

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 18, 2009**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“All that is valuable in human society depends upon the opportunity for development accorded to the individual.” (Albert Einstein)

Almighty God, as we consider the effects of the bills and budget concerns that we must in this difficult year, help us provide opportunities for our citizens to develop their creativity and potential as You have created them. And help us to help them find expression and full measure of their potential so it may benefit others. 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 Nodler offered Senate Resolution No. 344, regarding Gerald Hulsey, Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 345, regarding Ernest “Lee” Combs, Diamond, which was adopted.

Senator Nodler offered Senate Resolution No. 346, regarding James Patterson, Fort Smith, Arkansas, which was adopted.

Senator Nodler offered Senate Resolution No. 347, regarding Elizabeth Mouton, Carthage, which was adopted.

Senator Scott offered Senate Resolution No. 348, regarding the Thirty-third Anniversary of the Fraternal Order of Eagles 3667, Clinton, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 392**—By Shields.

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof one new section relating to taxation of corporate income.

**SB 393**—By Green and Bartle.

An Act to repeal sections 100.250, 100.255, 100.260, 100.263, 100.265, 100.270, 100.275, 100.277, 100.281, 100.282, 100.286, 100.287, 100.291, 100.292, 100.293, 100.296, and 100.297, RSMo, relating to the repeal of the Missouri development finance board act.

**SB 394**—By Ridgeway.

An Act to repeal sections 338.210 and 338.260, RSMo, and to enact in lieu thereof two new sections relating to certain business names.

**SB 395**—By Ridgeway.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to the public school retirement system of Missouri, with penalty provisions.

**SB 396**—By Justus.

An Act to repeal section 311.060, RSMo, and to enact in lieu thereof one new section relating to liquor licenses.

**SB 397**—By Shoemyer and Griesheimer.

An Act to amend chapter 324, RSMo, by adding thereto twenty-seven new sections relating to the regulation of the auto body repair industry, with penalty provisions.

**SB 398**—By Barnitz.

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 243**, 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 Champion, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following reports:

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 Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 157**, 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 Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 8**, 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.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 265**, 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 Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 152**, 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.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 55**, 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 Education, to which was referred **SB 79**, 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 231**, 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.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 179**, 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.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 15**, 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 Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 217**, 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 Small Business, Insurance and Industry, to which was referred **SB 202**, 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.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Stouffer, **SB 29** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 100**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 100**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100**

An Act to repeal section 260.750, RSMo, and to enact in lieu thereof two new sections relating to the transportation of radioactive waste.

Was taken up.

Senator Rupp assumed the Chair.

Senator Schaefer moved that **SCS** for **SB 100** be adopted.

Senator Shoemyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 100, Page 6, Section 260.392, Line 182, by inserting immediately after said line the following:

**“260.401. Each railroad employee who is required to operate, work on, or ride trains transporting shipments of high level radioactive waste, transuranic radioactive waste, or spent nuclear fuel within or through the state of Missouri shall be provided with an operative dosimeter or a personal radiation monitor capable of recording the appropriate dosage of radiation emitted by said shipments that he or she may receive during his or her entire time of exposure and shall be informed in writing of the individual dose he or she received during his or her tour of duty. Written notification shall be provided as promptly as practical, but shall be made no later than ninety days following the date the employee was finally relieved from all duties associated with said shipments. Dosimeters or personal radiation monitors shall be provided by the shipper unless other provisions have been made and they will be available for use upon entry into the state of Missouri or initial exit from a facility located within the state.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Schaefer moved that **SCS** for **SB 100**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SB 100**, as amended, was declared perfected and ordered printed.

At the request of Senator Stouffer, **SB 58** was placed on the Informal Calendar.

Senator Shields moved that **SB 189**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 189

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers, with penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 189** be adopted, which motion prevailed.

Senator Shields moved that **SCS** for **SB 189** be declared perfected and ordered printed.

At the request of Senator Shields, **SCS** for **SB 189** was placed on the Informal Calendar.

Senator Nodler moved that **SB 313**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 313

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

Was taken up.

Senator Nodler moved that **SCS** for **SB 313** be adopted.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 313, Page 2, Section 30.1014, Line 15, by inserting immediately after all of said line the following:

**“Section 1. The state treasurer is hereby authorized to create funds as necessary to avoid conflict with provisions of federal law prohibiting commingling of certain funds derived from the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Nodler moved that **SCS** for **SB 313**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 313**, as amended, was declared perfected and ordered printed.

#### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 100**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

#### MESSAGES FROM THE HOUSE

The following message was 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 passed **HCS** for **HB 96**, entitled:

An Act to repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, and 210.102, and to enact in lieu thereof eighteen new sections relating to school protection measures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### REFERRALS

With the consent of the sponsor, President Pro Tem Shields referred **SR 139** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

#### RESOLUTIONS

Senator Vogel offered Senate Resolution No. 349, regarding the One Hundred Fiftieth Anniversary of the city of Fulton, which was adopted.

Senator Ridgeway offered Senate Resolution No. 350, regarding Cody Kesler, Liberty, which was

adopted.

Senator Pearce offered Senate Resolution No. 351, regarding Howard School Preservation Association, Warrensburg, which was adopted.

Senator Green offered Senate Resolution No. 352, regarding Clayton James Marolt, which was adopted.

