-Dempsey

SB 156-Goodman
SB 171-Griesheimer

RESOLUTIONS

SR 139-Engler

Reported from Committee

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

To be Referred

SCR 21-Clemens

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