

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY—TUESDAY, FEBRUARY 2, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be still. Listen to the stones of the wall. Be silent, they try to speak your name.” (Thomas Merton)

Gracious God, help us to find moments to be silent so our stress is reduced and our soul is in touch with You. Help us to be centered that our minds and efforts are one with the purpose we are here to perform. Help us to treat each activity, meeting and conversation as if You are intently watching all that we are about and so it is done as unto You. 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.

Photographers with the Chinese delegation and KRCG-TV were given permission to take pictures in the Senate Chamber today.

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
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lembke offered Senate Resolution No. 1530, regarding Luke Yamnitz, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 1531, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald E. Knollmeyer, Bonnotts Mill, which was adopted.

Senator Stouffer offered Senate Resolution No. 1532, regarding Roy E. Young, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1533, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eddie Jeske, Lexington, which was adopted.

Senator Schaefer offered Senate Resolution No. 1534, regarding the Ninetieth Birthday of Lorene F. Tetley, Columbia, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1535, regarding Danni Nicole's, Hannibal, which was adopted.

Senator Lager offered Senate Resolution No. 1536, regarding Caleb Michael Stull, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1537, regarding Blake Allen Brose, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 1538, regarding Ari Spencer Coleman, Chillicothe, which was adopted.

CONCURRENT RESOLUTIONS

Senators Justus and Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, lesbian, gay, and bisexual Americans have served honorably in the Armed Forces throughout United States history and continue to serve with distinction on active duty, including in the wars in Iraq and Afghanistan; and

WHEREAS, the "Don't Ask, Don't Tell" policy currently does not allow openly lesbian, gay, or bisexual Americans to serve in the military only because of their sexual orientation; and

WHEREAS, more than 13,500 service members have been discharged under the "Don't Ask, Don't Tell" policy since the policy was enacted in 1993, including approximately 800 service members who performed heavily specialized jobs, such as Arabic translators, medical specialists, pilots, and intelligence personnel; and

WHEREAS, American taxpayers have spent more than \$360 million to carry out the "Don't Ask, Don't Tell" policy by removing and replacing qualified and honorable service members because of their sexual orientation; and

WHEREAS, the United States military's readiness to protect and defend our nation is severely compromised by spending taxpayer money to discharge honorable service members who are satisfactorily carrying out all required tasks, many of which are highly specialized, making it difficult to find qualified replacement personnel; and

WHEREAS, America's allies in the war on terror, including the United Kingdom, Australia, Canada, and Israel, allow lesbian and gay service members to serve openly; and

WHEREAS, every Department of Defense authorized study has shown that there is no correlation between sexual orientation and unit cohesion in the Armed Forces; and

WHEREAS, there are more than 20,000 military and civilian personnel stationed in Missouri, and an estimated 9,000 lesbian, gay, or

bisexual veterans currently residing in Missouri:

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 support the Military Readiness Enhancement Act that would replace the current “Don’t Ask, Don’t Tell” policy with a policy of nondiscrimination based on sexual orientation, and respectfully urge the Congress to pass and the President to sign the Military Readiness Enhancement Act so that lesbian, gay, and bisexual Americans are able to serve their country as any other American would be allowed to serve; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of Missouri’s congressional delegation.

On motion of Senator Engler, the Senate recessed until 10:45 a.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

CONCURRENT RESOLUTIONS

Senator Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 45

WHEREAS, many brave and dedicated members of the military call Missouri home; and

WHEREAS, the state of Missouri has a long history of supporting the military in their mission to protect and defend the American people; and

WHEREAS, ensuring that our military forces are a strong and cohesive unit is a priority for all Missourians; and

WHEREAS, federal law currently embodies what has commonly been referred to as the “Don’t Ask, Don’t Tell” policy, which requires that members of the armed forces be separated from the service if they engage in homosexual acts or are openly gay; and

WHEREAS, this federal law helps ensure unit cohesion that is essential to our military’s fighting capability; and

WHEREAS, ending this policy, particularly while American troops are engaged in combat in Afghanistan and Iraq, would be disruptive to the military and to their mission; and

WHEREAS, senior military leaders have reportedly expressed concern about the extra stress that ending this policy would place on members of the military:

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 strongly support the service members of the United States military and urge the United States Congress to help these service members carry out their mission by continuing to support the “Don’t Ask, Don’t Tell” policy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of Defense and each member of Missouri’s congressional delegation.

