

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY—THURSDAY, FEBRUARY 4, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Holiness has to do with very ordinary things.” (Ruth Burrows)

We thank You almighty God for Your great love of us allowing us, to have a taste of heaven in ordinary things and people we spend our lives. So we pray that You will be with us this day, to complete the work we must and then be free to safely travel home for a weekend with those we love. All this we ask in Your Holy Name. 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.

Senator Engler announced that photographers from 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	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schmitt—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 1551, regarding the death of Paula V. Smith, Saint Louis, which was adopted.

Senator Days offered Senate Resolution No. 1552, regarding employees of Express Scripts, which was adopted.

Senator Shields offered Senate Resolution No. 1553, regarding Joseph L. Gray, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1554, regarding Jacob R. Wilson, which was adopted.

Senator Shields offered Senate Resolution No. 1555, regarding James Arthur Clizer, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1556, regarding Tyler David Cash, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 1557, regarding Eric E. Kinn, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1558, regarding Charles Andrew Main, Platte County, which was adopted.

Senator Shields offered Senate Resolution No. 1559, regarding Nicholas Mitchell Matt, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1560, regarding Nicholas Jean Krum, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1561, regarding Julian A. Mack, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1562, regarding John Jameson Mauer, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1563, regarding Joel David Overfelt, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1564, regarding Bennett Singleton Potter, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1565, regarding Thomas William Carraway “Will” Van Doorn, Jr., Parkville, which was adopted.

Senator Green offered Senate Resolution No. 1566, regarding Andrew Thomas Wendel, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1567, regarding Nicholas Joseph “Nick” Moser, Florissant, which was adopted.

Senator Justus offered Senate Resolution No. 1568, regarding the Good Samaritan Project, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 1569, regarding Reed Hough, Holden, which was

adopted.

Senator Lager offered Senate Resolution No. 1570, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Dills, Albany, which was adopted.

Senator Pearce offered Senate Resolution No. 1571, regarding Andrew Forsythe, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1572, regarding Seth Emerich Kreher, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1573, regarding Randy Lee Meggs, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1574, regarding James Kyle Whitney, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1575, regarding Sean Munley, Warrensburg, which was adopted.

Senator Mayer offered Senate Resolution No. 1576, regarding the Dexter Lions Club, which was adopted.

Senator Mayer offered Senate Resolution No. 1577, regarding Karen Pippins, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1578, regarding Duley Machine, LLC, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1579, regarding Ann Marie's A Unique Boutique, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1580, regarding Rainey-Mathis Funeral Home, Dexter, which was adopted.

Senator Rupp assumed the Chair.

INTRODUCTION OF BILLS

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

SB 888—By Crowell.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 889—By Crowell.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

SB 890—By Crowell.

An Act to repeal sections 100.286 and 135.352, RSMo, and to enact in lieu thereof two new sections relating to a moratorium on the authorization of certain tax credits, with an emergency clause.

SB 891–By Crowell.

An Act to repeal sections 100.286, 135.352, 135.355, and 215.020, RSMo, and to enact in lieu thereof four new sections relating to certain tax credit programs.

SB 892–By Days and Shoemyer.

An Act to repeal sections 374.702, 374.705, 374.710, 374.715, 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.770, 374.775, 374.783, 374.784, 374.785, and 374.788, RSMo, and to enact in lieu thereof nineteen new sections relating to bail bond regulations, with penalty provisions and an effective date.

SB 893–By Days.

An Act to repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

SB 894–By Dempsey and Crowell.

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

SB 895–By Dempsey, Shoemyer, Griesheimer, Schaefer, Ridgeway, Vogel, Champion, Justus, Days, Wilson, Callahan, Bray and Barnitz.

An Act to repeal sections 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, and 348.271, RSMo, and to enact in lieu thereof eleven new sections relating to science and innovation.

SB 896–By Shields and Crowell.

An Act to amend chapter 104, RSMo, by adding thereto five new sections relating to a defined contribution plan for certain state employees.

SB 897–By Lager.

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to public service commissioners, with an emergency clause.

SB 898–By Pearce.

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to a sales tax for public safety improvement.

SB 899–By Pearce.

An Act to repeal sections 160.545 and 173.1105, RSMo, and to enact in lieu thereof nine new sections relating to the Missouri promise program.

SB 900–By Rupp.