Senator Green offered Senate Resolution No. 353, regarding the death of Sister Rosalie Supinski, OSF, which was adopted.

Senator Scott offered Senate Resolution No. 354, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Wilkins, Deepwater, which was adopted.

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 Ridgeway.

### **REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 313**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **COMMUNICATIONS**

President Pro Tem Shields submitted the following:

February 17, 2009  
Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
201 West Capitol Avenue  
Jefferson City, MO 65101

**RE: Appointment to the Missouri Assistive Technology Advisory Council**

Dear Ms. Spieler,

Pursuant to Section 191.853 RSMo, I am appointing Senator Scott Rupp to the Missouri Assistive Technology Advisory Council.

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

Sincerely,

/s/ Charlie

Charles W. Shields  
President Pro-Tem

Also,

February 18, 2009  
Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Terrorism, Bioterrorism and Homeland Security**

Dear Ms. Spieler,

Pursuant to Section 21.800 RSMo, I am appointing Senator David Pearce to the Joint Committee on Terrorism, Bioterrorism and Homeland

Security.

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

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Educational Commission of the States**

Dear Ms. Spieler,

Pursuant to Section 173.320, RSMo, I am appointing Senator Rob Mayer to the Educational Commission of the States.

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

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 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 Missouri Energy Task Force**

Dear Ms. Spieler,

Pursuant to Executive Order 05-46, I am appointing Senators Brad Lager and Jim Lembke to the Missouri Energy Task Force.

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

Sincerely,

/s/ Charlie

Charles W. Shields

President Pro-Tem

Also,

February 18, 2009

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

201 West Capitol Avenue

Jefferson City, MO 65101

**RE: Appointment to the Board of Public Buildings**

Dear Ms. Spieler,

Pursuant to my election as President Pro Tem of the Missouri Senate, I agree to serve on the Board of Public Buildings under the provisions



of Section 8.010, RSMo.

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 Engler introduced to the Senate, Stephanie Barron and Carla Crocker, Bonne Terre.

Senator Bartle introduced to the Senate, Coaches Jim Brandner, Roger Lower, Denise Parker, Zoe Wheeler and players, Anna Cole, Katie Davidson, Lauren Eisenreich, Kristen Heil, Kelsey Kessler, Kelsi O'Neill, Jocelyn Price, Lainey Priddy, Amanda Self, Kaylea Smith, Ashtin Stephens, Mackenzie Sykes, Bria Taylor, Nikki White, Taylor Williams and Spencer Wittmeyer, members of the Blue Springs High School Wildcats 2008 Class 4 State Champions softball team.

Senator Nodler introduced to the Senate, Katie Strawn and fifteen students from College Heights Christian School, Joplin.

Senator Shields, introduced to the Senate, Bryan and Sarah Kretzinger, St. Joseph; and Susan Ruckman, Savannah.

On behalf of Senator Rupp and himself, Senator Dempsey introduced to the Senate, members of Vision St. Charles County Leadership.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

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

### SENATE CALENDAR

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TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 19, 2009

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 376-Lager and Callahan  
SB 377-Rupp  
SB 378-Nodler  
SB 379-McKenna  
SB 380-Stouffer  
SB 381-Schaefer  
SB 382-Schaefer  
SB 383-Dempsey  
SB 384-Lager  
SB 385-Lager

SB 386-Lager  
SB 387-Barnitz  
SB 388-Barnitz  
SB 389-Bray  
SB 390-Schaefer and Pearce  
SB 391-Schaefer  
SB 392-Shields  
SB 393-Green and Bartle  
SB 394-Ridgeway  
SB 395-Ridgeway

SB 396-Justus  
SB 397-Shoemyer and Griesheimer

SB 398-Barnitz

#### HOUSE BILLS ON SECOND READING

HCS for HB 96

#### THIRD READING OF SENATE BILLS

SB 26-Ridgeway  
SCS for SBs 36 & 112-Goodman  
SS for SCS for SB 1-Scott  
(In Fiscal Oversight)

SCS for SB 140-Smith and Wright-Jones  
(In Fiscal Oversight)  
SCS for SB 100-Schaefer  
SCS for SB 313-Nodler and Bray

#### HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
(Griesheimer) (In Fiscal Oversight)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB-29-Stouffer  
SB 37-Goodman, with SCS & SA 1 (pending)  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 58-Stouffer

SB 128-Rupp, with SCS, SA 1 & SA 1 to SA 1  
(pending)  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/11

SB 154-Goodman  
SB 147-Dempsey

SB 156-Goodman  
SB 171-Griesheimer

Reported 2/18

SB 243-Pearce, with SCS  
SB 9-Champion, with SCS#2

SB 157-Schmitt, with SCS  
SB 8-Champion, with SCS

SB 265-Mayer, et al, with SCS  
SB 152-Clemens, with SCS  
SB 55-Days  
SB 79-Wilson  
SB 231-Cunningham, with SCS

SB 179-Wright-Jones, with SCS  
SB 15-Nodler, with SCS  
SB 217-Goodman  
SB 202-Schaefer, with SCS  
SB 280-Rupp and Cunningham

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order (pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 304-Shields

SR 303-Shields  
SR 302-Shields  
SCR 17-Shields  
SR 207-Lembke, with SCS

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