

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—TUESDAY, FEBRUARY 22, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Prayer—secret, fervent, believing prayer—lies at the root of all personal godliness.” (William Carey)

Holy God, we begin each day with prayer and are hopeful that it comes to You with fervent desire to be at one with You. We pray that our personal foundation is strongly rooted in You and that it stands firmly against all the temptations that challenge us each day. We pray that we will use this day in accomplishing all You desire for us to do and we may be faithful. 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

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

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 341, regarding Alexander Kehm, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 342, regarding Halbert Sullivan, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 343, regarding the Ninetieth Birthday of John Henry Sears, Ballwin, which was adopted.

Senator Schmitt offered Senate Resolution No. 344, regarding Ali M. Cavanaugh, Kirkwood, which was adopted.

Senator Goodman offered Senate Resolution No. 345, regarding Steelman Transportation, which was adopted.

INTRODUCTION OF BILLS

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

SB 310—By Justus.

An Act to repeal sections 701.300, 701.301, 701.305, 701.309, 701.310, 701.311, 701.312, 701.313, 701.314, 701.316, 701.320, and 701.334, RSMo, and to enact in lieu thereof eleven new sections relating to lead licensing, with penalty provisions.

SB 311—By Pearce.

An Act to repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to the children's vision examination program.

SB 312—By Keaveny.

An Act to repeal section 454.475, RSMo, and to enact in lieu thereof one new section relating to child support administrative decisions.

SB 313—By Schaaf.

An Act to repeal section 67.1956, RSMo, and to enact in lieu thereof one new section relating to tourism community enhancement districts.

SB 314—By Chappelle-Nadal.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to workplace violence, with a penalty provision.

SB 315—By Chappelle-Nadal.

An Act to amend chapters 34 and 390, RSMo, by adding thereto two new sections relating to employment practices.

SB 316—By McKenna.

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to a four-day work week for state employees.

SB 317—By Stouffer.

An Act to repeal sections 409.1-102 and 409.2-201, RSMo, and to enact in lieu thereof two new sections relating to agricultural cooperative corporations.

SB 318—By Dixon.

An Act to repeal section 115.162, RSMo, and to enact in lieu thereof one new section relating to voter registration for hunting and fishing permit applicants.

SB 319—By Dixon.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to a debt setoff for unpaid healthcare expenses.

SB 320—By Lamping, Schmitt, Wright-Jones, McKenna, Rupp, Dempsey, Nieves, Kraus, Chappelle-Nadal, Dixon, Schaefer, Lager, Engler, Ridgeway, Green, Kehoe, Schaaf, Purgason, Callahan, Justus, Keaveny, Munzlinger, Cunningham, Pearce, Goodman, Brown and Wasson.

An Act to repeal sections 43.545, 211.031, 452.375, 455.010, 455.027, 455.035, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, and 595.100, RSMo, and to enact in lieu thereof twenty-one new sections relating to domestic violence, with penalty provisions.

SJR 18—By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

SJR 19—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a), 30(b), 31, 32(a), 32(b), 32(c), and 33 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the city and county of St. Louis.

SJR 20—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, 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 **SB 71** and **SS** for **SCS** for **SB 58**, 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.

SENATE BILLS FOR PERFECTION

At the request of Senator Brown, **SB 28** was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 1** and **SB 206**, with **SCS**, were placed on the Informal Calendar.

Senator Pearce moved that **SB 13**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

Was taken up.

Senator Pearce moved that **SCS** for **SB 13** be adopted.

Senator Pearce offered **SS** for **SCS** for **SB 13**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to a task force to study teacher compensation.

Senator Pearce moved that **SS** for **SCS** for **SB 13** be adopted.

Senator Schmitt assumed the Chair.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 13, Page 1, In the Title, Lines 3-4, by striking the words “a task force to study teacher compensation” and inserting in lieu thereof the following: “the joint committee on education”; and

Further amend said bill, Section A, page 1, line 3, by inserting after all of said line the following:

“160.254. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Education”, which shall be composed of seven members of the senate and seven members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house.