An Act to repeal sections 376.717, 376.718, 376.724, 376.725, 376.732, 376.733, 376.734, 376.735, 376.737, 376.738, 376.740, 376.743, and 376.758, RSMo, and to enact in lieu thereof thirteen new sections relating to the Missouri life and health insurance guaranty association act.

SB 901–By Lembke.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to state purchasing.

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 753**, 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 670**, 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 669**, 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 668**, 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 628**, 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 581**, 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 were referred **SB 607**, **SB 602**, **SB 615** and **SB 725**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 738**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SJR 22**, begs leave to report that it has considered the same and recommends that the Joint Resolution do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SB 649**, 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 Progress and Development, to which was referred **SB 804**, 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 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 were referred **SS** for **SB 618** and **SCS** for **SB 604**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 586** and **SB 617**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 586** and **617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 586 and 617

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 586** and **617** be adopted.

Senator Bartle offered **SS** for **SCS** for **SBs 586** and **617**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 586 and 617

An Act to amend chapter 573, RSMo, by adding thereto six new sections relating to sexually oriented

businesses, with penalty provisions and a severability clause.

Senator Bartle moved that **SS** for **SCS** for **SBs 586** and **617** be adopted.

Senator Griesheimer assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 586 and 617, Page 13, Section 573.540, Line 7 of said page, by inserting immediately after said line the following:

“3. Sections 573.525 to 573.537 shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.”.

Senator Justus moved that the above amendment be adopted, which motion failed.

Senator Bartle moved that **SS** for **SCS** for **SBs 586** and **617** be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **SBs 586** and **617** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 4, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent: Suzan Ponder-Bates, Democrat, 3096 Brook Stone Road, Festus, Jefferson County, Missouri 63028, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2013 and until her successor is duly appointed and qualified; vice, Patrick Gleason, term expired.

Patrick Naeger, 1083 PCR 906, Perryville, Perry County, Missouri 63775, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, David Siscel, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 4, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made and submitted to you for your advice and consent: David Zimmermann, Democrat, #5 River Cove, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation

Commission, for a term ending October 13, 2012, and until his successor is duly appointed and qualified; vice, Mark A. Fohey, withdrawn.

Jack Baker, Democrat, Rural Route # 1 Box 259, Butler, Bates County, Missouri 64730, as a member of the Air Conservation Commission, for a term ending October 14, 2013, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Senator Shields moved that the above appointments be returned to the Governor per his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Angela M. Dalton, Mary Louise Bussabarger and Sarah Giboney, as members of the Missouri Family Trust Board of Trustees;

Also,

Daniel Krasnoff, Democrat, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

James M. Caccamo and Daniel McCool, as members of the Coordinating Board for Early Childhood;

Also,

Sarah Amanda Shelton, Democrat, as a member of the Missouri Community Service Commission;

Also,

Tracy Gonzales, Suzanne E. Taggart, Cindra E. Tull, Edna A. Smith, Florence T. Pullen, and Catheryn M. Smith, as members of the Child Abuse and Neglect Review Board;

Also,

Teresa Underwood, as a member of the Workers' Compensation Determination Review Board;

Also,

Robert J. Harris and Eric Battle, as members of the Children's Trust Fund Board;

Also,

Eric Sandvol, John Farris, Donald Shaw, Raymond Bailey, Miles J. Green and John Mallott, as members of the Seismic Safety Commission;

Also,

Jason Royle and Leslie Dahl, as members of the Corrections Officer Certification Commission;

Also,

Jeanette Prenger, as a member of the Missouri Workforce Investment Board;

Also,

Rory Ellinger and James Tellatin, Democrats, as members of the Missouri Health Facilities Review Committee;

Also,

Sherry L. Buchanan, Democrat, as a member of the Missouri Southern State University Board of Governors;

Also,

Thomas Bradley, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Alfred Brandt, Republican, as a member of the State Milk Board;

Also,

Curtis Skouby, as a member of the Safe Drinking Water Commission;

Also,

Sharon Lightfoot, as a member of the State Committee of Psychologists;

Also,

Jean Howard, Democrat, as a member of the State Committee of Dietitians;

Also,

Shawn T. Ordway, Democrat, as a member of the Missouri Real Estate Appraisers Commission.

Also,

Gregory B. Allen and David E. Richards, as members of the State Historical Records Advisory Board.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Shields referred **SS** for **SB 618** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

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

SB 848—Agriculture, Food Production and Outdoor Resources.

SB 849—Jobs, Economic Development and Local Government.

SB 850—Jobs, Economic Development and Local Government.

