

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—TUESDAY, MARCH 8, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“To you, O LORD, I lift up my soul. O my God, in you I trust;” (Psalm 25:1-2a)

Grant us a faith that can rejoice in Your love and Your goodness despite the dark moments that we find around us. These are difficult times in our world and our country and we are grateful that You provide us the divine assurance of Your enduring comfort through the most stressful times. As we live each day as Your called servants who You have given the privilege to serve in this place may we trust in Your guidance in the decisions we must make. 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 and Missouri News Horizon 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	Curls	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—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence honoring law enforcement officers from across the state.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 481, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vernon Schlichting, Wittenberg, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 23**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

SCS for **SB 23**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 23

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof ten new sections relating to the St. Louis police force, with penalty provisions and a contingent effective date.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 23** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 23, Page 1, In the Title, Line 3, by striking “the St. Louis police force” and inserting in lieu thereof the following: “police forces”; and

Further amend said bill, page 7, section 84.349, line 73, by inserting immediately after said line the following:

“84.900. Notwithstanding any other provision of law to the contrary, as of August 28, 2011, any home rule city with more than four hundred thousand inhabitants and located in more than one county may establish, and thereafter maintain, a municipal police force under sections 84.905 and 84.910.

84.905. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may establish a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;**
- (2) Preventing crime and arresting suspected offenders;**
- (3) Enforcing the laws of the state and ordinances of the city;**
- (4) Exercising all powers available to a police force under generally applicable state law; and**
- (5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities.**

No person shall act as a private watchman, private detective, or private policeman in said cities without first having obtained a written license from said police force.

84.910. 1. A home rule city with more than four hundred thousand inhabitants and located in more than one county that establishes and maintains a municipal police force pursuant to section 84.900 and section 84.905 shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers and employees of any police force previously established under sections 84.350 to 84.850 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, health insurance, life insurance, and pensions. Any such home rule city with more than four hundred thousand inhabitants and located in more than one county shall recognize any regulation concerning residence of police officers adopted by the board of police commissioners. Any retired officers shall also maintain their accrued benefits, including but not limited to health and life insurance.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the city shall recognize the designated exclusive bargaining representative of the uniformed members of the municipal police force to the rank of sergeant and shall, to the extent permitted by federal and state law, engage in negotiations with said representative over terms, conditions, and benefits of employment in a good faith effort to enter into a binding contract covering such terms, conditions, and benefits.

84.915. The provisions of sections 84.350 to 84.850, and the terms of office of the commissioners of the board of police under sections 84.350 and 84.360 shall expire upon the effective date of this act.

84.920. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.350 to 84.850 shall continue to be governed by chapter 86, and shall apply to any police force established under sections 84.900 and 84.905.”; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted.

Senator Keaveny raised the point of order that **SA 1** is out of order as it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lembke offered **SS** for **SCS** for **SB 23**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 23

An Act to repeal sections 84.010, 86.200, and 86.213, RSMo, and to enact in lieu thereof eleven new sections relating to the St. Louis police force, with penalty provisions and a contingent effective date.

Senator Lembke moved that **SS** for **SCS** for **SB 23** be adopted.

At the request of Senator Keaveny, **SB 23**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE
SECRETARY OF STATE**

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler
Jefferson City, MO

Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 9th Senatorial District in the State of Missouri, on the 22nd day of February, 2011, as provided by law, the following named person was elected to the office of State Senator, 9th Senatorial District as shown by the election results certified to this office by the election authority of the 9th Senatorial District.

Name	Office
Shalonn (Kiki) Curls 1909 Myrtle Ave. Kansas City, MO 64127-3407	State Senate 9 th Senatorial District

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the seal of my office this 2nd day of
March, 2011.

Seal

/s/ Robin Carnahan
Robin Carnahan
Secretary of State

Senator Curls approached the dais and received her oath of office administered by President Pro Tem Mayer.

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 284**; **SCS** for **SB 219**; **SB 207**; and **SB 61**, 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.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

Senator Dempsey announced that photographers from KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 482, regarding Dale Ellis, St. Joseph, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 113** and **SB 95**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 113** and **95**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 113 and 95

An Act to repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to commercial dog breeders, with existing penalty provisions and an emergency clause.

Was taken up.

Senator Parson moved that **SCS** for **SBs 113** and **95** be adopted.

Senator Parson offered **SS** for **SCS** for **SBs 113** and **95**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 113 and 95

An Act to repeal sections 273.327 and 273.345, RSMo, and to enact in lieu thereof four new sections relating to the care of dogs, with penalty provisions and an emergency clause.

Senator Parson moved that **SS** for **SCS** for **SBs 113** and **95** be adopted.

