

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—THURSDAY, MARCH 3, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And I said, Oh, that I had wings like a dove! For then would I fly away and be at rest.” (Psalm 55:6)

O Lord our God, amid all the demands and growing pressures on us it is good to return to our homes yet even there we have obligations and responsibilities that need our attention and it would be nice to “fly away” from everything. But You have promised to be with us and help us “stay the course”. Whatever we do let us do it as unto You and help us find rest and joy in doing so. 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.

Senator Dempsey 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

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 Munzlinger offered Senate Resolution No. 458, regarding Corrections Officer Michael T. Davis, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 459, regarding Corrections Supervisor Stacy Wood, Frankford, which was adopted.

Senator Rupp offered Senate Resolution No. 460, regarding the Seventieth Birthday of David L. Schormann, Foristell, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 461, regarding Charles H. Hoessle, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 462, regarding Daryl Rosen-Huitt, St. Louis, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 463, regarding Karen Kelly Dawson, St. Louis, which was adopted.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SB 188** to the Committee on Ways and Means and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 243, introduced by Senator Cunningham, entitled:

An Act to repeal section 177.088, RSMo, and to enact in lieu thereof two new sections relating to the utilization of resources and services.

Was taken up.

On motion of Senator Cunningham, **SB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman
Green	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal Keaveny—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

SCS for **SB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to highway design-build project contracts.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS for SB 133** was read the 3rd time and passed by the following vote:

YEAS—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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 219**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 282**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 254**, 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 Transportation, to which was referred **SB 120**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 81**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 130**, 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 Education, to which was referred **SB 163**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, 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 145**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 14**, 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 Appropriations, to which was referred **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 63**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer assumed the Chair.

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 was referred **SR 179**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, 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 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

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 reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donald J. Vanderfeltz, as a member of the State Board of Optometry;

Also,

Deborah Polc, as a member of the Missouri Dental Board;

Also,

Benjamin Lampert and Christopher J. Young, as members of the Advisory Commission for Anesthesiologist Assistants;

Also,

Barbara Kuebler, as a member of the Child Abuse and Neglect Review Board.

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 reappointment, which motion prevailed.

SECOND READING OF SENATE BILLS

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

SB 321—Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs.

SB 322—Appropriations.

SB 323—Financial and Governmental Organizations and Elections.

SB 324—Transportation.

SB 325—Financial and Governmental Organizations and Elections.

SB 326—Financial and Governmental Organizations and Elections.

- SB 327**—Agriculture, Food Production and Outdoor Resources.
- SB 328**—Judiciary and Civil and Criminal Jurisprudence.
- SB 329**—General Laws.
- SB 330**—General Laws.
- SB 331**—Judiciary and Civil and Criminal Jurisprudence.
- SB 332**—Health, Mental Health, Seniors and Families.
- SB 333**—Health, Mental Health, Seniors and Families.
- SB 334**—Health, Mental Health, Seniors and Families.
- SB 335**—General Laws.
- SB 336**—Agriculture, Food Production and Outdoor Resources.
- SB 337**—Agriculture, Food Production and Outdoor Resources.
- SB 338**—Judiciary and Civil and Criminal Jurisprudence.
- SB 339**—Health, Mental Health, Seniors and Families.
- SB 340**—Financial and Governmental Organizations and Elections.
- SB 341**—Financial and Governmental Organizations and Elections.
- SB 342**—Education.
- SB 343**—Judiciary and Civil and Criminal Jurisprudence.
- SB 344**—Small Business, Insurance and Industry.
- SB 345**—Education.
- SB 346**—Health, Mental Health, Seniors and Families.
- SB 347**—Judiciary and Civil and Criminal Jurisprudence.
- SB 348**—Health, Mental Health, Seniors and Families.
- SB 349**—Judiciary and Civil and Criminal Jurisprudence.
- SB 350**—Judiciary and Civil and Criminal Jurisprudence.
- SB 351**—Health, Mental Health, Seniors and Families.
- SB 352**—Judiciary and Civil and Criminal Jurisprudence.
- SB 353**—General Laws.
- SB 354**—Judiciary and Civil and Criminal Jurisprudence.
- SB 355**—Rules, Joint Rules, Resolutions and Ethics.
- SB 356**—Agriculture, Food Production and Outdoor Resources.
- SB 357**—Commerce, Consumer Protection, Energy and the Environment.
- SB 358**—Financial and Governmental Organizations and Elections.

- SB 359**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 360**—Jobs, Economic Development and Local Government.
- SB 361**—General Laws.
- SB 362**—Judiciary and Civil and Criminal Jurisprudence.
- SB 363**—Judiciary and Civil and Criminal Jurisprudence.
- SB 364**—Jobs, Economic Development and Local Government.
- SB 365**—Financial and Governmental Organizations and Elections.
- SB 366**—Judiciary and Civil and Criminal Jurisprudence.
- SB 367**—Health, Mental Health, Seniors and Families.
- SB 368**—Agriculture, Food Production and Outdoor Resources.
- SB 369**—General Laws.
- SB 370**—General Laws.
- SB 371**—General Laws.
- SB 372**—General Laws.
- SB 373**—Small Business, Insurance and Industry.
- SB 374**—Jobs, Economic Development and Local Government.
- SB 375**—Commerce, Consumer Protection, Energy and the Environment.
- SB 376**—Commerce, Consumer Protection, Energy and the Environment.
- SB 377**—Ways and Means and Fiscal Oversight.
- SB 378**—Transportation.
- SB 379**—Judiciary and Civil and Criminal Jurisprudence.
- SB 380**—Ways and Means and Fiscal Oversight.
- SB 381**—Judiciary and Civil and Criminal Jurisprudence.
- SB 382**—Financial and Governmental Organizations and Elections.
- SB 383**—Ways and Means and Fiscal Oversight.
- SB 384**—Judiciary and Civil and Criminal Jurisprudence.
- SB 385**—Ways and Means and Fiscal Oversight.
- SB 386**—Transportation.
- SB 387**—Judiciary and Civil and Criminal Jurisprudence.
- SB 388**—General Laws.
- SB 389**—General Laws.
- SB 390**—Jobs, Economic Development and Local Government.

