

Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY—WEDNESDAY, JANUARY 13, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The will of God will never take you where the grace of God cannot keep you.” (Unknown)

Heavenly Father, we are only midway through our first week and already things are piling up and there is much to do, people to see and meetings to attend. Direct us along the path You would have us take and help us to pursue and do those things that are necessary and right. Then our future journey has no fear for You will sustain us and stand with 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	Keaveny
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senators

Lager Ridgeway—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1348, regarding Aric Glenn Helmandollar, Trenton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1349, regarding John E. Dial, Mexico, which was adopted.

Senator Dempsey offered Senate Resolution No. 1350, regarding Dr. Norman W. Freiburger, St. Charles, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1351, regarding Carol Markham, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1352, regarding John W. Waller, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1353, regarding Warren Wiedemann, New Haven, which was adopted.

Senator Dempsey offered Senate Resolution No. 1354, regarding Dillon James Roemer, St. Charles, which was adopted.

Senator Goodman offered Senate Resolution No. 1355, regarding Amanda Bradshaw, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1356, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ted Fees, Mt. Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1357, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Estes, Miller, which was adopted.

Senator Goodman offered Senate Resolution No. 1358, regarding Dan Akin, Crane, which was adopted.

Senator Justus offered Senate Resolution No. 1359, regarding the Society of St. Andrew-West, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 1360, regarding the Springfield Branch of the National Association for the Advancement of Colored People, which was adopted.

Senator Nodler offered Senate Resolution No. 1361, regarding Laurel Rosenthal, Carthage, which was adopted.

CONCURRENT RESOLUTIONS

Senator Schmitt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the federal public debt has surpassed twelve trillion dollars, which equates to tens of thousands of dollars for each person in the United States; and

WHEREAS, the Emergency Economic Stabilization Act of 2008, commonly known as the “bailout plan” authorized the United States Treasury to spend up to seven hundred billion dollars with little or no transparency or accountability regarding the use of taxpayers' money; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is creating an extraordinary financial burden to be carried by future generations

of this country; and

WHEREAS, the federal government's seemingly unlimited borrowing of money raises questions about the fundamental principles and responsibilities of government, with potentially profound consequences for this nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to adopt a balanced budget amendment to the United States Constitution that requires a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual federal budget; 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.

Senator Schmitt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, recently in the Senate version of the Patient Protection and Affordable Care Act (HR 3590), a special deal was reportedly made by Nebraska Senator Ben Nelson whereby the state of Nebraska is permanently exempted from bearing the costs of newly eligible Nebraska Medicaid enrollees; and

WHEREAS, such exemption has not been afforded to Missouri or any of the other 48 states; and

WHEREAS, all other states except Nebraska will be required to allocate substantial sums to accommodate the federal health care bill's new Medicaid mandates; and

WHEREAS, it has also been reported that Senator Nelson's vote for passage of the bill was secured only after the deal was made; and

WHEREAS, this "Nebraska Compromise" strikes a blow to the nation's collective confidence in elected officials in Washington, D.C. and violates basic notions of fundamental fairness:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on Missouri Attorney General Chris Koster to join the 13 other state attorneys general from across the nation in challenging the special deal; and

BE IT FURTHER RESOLVED that Attorney General Koster thoroughly review the constitutionality and legality of this suspect provision in HR 3590 and stand up for Missouri taxpayers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Attorney General Koster, the Governor, and each member of the Missouri congressional delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

INTRODUCTION OF BILLS

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

SB 755—By Griesheimer.

An Act to repeal section 238.235, RSMo, and to enact in lieu thereof one new section relating to transportation development districts.

SB 756—By Bray.

An Act to repeal sections 77.110, 79.160, 80.210, and 115.127, RSMo, and to enact in lieu thereof four new sections relating to local government publication requirements.

SB 757—By Rupp.

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to the oversight of public funds, with an expiration date for a certain section.

SB 758—By Rupp and Keaveny.

An Act to repeal section 70.373, RSMo, and to enact in lieu thereof one new section relating to interstate compact agencies.

SB 759—By Green and Keaveny.

An Act to repeal sections 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, and 409.6-607, RSMo, and to enact in lieu thereof ten new sections relating to

the Missouri securities act.