2. The committee shall meet at least twice a year. In the event of three consecutive absences on the part of any member, such member may be removed from the committee.

3. The committee shall select either a chairman or cochairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

4. The committee shall:

(1) Review and monitor the progress of education in the state's public schools and institutions of higher education;

- (2) Receive reports from the commissioner of education concerning the public schools and from the commissioner of higher education concerning institutions of higher education;
- (3) Conduct a study and analysis of the public school system;
- (4) Make recommendations to the general assembly for legislative action;
- (5) Conduct an in-depth study concerning all issues relating to the equity and adequacy of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education funding-related issues the committee deems relevant;
- (6) Monitor the establishment of performance measures as required by section 173.1006 and report on their establishment to the governor and the general assembly;
- (7) Conduct studies and analysis regarding:
 - (a) The higher education system, including financing public higher education and the provision of financial aid for higher education; and
 - (b) The feasibility of including students enrolled in proprietary schools, as that term is defined in section 173.600, in all state-based financial aid programs;
- (8) Annually review the collection of information under section 173.093 to facilitate a more accurate comparison of the actual costs at public and private higher education institutions;
- (9) Within three years of August 28, 2007, review a new model for the funding of public higher education institutions upon submission of such model by the coordinating board for higher education;
- (10) Within three years of August 28, 2007, review the impact of the higher education student funding act established in sections 173.1000 to 173.1006;
- (11) Beginning August 28, 2008, upon review, approve or deny any expenditures made by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of section 160.530.

5. [During the legislative interim between the first regular session of the ninety-fifth general assembly through January 29, 2010, of the second regular session of the ninety-fifth general assembly, the joint committee on education shall study the issue of open enrollment for public school students across school district boundary lines in this state. In studying this issue, the joint committee may solicit input and information necessary to fulfill its obligation, including but not limited to soliciting input and information from any state department, state agency, school district, political subdivisions of this state, teachers, and the general public. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2009.] **During the legislative interim between the first regular session of the ninety-sixth general assembly through December 31, 2011, the joint committee shall study the issue of a year-round educational program for school districts. The joint committee may consult with state departments, state boards, public school districts, and individuals in the education community. The joint committee shall prepare a final report, together with any recommendations for any legislative action deemed necessary for submission to the general assembly by December 31, 2011.**

6. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of elementary and secondary education, the department of higher education, the coordinating

board for higher education, the state tax commission, the department of economic development, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons.

7. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying legislation.

The point of order was referred to the President Pro Tem.

At the request of Senator Lager, **SA 1** was withdrawn rendering the point of order moot.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 13, Page 1, Section 160.256, Line 11, by inserting after “**education,**” the following: “**one**”; and further amend line 12 by inserting after the word “**senate**” the following: “**and one to be appointed by the minority leader of the senate**”; and further amend line 13 by inserting after “**education,**” the following: “**one**”; and further amend line 14 by inserting after the word “**representatives**” the following: “**and one to be appointed by the minority leader of the house of representatives**”.

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

Senator Pearce moved that **SS** for **SCS** for **SB 13**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **SB 13**, as amended, was declared perfected and ordered printed.

Senator Dempsey moved that **SB 174**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

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

On motion of Senator Dempsey, **SB 174**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 18, 2011

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

The following addendum should be made to the appointment of John Albright for the Missouri Community Service Commission submitted to you on February 16, 2011. Line 1 should read:

John Albright, Republican, 40 Brookhaven Court, Sunrise Beach, Camden County, Missouri 65079,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2011

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

The following addendum should be made to the appointment of Christopher J. Young for the Advisory Commission for Anesthesiologist Assistants submitted to you on February 16, 2011. Line 4 should read:

Christopher J. Young, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above addendums to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 21, 2011

Senator Jim Lembke
Chairman, Governmental Accountability Committee
Room 419, State Capitol
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your Committee on Governmental Accountability investigate the privatization of the Missouri Lottery and the potential cost savings of doing so.