Senator Kehoe assumed the Chair.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 and 95, Page 1, In the Title, Line 4 of the title, by striking “an emergency” and inserting in lieu thereof the following: “a referendum”; and

Further amend said bill, Page 9, Section B, Lines 17 to 23 of said page, by striking said lines and inserting in lieu thereof the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2012, or at a special election to be called by the governor for that purpose, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”.

Senator Justus moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 113 and 95, Page 1, Section B, Line 6, by striking “2012” and inserting in lieu thereof “2011”.

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

SA 1 was again taken up.

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

Senator Parson moved that **SS** for **SCS** for **SBs 113** and **95** be adopted, which motion prevailed.

On motion of Senator Parson, **SS** for **SCS** for **SBs 113** and **95** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 135** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schaefer offered **SS** for **SB 135**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 135

An Act to repeal sections 260.965 and 414.072, RSMo, and to enact in lieu thereof four new sections relating to environmental protection.

Senator Schaefer moved that **SS** for **SB 135** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SB 135** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Jill and Bob Johnson and their children, Mariam and Brandon, Homeschoolers from St. Louis; and Mariam and Brandon were made honorary pages.

Senator Pearce introduced to the Senate, representatives of MSTTA from Bronaugh.

Senator Schaefer introduced to the Senate, teachers Lisa Schenker and Jim Steelman, parents, student Ben Ertle and other fourth grade students from U.S. Grant Elementary School, Columbia.

Senator Wright-Jones introduced to the Senate, Teri Buscom, St. Louis; Yolanda Lockhart, Jefferson City; Kay Gage; and representatives of Alpha Kappa Alpha Sorority, Inc.

Senator Wright-Jones introduced to the Senate, representatives of National Pan-Hellenic Council, Inc. from Lincoln University.

Senator Stouffer introduced to the Senate, Ed and Pat Richards, Pachyderms from Marshall.

Senator Lembke introduced to the Senate, Detective Joe Clark, his wife, Tracy and their children, Jehna, Sarah, Luke and Grace, St. Louis County.

Senator Lamping introduced to the Senate, Jeanine Stewart and Tom Wilsdon, St. Louis.

Senator Green introduced to the Senate, Principal McDaniel, teachers, Mrs. Scurry, Mrs. Wineland, parents and sixty-five fourth grade students from Robinwood Elementary School, Florissant; and JaKayla Ray, Emily Signaigo and Jamar Hinton were made honorary pages.

Senator Lamping introduced to the Senate, Andrew Sher, St. Louis; and Theckla Spainhower, Jefferson City.

On behalf of Senator Engler and himself, Senator McKenna introduced to the Senate, students from Festus Senior High School.

Senator Curls introduced to the Senate, her parents, Darwin and Sandra Curls, her son and daughter, James and Michaelen, her brother and his wife, Lenny and Norma Curls, nephews, Leonardo and Caesar, and her aunt, former State Representative Melba Curls, Monica Curls, Monique Jamerson, Captain Londell Jamerson, Bishop James Tindall, former State Senator Mary Bland, Judy Groves, Mr. John McDaniel, Darron McGee and Representative Chris Carter.

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

SENATE CALENDAR

THIRTY-FOURTH DAY—WEDNESDAY, MARCH 9, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping	SB 426-Lamping
SB 419-Kraus	SB 427-Lamping
SB 420-Mayer	SB 428-Ridgeway
SB 421-Pearce	SB 429-Ridgeway
SB 422-Lager	SB 430-Mayer
SB 423-Lager	SB 431-Munzlinger
SB 424-Cunningham	SB 432-Munzlinger
SB 425-Goodman	SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46	HCS for HBs 276, 233 & 274
HB 71-Nasheed, et al	HCS for HBs 116 & 316
HB 139-Smith (150), et al	HCS for HB 136
HB 209-Guernsey, et al	HCS for HB 214
HB 107-Smith (150), et al	HCS for HB 61
HCS for HB 205	HCS for HB 108
HCS for HB 76	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 219-Wasson
SCS for SB 188-Lager, et al (In Fiscal Oversight)	SB 207-Lager
SB 284-Wasson	SB 61-Keaveny

SENATE BILLS FOR PERFECTION

SB 130-Rupp, with SCS	SB 63-Mayer
SB 163-Pearce, with SCS	SB 278-Munzlinger, et al
SB 145-Dempsey	SB 162-Munzlinger, with SCS
SB 203-Schmitt, et al	

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS	SB 55-Brown
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 120-Stouffer
SB 8-Goodman, with SCS & SS#2 for SCS (pending)	SB 161-Munzlinger
SB 23-Keaveny, with SCS & SS for SCS (pending)	SB 173-Dixon and Kehoe
SB 28-Brown	SB 204-Dempsey, et al
	SB 254-Stouffer, with SCS

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

RESOLUTIONS

Reported from Committee

SR 179-Purgason
SCR 7-Dempsey

SCR 8-Rupp

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