- SB 851**—Jobs, Economic Development and Local Government.
- SB 852**—General Laws.
- SB 853**—Judiciary and Civil and Criminal Jurisprudence.
- SB 854**—Judiciary and Civil and Criminal Jurisprudence.
- SB 855**—Health, Mental Health, Seniors and Families.
- SB 856**—Judiciary and Civil and Criminal Jurisprudence.
- SB 857**—Judiciary and Civil and Criminal Jurisprudence.
- SB 858**—Judiciary and Civil and Criminal Jurisprudence.
- SB 859**—Judiciary and Civil and Criminal Jurisprudence.
- SB 860**—Ways and Means.
- SB 861**—Health, Mental Health, Seniors and Families.
- SB 862**—Jobs, Economic Development and Local Government.
- SB 863**—Jobs, Economic Development and Local Government.
- SB 864**—Transportation.
- SB 865**—Judiciary and Civil and Criminal Jurisprudence.
- SB 866**—Health, Mental Health, Seniors and Families.
- SB 867**—General Laws.
- SB 868**—Ways and Means.
- SB 869**—Transportation.
- SB 870**—Agriculture, Food Production and Outdoor Resources.
- SB 871**—Jobs, Economic Development and Local Government.
- SB 872**—Commerce, Consumer Protection, Energy and the Environment.
- SB 873**—Commerce, Consumer Protection, Energy and the Environment.
- SB 874**—Jobs, Economic Development and Local Government.
- SB 875**—Small Business, Insurance and Industry.
- SB 876**—Veterans’ Affairs, Pensions and Urban Affairs.
- SB 877**—General Laws.
- SB 878**—Health, Mental Health, Seniors and Families.
- SB 879**—Judiciary and Civil and Criminal Jurisprudence.
- SB 880**—Judiciary and Civil and Criminal Jurisprudence.
- SB 881**—Jobs, Economic Development and Local Government.
- SB 882**—Rules, Joint Rules, Resolutions and Ethics.

SB 883—Jobs, Economic Development and Local Government.

SB 884—Commerce, Consumer Protection, Energy and the Environment.

SB 885—Commerce, Consumer Protection, Energy and the Environment.

SB 886—Jobs, Economic Development and Local Government.

SB 887—Judiciary and Civil and Criminal Jurisprudence.

SJR 40—Small Business, Insurance and Industry.

SJR 42—General Laws.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1581, regarding Benjamin Andrew Cain, Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Commissioners from Dade County.

Senator Engler introduced to the Senate, Dr. David Cramp and Brett Burgess, Farmington.

Senator Green introduced to the Senate, former State Representative Bill Marshall, Greenfield.

Senator Griesheimer introduced to the Senate, Warren County Commissioners Arden Engelage, Hubert Kluesner and Dan Hampson; and Franklin County Commissioners Ed Hillhouse, Terry Wilson and Ann Schroeder.

Senator Purgason introduced to the Senate, Howell County Commissioners Larry Spence, Bill Lovelace and Mark Collins.

Senator Pearce introduced to the Senate, Johnson County Eastern Commissioner Scott Sader and Johnson County Western Commissioner Destry Hough.

Senator Barnitz introduced to the Senate, John Scheppers.

Senator Lager introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On motion of Senator Engler, the Senate adjourned until 4:00 p.m., Monday, February 8, 2010.

SENATE CALENDAR

SEVENTEENTH DAY—MONDAY, FEBRUARY 8, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 888-Crowell
SB 889-Crowell
SB 890-Crowell

SB 891-Crowell
SB 892-Days and Shoemyer
SB 893-Days

SB 894-Dempsey and Crowell
 SB 895-Dempsey, et al
 SB 896-Shields and Crowell
 SB 897-Lager

SB 898-Pearce
 SB 899-Pearce
 SB 900-Rupp
 SB 901-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 1544

HB 1442-Jones (89), et al

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp
 (In Fiscal Oversight)

SCS for SB 604-Mayer

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS
 SBs 607, 602, 615 & 725-Stouffer, with SCS
 SB 738-Crowell, with SCS

SB 596-Callahan, with SCS
 SJR 22-Callahan

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Griesheimer, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey
 SB 670-Justus
 SB 669-Justus
 SB 668-Justus

SB 628-Dempsey
 SB 581-Griesheimer
 SB 649-Days and Wright-Jones
 SB 804-Schmitt

RESOLUTIONS

Reported from Committee

SCR 36-Schmitt and Rupp

SCR 37-Schmitt

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