INTRODUCTION OF BILLS

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

SB 879—By Schaefer.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to offender substance and alcohol abuse treatment.

SB 880—By Schaefer.

An Act to repeal section 478.009, RSMo, and to enact in lieu thereof two new sections relating to intoxication-related traffic offenses.

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 618** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 618, Page 3, Section 376.1224, Line 72, by striking the following: “solely”; and

Further amend said bill, page, section, line 90, by inserting after “necessary.” the following:

“Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist.”; and

Further amend said bill, page and section, line 91, by inserting after “review” the following: **“or treatment plan”**.

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

Senator Griesheimer assumed the Chair.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 618, Page 6, Section 376.1224, Lines 171-176, by striking said lines.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Days, Green and Keaveny.

Senator Nodler assumed the Chair.

At the request of Senator Rupp, **SB 618**, with **SA 2** (pending), was placed on the Informal Calendar.

At the request of Senator Griesheimer, **SB 580**, with **SCS**, was placed on the Informal Calendar.

SB 586 and **SB 619**, with **SCS**, were placed on the Informal Calendar.

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 Callahan.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1539, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Albert Muff, Jr., Burlington Junction, which was adopted.

Senator Lager offered Senate Resolution No. 1540, regarding Becky Steele, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1541, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Romaine Henry, Maitland, which was adopted.

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, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: Pursuant to the following corrected message, I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Stevenson, Cox, Bringer, Burnett, Diehl, Flook, Grill, Jones (89), Kelly, Leara, Lipke, Low, Smith (150), Vogt, Pratt, Colona, Storch, Calloway, Kander, and Talby.

Also,

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 1544**, entitled:

An Act to repeal section 288.062, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to repeal sections 67.1360, 94.510, 94.550, and 94.577, RSMo, and to enact in lieu thereof six new sections relating to city sales taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Aaron McMullen, Lexington.

Senator Stouffer introduced to the Senate, Javen Shepherd, Jefferson City.

Senator Engler introduced to the Senate, Andrew Shaughnessy, Ste. Genevieve.

Senator Lager introduced to the Senate, representatives of the Great Northwest Day Organization.

Senator Schmitt introduced to the Senate, Harrison Ochs, Kirkwood.

Senator Schaefer introduced to the Senate, Linda Bozoian, Allie Scheppers and students from New Haven Elementary School.

Senator Scott introduced to the Senate, Brenda Tippie and Linda Fisher, Sedalia.

Senator Schields introduced to the Senate, Ambassador Zhou, China's Ambassador to the United States, and his wife, Madam Zhou.

Senator Schaefer introduced to the Senate, Lisa Schanker, Jim Steelman, Ken Greimann and sixty fourth grade students from Grant Elementary School, Columbia.

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

SENATE CALENDAR

FIFTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2010

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 848-Barnitz	SB 862-Callahan
SB 849-Barnitz	SB 863-Callahan
SB 850-Barnitz	SB 864-Lembke
SB 851-Schmitt, et al	SB 865-Wilson and Keaveny
SB 852-Lager, et al	SB 866-Wright-Jones
SB 853-Keaveny and Wright-Jones	SB 867-Mayer
SB 854-Keaveny and Wright-Jones	SB 868-Shields
SB 855-Schaefer	SB 869-Griesheimer
SB 856-Schaefer	SB 870-Schaefer
SB 857-Schaefer	SB 871-Schaefer
SB 858-Schaefer	SB 872-Bray
SB 859-Schaefer	SB 873-Wright-Jones
SB 860-Bray	SB 874-Pearce
SB 861-Dempsey	SB 875-Dempsey

SB 876-Stouffer
SB 877-Keaveny
SB 878-Lembke
SB 879-Schaefer

SB 880-Schaefer
SJR 40-Goodman
SJR 42-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 1544

HB 1442-Jones (89), et al

SENATE BILLS FOR PERFECTION

SB 604-Mayer, with SCS

SB 577-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS
SBs 586 & 617-Bartle, with SCS

SB 618-Rupp, et al, with SA 2 (pending)

RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

To be Referred

SCR 44-Justus and Bray

SCR 45-Stouffer

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