SB 760—By Green and Keaveny.

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

SB 761—By Green.

An Act to repeal sections 105.510 and 105.520, RSMo, and to enact in lieu thereof two new sections relating to bargaining for public employees.

SB 762—By Green.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

SB 763—By Green and Cunningham.

An Act to repeal section 204.700, RSMo, and to enact in lieu thereof one new section relating to storm water management.

SB 764—By Green.

An Act to amend chapter 292, RSMo, by adding thereto fourteen new sections relating to crane safety.

SB 765—By Shoemyer.

An Act to repeal section 99.1205, RSMo, and to enact in lieu thereof three new sections relating to a tax credit for equity investments in qualified Missouri businesses.

SB 766—By Shoemyer.

An Act to amend chapter 266, RSMo, by adding thereto five new sections relating to private investigations for farm commodities.

SB 767—By Bartle.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to funds for courtroom renovation and technology enhancement.

SB 768—By Bartle.

An Act to repeal sections 167.151 and 168.151, RSMo, and to enact in lieu thereof two new sections relating to payment of tuition for certain nonresident students in certain school districts, with penalty provisions for a certain section.

SB 769—By Scott.

An Act to repeal sections 144.025 and 144.027, RSMo, and to enact in lieu thereof two new sections relating to sales tax for trade-in or exchange transactions.

SB 770—By Scott.

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof one new section relating to supplemental insurance policies.

SB 771—By Scott.

An Act to repeal sections 110.140, 110.150, and 110.170, RSMo, and to enact in lieu thereof three new

sections relating to depositories for public funds, with penalty provisions.

SB 772—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

SB 773—By Dempsey.

An Act to repeal section 362.111, RSMo, and to enact in lieu thereof one new section relating to international transactions.

SB 774—By Lembke.

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof two new sections relating to department of mental health protection measures, with penalty provisions.

SJR 30—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11(c) and 24 of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to voter approval requirements for taxes.

SJR 31—By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to religious freedom.

Senator Griesheimer requested unanimous consent of the Senate to withdraw **SB 582**, which request was granted.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 35—Rules, Joint Rules, Resolutions and Ethics.

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 577—Rules, Joint Rules, Resolutions and Ethics.

SB 578—Ways and Means.

SB 579—General Laws.

SB 580—Jobs, Economic Development and Local Government.

SB 581—Jobs, Economic Development and Local Government.

SB 583—Small Business, Insurance and Industry.

SB 584—Governmental Accountability and Fiscal Oversight.

SB 585—Transportation.

SB 586—Judiciary and Civil and Criminal Jurisprudence.

- SB 587**—General Laws.
- SB 588**—Ways and Means.
- SB 589**—Financial and Governmental Organizations and Elections.
- SB 590**—Judiciary and Civil and Criminal Jurisprudence.
- SB 591**—Judiciary and Civil and Criminal Jurisprudence.
- SB 592**—Judiciary and Civil and Criminal Jurisprudence.
- SB 593**—Financial and Governmental Organizations and Elections.
- SB 594**—Health, Mental Health, Seniors and Families.
- SB 596**—Progress and Development.
- SB 597**—Financial and Governmental Organizations and Elections.
- SB 598**—Ways and Means.
- SB 599**—Financial and Governmental Organizations and Elections.
- SB 600**—General Laws.
- SB 602**—Health, Mental Health, Seniors and Families.
- SB 603**—Education.
- SB 604**—Agriculture, Food Production and Outdoor Resources.
- SB 605**—Jobs, Economic Development and Local Government.
- SB 606**—Health, Mental Health, Seniors and Families.
- SB 607**—Health, Mental Health, Seniors and Families.
- SB 608**—Governmental Accountability and Fiscal Oversight.
- SB 609**—Financial and Governmental Organizations and Elections.
- SB 610**—Commerce, Consumer Protection, Energy and the Environment.
- SB 611**—Health, Mental Health, Seniors and Families.
- SB 612**—Progress and Development.
- SB 613**—Progress and Development.
- SB 614**—Education.
- SB 615**—Health, Mental Health, Seniors and Families.
- SB 616**—Health, Mental Health, Seniors and Families.
- SB 617**—Judiciary and Civil and Criminal Jurisprudence.
- SB 618**—Small Business, Insurance and Industry.
- SB 619**—Jobs, Economic Development and Local Government.
- SB 620**—Judiciary and Civil and Criminal Jurisprudence.