- SB 391**—Education.
- SB 392**—Small Business, Insurance and Industry.
- SB 393**—Health, Mental Health, Seniors and Families.
- SB 394**—Judiciary and Civil and Criminal Jurisprudence.
- SB 395**—Judiciary and Civil and Criminal Jurisprudence.
- SB 396**—Health, Mental Health, Seniors and Families.
- SB 397**—Jobs, Economic Development and Local Government.
- SB 398**—Financial and Governmental Organizations and Elections.
- SB 399**—Judiciary and Civil and Criminal Jurisprudence.
- SB 400**—Judiciary and Civil and Criminal Jurisprudence.
- SB 401**—Financial and Governmental Organizations and Elections.
- SB 402**—Transportation.
- SB 403**—Commerce, Consumer Protection, Energy and the Environment.
- SB 404**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 405**—Health, Mental Health, Seniors and Families.
- SB 406**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 407**—Health, Mental Health, Seniors and Families.
- SB 408**—Health, Mental Health, Seniors and Families.
- SB 409**—Education.
- SB 410**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 411**—Ways and Means and Fiscal Oversight.
- SB 412**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 413**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 414**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 415**—Judiciary and Civil and Criminal Jurisprudence.
- SB 416**—General Laws.
- SB 417**—Small Business, Insurance and Industry.
- SJR 21**—General Laws.
- SJR 22**—General Laws.

COMMUNICATIONS:

President Pro Tem Mayer submitted the following:

**SENATE HEARING SCHEDULE
96th GENERAL ASSEMBLY
FIRST REGULAR SESSION
MARCH 3, 2011**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Ridgeway)		
8:30 a.m.			Gubernatorial Appointments SL (Mayer)	Ways and Means and Fiscal Oversight SCR 1 (Purgason) Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs SL (Crowell)
9:00 a.m.		Progress and Development SL (Callahan)		
12:00 Noon		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Dempsey)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:30 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Cunningham)	Governmental Accountability SCR 1 (Lembke) Education SL (Pearce)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Engler)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Goodman)			

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, First Sergeant Randal Jacobson and Cadets Jeong Yong “Kevin” Choi, Kyle Perkinson, Matthew Reindel, Jefferson Green, Hsin Wei “Eric” Chiu, members of Missouri Military Academy Rifle Team.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Frank G. Rieger, M.D. and his wife, Reggie, Columbia.

Senator Kehoe introduced to the Senate, Kings of Historically Black College and Universities from around the state.

Senator Brown introduced to the Senate, students from Missouri University of Science and Technology, Rolla.

Senator Munzlinger introduced to the Senate, Coach Nick Hoth and Haylon Jacobs, Jake Vitale, Sinjon Adams, Josh Harlan and Monterio Burton, members of the Mexico High School Wrestling Team.

Senator Schaefer introduced to the Senate, students from the University of Missouri from around the state.

Senator McKenna introduced to the Senate, former State Representative George Engelbauch.

Senator Goodman introduced to the Senate, Melissa White, Crane.

Senator Pearce introduced to the Senate, students from Harrisonville McEowen Elementary School.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, March 7, 2011.

SENATE CALENDAR

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THIRTY-SECOND DAY—MONDAY, MARCH 7, 2011

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping
SB 419-Kraus
SB 420-Mayer
SB 421-Pearce
SB 422-Lager
SB 423-Lager
SB 424-Cunningham
SB 425-Goodman

SB 426-Lamping
SB 427-Lamping
SB 428-Ridgeway
SB 429-Ridgeway
SB 430-Mayer
SB 431-Munzlinger
SB 432-Munzlinger
SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46
 HB 71-Nasheed, et al
 HB 139-Smith (150), et al

HB 209-Guernsey, et al
 HB 107-Smith (150), et al
 HCS for HB 205

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
 (In Fiscal Oversight)

SCS for SB 188-Lager, et al
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 55-Brown
 2. SB 161-Munzlinger
 3. SB 61-Keaveny
 4. SB 219-Wasson, with SCS
 5. SB 284-Wasson
 6. SB 173-Dixon and Kehoe
 7. SB 254-Stouffer, with SCS
 8. SB 120-Stouffer
 9. SB 135-Schaefer

10. SB 207-Lager
 11. SB 130-Rupp, with SCS
 12. SB 163-Pearce, with SCS
 13. SB 145-Dempsey
 14. SB 203-Schmitt, et al
 15. SB 63-Mayer
 16. SB 278-Munzlinger, et al
 17. SB 162-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

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#2 for SCS
 (pending)

SB 23-Keaveny, with SCS
SB 28-Brown

SBs 113 & 95-Parson and Engler, with SCS
SB 204-Dempsey, et al

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS
SB 97-Engler

SB 96-Engler

Reported 3/3

SB 282-Engler
SB 131-Rupp, with SCS

SB 81-Pearce, with SCS

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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