Specifically, I would like you to review the services of GTECH Corporation. GTECH has been awarded new contracts to provide online or instant ticket printing, services, and systems for lotteries in New York, South Dakota, Michigan, West Virginia, Kansas, Virginia, Oregon, Rhode Island, Connecticut, and our very own Missouri.

Please let me know if I can be of additional help.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
District 25 Senator

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Misty Curtright and Jim Peters, Belton.

Senator Schaefer introduced to the Senate, John Kadlec, Columbia.

Senator Kraus introduced to the Senate, Scott Knoche, Lee's Summit; and Mike Woodward,

Independence.

The President introduced to the Senate, Katelyn Wiles, Farmington; Janet Vanderbeck and Michael Gorman, Chesterfield; Bob Sherrill, Cape Girardeau; and Mark Mattingly, Perryville.

Senator Mayer introduced to the Senate, representatives of Missouri Ambulatory Surgery Center Association.

Senator Mayer introduced to the Senate, twenty-three eighth grade students from Caruthersville Middle School, and Myrical Jones, Mariah Bullington, Landon Stricklin, Victoria Menton and Tori Hepler were made honorary pages.

Senator Wasson introduced to the Senate, representatives of the Missouri Nurses Association.

Senator Parson introduced to the Senate, Dr. Herb Hamann and physical therapy students from Southwest Baptist University, Bolivar.

Senator Goodman introduced to the Senate, Scott George, Mt. Vernon.

Senator Lager introduced to the Senate, Congressman Sam Graves.

Senator Schaefer introduced to the Senate, his wife, Stacia and their son, Max; and three hundred gifted students from the Columbia Public Schools.

Senator Goodman introduced to the Senate, his sons, Jack Elliott and William True Goodman, Mt. Vernon; and Jack Elliott and William True were made honorary pages.

Senator Pearce introduced to the Senate, Gloria Rapkin, Angela Grigsby, Nicole Yanak, Liz Uptegrove, Carrie Roberts, Katie Warnock, Jessica Luark and Anna Campbell, students from University of Central Missouri, Warrensburg.

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

SENATE CALENDAR

TWENTY-SIXTH DAY—WEDNESDAY, FEBRUARY 23, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Pearce
 SB 292-Schaaf
 SB 293-Schaaf
 SB 294-Keaveny
 SB 295-Keaveny
 SB 296-Schmitt, et al
 SB 297-Munzlinger
 SB 298-Munzlinger

SB 299-Munzlinger
 SB 300-Munzlinger
 SB 301-Mayer
 SB 302-Engler
 SB 303-Engler
 SB 304-Rupp
 SB 305-Parson
 SB 306-Wasson

SB 307-Justus
SB 308-Nieves
SB 309-Kehoe
SB 310-Justus
SB 311-Pearce
SB 312-Keaveny
SB 313-Schaaf
SB 314-Chappelle-Nadal
SB 315-Chappelle-Nadal

SB 316-McKenna
SB 317-Stouffer
SB 318-Dixon
SB 319-Dixon
SB 320-Lamping, et al
SJR 18-Munzlinger
SJR 19-Chappelle-Nadal
SJR 20-Lager

HOUSE BILLS ON SECOND READING

HB 162-Fisher, et al

HCS for HB 46

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
SB 33-Stouffer (In Fiscal Oversight)
SJR 2-Stouffer (In Fiscal Oversight)

SCS for SB 108-Schmitt, et al
SB 71-Parson
SS for SCS for SB 58-Stouffer

SENATE BILLS FOR PERFECTION

SB 187-Lager, et al

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS
SB 8-Goodman, with SCS & SS for SCS
(pending)

SB 28-Brown
SBs 113 & 95-Parson and Engler, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

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