- SB 621**—Commerce, Consumer Protection, Energy and the Environment.
- SB 622**—Agriculture, Food Production and Outdoor Resources.
- SB 623**—Governmental Accountability and Fiscal Oversight.
- SB 624**—Ways and Means.
- SB 625**—Health, Mental Health, Seniors and Families.
- SB 626**—Progress and Development.
- SB 627**—Health, Mental Health, Seniors and Families.
- SB 628**—Jobs, Economic Development and Local Government.
- SB 629**—Financial and Governmental Organizations and Elections.
- SB 630**—Ways and Means.
- SB 631**—Education.
- SB 632**—Judiciary and Civil and Criminal Jurisprudence.
- SB 633**—Commerce, Consumer Protection, Energy and the Environment.
- SB 634**—Governmental Accountability and Fiscal Oversight.
- SB 635**—Governmental Accountability and Fiscal Oversight.
- SB 636**—Judiciary and Civil and Criminal Jurisprudence.
- SB 637**—Transportation.
- SB 638**—Jobs, Economic Development and Local Government.
- SB 639**—Judiciary and Civil and Criminal Jurisprudence.
- SB 640**—Transportation.
- SB 641**—Education.
- SB 642**—Small Business, Insurance and Industry.
- SB 643**—General Laws.
- SB 644**—Ways and Means.
- SB 645**—Financial and Governmental Organizations and Elections.
- SB 646**—Judiciary and Civil and Criminal Jurisprudence.
- SB 647**—Progress and Development.
- SB 648**—Rules, Joint Rules, Resolutions and Ethics.
- SB 649**—Progress and Development.
- SB 650**—Health, Mental Health, Seniors and Families.
- SB 651**—Financial and Governmental Organizations and Elections.
- SB 652**—Judiciary and Civil and Criminal Jurisprudence.

- SB 653**—Judiciary and Civil and Criminal Jurisprudence.
- SB 654**—Governmental Accountability and Fiscal Oversight.
- SB 655**—Judiciary and Civil and Criminal Jurisprudence.
- SB 657**—Transportation.
- SB 658**—Governmental Accountability and Fiscal Oversight.
- SB 659**—Governmental Accountability and Fiscal Oversight.
- SB 660**—Judiciary and Civil and Criminal Jurisprudence.
- SB 661**—Commerce, Consumer Protection, Energy and the Environment.
- SB 662**—Commerce, Consumer Protection, Energy and the Environment.
- SB 663**—Commerce, Consumer Protection, Energy and the Environment.
- SB 664**—Judiciary and Civil and Criminal Jurisprudence.
- SB 665**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 666**—Financial and Governmental Organizations and Elections.
- SB 667**—Agriculture, Food Production and Outdoor Resources.
- SB 668**—Jobs, Economic Development and Local Government.
- SB 669**—Jobs, Economic Development and Local Government.
- SB 670**—Jobs, Economic Development and Local Government.
- SB 671**—Ways and Means.
- SB 672**—Education.
- SB 673**—Financial and Governmental Organizations and Elections.
- SB 674**—Commerce, Consumer Protection, Energy and the Environment.
- SB 675**—General Laws.
- SB 676**—Health, Mental Health, Seniors and Families.
- SB 677**—Commerce, Consumer Protection, Energy and the Environment.
- SB 678**—Transportation.
- SB 679**—Financial and Governmental Organizations and Elections.
- SB 680**—Commerce, Consumer Protection, Energy and the Environment.
- SB 681**—Ways and Means.
- SB 682**—Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1362, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Courtney Goforth, Stanberry, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1363, regarding Isaac James Diamond, Savannah, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1364, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Cook, Maryville, which was adopted.

On behalf of Senator Lager, Senator Engler offered Senate Resolution No. 1365, regarding the One Hundredth Birthday of Margurite Roderick, Savannah, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, McDonald County Assessor Laura Pope; Johnson County Assessor Mark Reynolds; Pettis County Assessor Dean Dorhman; and Lafayette County Assessor Mike Dobson.

