

# Journal of the Senate

FIRST REGULAR SESSION

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**TENTH DAY—MONDAY, JANUARY 24, 2011**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“This is the victory that conquers the world - our faith.” (1 John 5:15)

Lord God, help us have faith in the future for it will give us power to deal effectively with the present. Help us to rely on Your promptings for they will help us make good decisions this day. And help us understand our worth and that of those we serve for we matter to You O God. So bless us and watch over us this day we ask, and 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 for Thursday, January 20, 2011 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson—32

Absent—Senators—None

Absent with leave—Senator Wright-Jones—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Engler offered Senate Resolution No. 81, regarding Betty F. Schaper, Farmington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 82, regarding the death of Mark Revenaugh, which was adopted.

Senator Nieves offered Senate Resolution No. 83, regarding Tech Manufacturing, LLC, Wright City, which was adopted.

Senator Stouffer offered Senate Resolution No. 84, regarding William J. Simmons, Boonville, which was adopted.

Senator Kehoe offered Senate Resolution No. 85, regarding Ronald R. Klatt, Russellville, which was adopted.

Senator Kehoe offered Senate Resolution No. 86, regarding Carol Jean Harrison, Henley, which was adopted.

Senator Cunningham offered Senate Resolution No. 87, regarding the city of Chesterfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 88, regarding Frederick N. Marsh, Eugene, which was adopted.

Senator Brown offered Senate Resolution No. 89, regarding Meramec Electrical Products Company, Cuba, which was adopted.

Senator Brown offered Senate Resolution No. 90, regarding Forest City Footwear, St. James, which was adopted.

Senator Nieves offered Senate Resolution No. 91, regarding Jeremy Broadbooks, Wildwood, which was adopted.

Senator Ridgeway offered Senate Resolution No. 92, regarding Dick Holwick, Kansas City, which was adopted.

Senator Brown offered Senate Resolution No. 93, regarding Ray Cordry, Waynesville, which was adopted.

Senator Pearce offered Senate Resolution No. 94, regarding the Bates County Historical Society, which was adopted.

Senator Pearce offered Senate Resolution No. 95, regarding the University of Central Missouri, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 96, regarding Chilhowee Grocery, Chilhowee, which was adopted.

Senator Dixon offered Senate Resolution No. 97, regarding The Taylor-Martin Family of Companies, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 98, regarding the Missouri State University handball sports program, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 99, regarding Julie Bloodworth, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 100, regarding Lisa Rose, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 101, regarding Greenwood Engineering and Manufacturing, LLC, Strafford, which was adopted.

Senator Crowell offered Senate Resolution No. 102, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard “Butch” Boyd, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 103, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. R. Wayne Nesslein, Cape Girardeau, which was adopted.

Senator Goodman offered Senate Resolution No. 104, regarding Joseph Pingleton, Branson, which was adopted.

Senator Goodman offered Senate Resolution No. 105, regarding Jeremiah Goldberg, Branson, which was adopted.

Senator McKenna offered Senate Resolution No. 106, regarding MidAmerica Solar, LLC, Imperial, which was adopted.

Senator Nieves offered Senate Resolution No. 107, regarding Adam J. Rhoads, Warrenton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 108, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Leslie Fowler, Unionville, which was adopted.

Senator Crowell offered Senate Resolution No. 109, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. Roy Lee Glass, Jackson, which was adopted.

## **INTRODUCTION OF BILLS**

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

**SB 153**—By Schaaf.

An Act to amend chapter 376.475, RSMo, by adding thereto one new section relating to transparency in the health care market, with penalty provisions.

**SB 154**—By Schaaf.

An Act to repeal section 70.660, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

**SB 155**—By Rupp.

An Act to repeal sections 99.820 and 99.825, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

**SB 156**—By Rupp.

An Act to repeal sections 566.032, 566.034, 566.062, and 566.064, RSMo, and to enact in lieu thereof

four new sections relating to suspended sentences for certain crimes, with penalty provisions in existing language.

**SB 157**—By Schaefer.

An Act to repeal section 568.060, RSMo, and to enact in lieu thereof one new section relating to child abuse, with existing penalty provisions.

**SB 158**—By Keaveny.

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to clean water permit fees, with an emergency clause.

**SB 159**—By Cunningham.

An Act to repeal sections 430.020 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to statutory liens against personalty.