Senator Green introduced to the Senate, Ross Carter, Kirksville.

Senator Mayer introduced to the Senate, Chief of Police, Danny Whitely, Eddy Justice, Joe Clark, Herman Styles, Steve Boyer, David Libla, Jerrod Murphy and Doug Libla, Poplar Bluff.

Senator Clemens introduced to the Senate, Stephen and Jackie Snead and their son, Will, Turners.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Todd Bailey, M.D., St. Louis.

Senator Shields introduced to the Senate, NCSL Representatives Peggy Kerns and Natalie Wood, Denver.

Senator Stouffer introduced to the Senate, Vicky Ward, Ryan McElhaney, Jason Henke, Meredith Brunkow, Paige Yeates, Tessa Graybill, Allie Mayes, Sara Barney, Nicole Palmer, Samantha Linard, Isaac Hamilton, David Badami, Megan Jeffries and Abby McKern, members of Youth with Vision.

Senator Vogel introduced to the Senate, coaches Sharon Buschjost and Jill Linnebrink and members of the 2A State Champion Girls Blair Oaks Softball team.

Senator Shields introduced to the Senate, Drew Dampf, California.

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

SENATE CALENDAR

FIFTH DAY—THURSDAY, JANUARY 14, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 683-Wilson
SB 684-Rupp

SB 685-Rupp
SB 686-Rupp

SB 687-Wright-Jones	SB 735-Cunningham
SB 688-Wright-Jones	SB 736-McKenna
SB 689-Wright-Jones	SB 737-Days
SB 690-Bray	SB 738-Crowell
SB 691-Wilson	SB 739-Lembke
SB 692-Wilson	SB 740-Lembke
SB 693-Wilson	SB 741-Griesheimer
SB 694-Wright-Jones	SB 742-Shoemyer
SB 695-Wright-Jones	SB 743-Shoemyer
SB 696-Wright-Jones	SB 744-Pearce
SB 697-Wright-Jones and Keaveny	SB 745-Bray
SB 698-Griesheimer	SB 746-Griesheimer
SB 699-Wilson	SB 747-Rupp and Mayer
SB 700-Lager	SB 748-Rupp
SB 701-McKenna and Keaveny	SB 749-Rupp
SB 703-Vogel	SB 750-Rupp
SB 705-Griesheimer	SB 751-Lembke
SB 706-Rupp	SB 752-Lembke
SB 707-McKenna	SB 753-Dempsey
SB 708-McKenna	SB 754-Dempsey
SB 709-Shoemyer	SB 755-Griesheimer
SB 710-Bray	SB 756-Bray
SB 711-Bray	SB 757-Rupp
SB 712-Bray	SB 758-Rupp and Keaveny
SB 713-Mayer	SB 759-Green and Keaveny
SB 714-Crowell	SB 760-Green and Keaveny
SB 715-Crowell	SB 761-Green
SB 716-Goodman	SB 762-Green
SB 717-Vogel	SB 763-Green and Cunningham
SB 718-Crowell	SB 764-Green
SB 719-Bray	SB 765-Shoemyer
SB 720-Bray	SB 766-Shoemyer
SB 721-Nodler	SB 767-Bartle
SB 722-Bray	SB 768-Bartle
SB 723-Bray	SB 769-Scott
SB 724-Griesheimer	SB 770-Scott
SB 725-Rupp	SB 771-Scott
SB 726-Bray	SB 772-Scott
SB 727-Bray	SB 773-Dempsey
SB 728-Crowell	SB 774-Lembke
SB 729-McKenna	SJR 19-Bartle
SB 730-Schaefer, et al	SJR 20-Bartle
SB 731-Crowell	SJR 21-Bartle
SB 732-Cunningham	SJR 22-Callahan
SB 733-Pearce	SJR 23-Ridgeway
SB 734-Pearce	SJR 24-Wilson

SJR 25-Cunningham, et al
SJR 26-Cunningham
SJR 27-Lembke
SJR 28-Lembke

SJR 29-Purgason and Cunningham
SJR 30-Bartle
SJR 31-Scott

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 36-Schmitt
SCR 37-Schmitt

SCR 38-Rupp

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