**SB 160**—By Cunningham.

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

**SB 161**—By Munzlinger.

An Act to repeal sections 348.400, 348.407, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to business development loans for agribusinesses.

**SB 162**—By Munzlinger.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board, with an expiration date for a certain section.

**SJR 13**—By Justus.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 50 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to petitions for referenda and initiatives.

### **REPORTS OF STANDING COMMITTEES**

Senator Mayer, 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:

Deborah J. Smith, Democrat, as a member of the Missouri Western State University Board of Governors;

Also,

Jacklyn J. Crow, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Michael Hall, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Willis Jackson Magruder, Democrat, as a member of the State Fair Commission;

Also,

Darren M. Doherty, as the student representative of the University of Central Missouri Board of Governors;

Also,

Leonard Toenjes, as a member of the State Board of Mediation;

Also,

Casey Cash Gill, Democrat, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Brandy Mouser, as a member of the Board of Therapeutic Massage;

Also,

Janette Call, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Jeanne M. Serra, as a member of the Missouri Quality Home Care Council;

Also,

James J. McMillen, as a member of the MO HealthNet Oversight Committee;

Also,

Todd Streff and Jennifer Kirby, as members of the Behavior Analyst Advisory Board;

Also,

Vergil L. Belfi, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Tracy M. Reed, as a member of the Missouri Genetic Advisory Committee.

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

Senator Mayer 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.

### **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 45**, entitled:

An Act to repeal section 1.310, RSMo, and to enact in lieu thereof two new sections relating to small businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert Culler, 205 South Moore, Hayti, Pemiscot County, Missouri 63851, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2014; vice, Gordon Spilker, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Marlo, 718 Winding Creek Drive, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Gregory Pottberg.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah Polc, 4203 South Kerrington Drive, Independence, Jackson County, Missouri 64055, as a member of the Missouri Dental Board, for a term ending January 10, 2014; vice, Patricia Lepp, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 21, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sara Zorich, 3301 South Elizabeth Avenue, Independence, Jackson County, Missouri 64057, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2014; vice, William Baker, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 21, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Colleen Scott for the Jackson County Election Board submitted to you on January 5, 2011. Line 2 should read:

County, Missouri 64086, as a member and Secretary of the Jackson County Board of

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Mayer referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

**CONCURRENT RESOLUTIONS**

Senator Ridgeway moved that **SCR 1** be taken up for 3rd reading and final passage, which motion prevailed.

**SCR 1**, entitled:

**SENATE CONCURRENT RESOLUTION NO. 1**

Relating to disapproval under Article IV, Section 8 of the Missouri Constitution the final order of rulemaking for the proposed amendment to 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 regarding the Electric Utility Renewable Energy Standard Requirements.

Was taken up.

On motion of Senator Ridgeway, **SCR 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson—29			

NAYS—Senators

Justus            Keaveny—2

Absent—Senators—None

Absent with leave—Senators

Crowell            Wright-Jones—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

### **INTRODUCTIONS OF GUESTS**

Senator Schaaf introduced to the Senate, Neil Jackson, Jefferson City.

Senator Mayer introduced to the Senate, Brad Miller, Springfield.

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

### **SENATE CALENDAR**

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ELEVENTH DAY—TUESDAY, JANUARY 25, 2011

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### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 126-Wasson  
 SB 127-Chappelle-Nadal  
 SB 128-Lembke  
 SB 129-Lembke  
 SB 130-Rupp  
 SB 131-Rupp  
 SB 132-Rupp and Kehoe  
 SB 133-Rupp  
 SB 134-Rupp  
 SB 135-Schaefer

SB 136-Schaaf  
 SB 137-Brown  
 SB 138-Keaveny  
 SB 139-Crowell  
 SB 140-Crowell  
 SB 141-Crowell  
 SB 142-Crowell  
 SB 143-Crowell  
 SB 144-Crowell  
 SB 145-Dempsey

SB 146-Schmitt

SB 147-Schaefer

SB 148-Schaefer

SB 149-Schaaf

SB 150-Munzlinger

SB 151-Callahan and Stouffer

SB 152-Crowell

SB 153-Schaaf

SB 154-Schaaf

SB 155-Rupp

SB 156-Rupp

SB 157-Schaefer

SB 158-Keaveny

SB 159-Cunningham

SB 160-Cunningham

SB 161-Munzlinger

SB 162-Munzlinger

SJR 13-Justus

HOUSE BILLS ON SECOND READING

HCS for HB 45

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