

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—MONDAY, MARCH 14, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith is what makes life bearable, with all its tragedies and ambiguities and sudden, startling joys.” (Madeleine L'Engle)

Lord God, we are so mindful of the tragedies of Japan and the lose of life and property there and in our own country. We pray for the injured and for those who walk through grief at the loss of loved ones. So we ask that You provide healing and comfort to all in need. We are thankful for faith that allows us to trust in You and see light in dark places. We are thankful for safe travel through this morning's winter wonderland and are grateful to be here to do what is required of us. So we give You thanks and praise for all You provide us to make it through these tough times. 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, March 10, 2011 was read and approved.

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.

REMONSTRANCES

Senator Schaaf offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, investigative journalism has a storied history that dates back to the original muckrackers of the 19th century who bravely investigated political corruption and abuses of power knowing full well of the personal and professional consequences that would result from such investigations and the reports that followed; and

WHEREAS, the rich tradition of investigative journalism includes such notable figures as Nellie Bly, Upton Sinclair, and Woodward and Bernstein; and

WHEREAS, investigative journalism has the power to shine a light upon political corruption and expose the unlawful use of power by elected officials; and

WHEREAS, the exposing of such corruption can lead to needed reforms in ethics and political governance, and, at the very least, the removal of corrupt public officials; and

WHEREAS, at a recent hearing of the Senate Committee on Progress and Development regarding Senate Bill No. 23, the Committee heard the testimony of a St. Louis City police officer; and

WHEREAS, such officer testified that the officer was on duty and investigating a commotion, and that the officer encountered a street vendor operating without a permit issued by the City of St. Louis; and

WHEREAS, during the course of the investigation, the vendor told the officer that a permit was not needed because he had paid the fee to an alderman and proceeded to show the officer a business card from the alderman; and

WHEREAS, the officer reported the findings of the investigation to his supervisor, but told the Committee that no further investigation was completed; and

WHEREAS, during the hearing on Senate Bill No. 23, including the testimony of the officer, members of the St. Louis press corps were present; and

WHEREAS, following the hearing, there have been no reports of such testimony or investigation into the allegations raised by such testimony by any member of the St. Louis press corps; and

WHEREAS, such failure to investigate and report fails the great tradition of investigative journalism and allows potential political corruption to continue unabated; and

WHEREAS, the St. Louis press corps, as part of the fourth estate, has a duty and responsibility to investigate and report on such allegations; and

WHEREAS, by failing to do so, the St. Louis press corps has failed the citizens of St. Louis:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, hereby remonstrates against the St. Louis press corps for its disregard of the proper role of a journalist to investigate and report upon corruption within the City of St. Louis regardless of the political implications or consequences to such investigation or reporting; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Missouri Press Association.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 506, regarding Gary A. Cyr, Sr., Springfield, which was adopted.

Senator Crowell offered Senate Resolution No. 507, regarding Kay Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 508, regarding Scott Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 509, regarding Tina Sides, which was adopted.

Senator Crowell offered Senate Resolution No. 510, regarding Becky Loenneke, which was adopted.

Senator Crowell offered Senate Resolution No. 511, regarding Andy Helle, which was adopted.

Senator Crowell offered Senate Resolution No. 512, regarding Kathy Jordan, Cape Girardeau, which was adopted.

Senator Engler offered Senate Resolution No. 513, regarding Victoria Ann Damba, D.O., Farmington, which was adopted.

Senator Munzlinger offered Senate Resolution No. 514, regarding Ray Klingensmith, Kirksville, which was adopted.

Senator Kraus offered Senate Resolution No. 515, regarding Steve M. Engeman, Lee's Summit, which was adopted.

Senator Munzlinger offered Senate Resolution No. 516, regarding the Seventieth Wedding Anniversary of Gilbert and Kathleen Brown, Unionville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 517, regarding Ronald Maggard, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 518, regarding Carl Mefford, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 519, regarding Clayton Schoneboom, Rush Hill, which was adopted.

Senator Munzlinger offered Senate Resolution No. 520, regarding Jason Woodhurst, Perry, which was adopted.

Senator Brown offered Senate Resolution No. 521, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred F. Richardson, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 522, regarding the Crawford County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 523, regarding the Dent-Phelps R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 524, regarding the Dixon R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 525, regarding the Gasconade County R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 526, regarding the Gasconade County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 527, regarding the Green Forest R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 528, regarding the Maries County R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 529, regarding the North Wood R-IV School District, which was adopted.

Senator Brown offered Senate Resolution No. 530, regarding the Osage County R-I School District,

which was adopted.

Senator Brown offered Senate Resolution No. 531, regarding the Osage County R-II School District, which was adopted.

Senator Brown offered Senate Resolution No. 532, regarding the Osage County R-III School District, which was adopted.

Senator Brown offered Senate Resolution No. 533, regarding the Rolla 31 School District, which was adopted.

Senator Brown offered Senate Resolution No. 534, regarding the Salem R-80 School District, which was adopted.

Senator Brown offered Senate Resolution No. 535, regarding the St. James R-I School District, which was adopted.

Senator Brown offered Senate Resolution No. 536, regarding the Waynesville R-VI School District, which was adopted.

Senator Kraus offered Senate Resolution No. 537, regarding Amanda Marshall, Oak Grove, which was adopted.

Senator Kraus offered Senate Resolution No. 538, regarding Eternity Haynie, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 539, regarding Ann Campbell, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 540, regarding Jozianne Brennan, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 541, regarding Sarah Bechtold, Lee's Summit, which was adopted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

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

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

Stephen Cox, 12531 Liv 222, Chillicothe, Livingston County, Missouri 64601, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2011, and until his successor is duly appointed and qualified; vice, Steven Bruce, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

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

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

Marvin Ferguson, Republican, 6502 Northwest Melody Lane, Parkville, Platte County, Missouri 64152, as a member of the Platte County Election Board, for a term ending January 11, 2013, and until his successor is duly appointed and qualified; vice, Christopher C. Dalton, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

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

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

John J. Hickey, 701 Wildrose Place, Columbia, Boone County, Missouri 65201, as a member of the Labor and Industrial Relations Commission, for a term ending July 27, 2014, and until his successor is duly appointed and qualified; vice, John J. Hickey, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

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

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

Daniel Kappel, Republican, 16730 Kingstowne Estate Drive, Wildwood, Saint Louis County, Missouri 63011, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until his successor is duly appointed and qualified; vice, Mary Potter, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

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

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

Randall Relford, 504 Country Club Square Drive, Cameron, Clinton County, Missouri 64429, as a member of the Missouri Dental Board,

for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, Sharlene Rimiller, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

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

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

Brenda Tinnen, Independent, 406 South Main Street, Plattsburg, Clinton County, Missouri 64477, as a member of the Tourism Commission, for a term ending January 15, 2015, and until her successor is duly appointed and qualified; vice, Kelly D. Swanson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

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

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

Kristen Weber, 1733 Purity Court, Fenton, Saint Louis County, Missouri 63026, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Noella Buchanan, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 14, 2011

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

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

Gregory Wheelen, 2757 West Roxbury Street, Springfield, Greene County, Missouri 65807, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, Jennifer Charleston, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 14, 2011

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

The following addendum should be made to the appointment of Richard Hashagen to the Missouri Head Injury Advisory Council submitted to you on February 16, 2011. Line 3 and 4 should be amended to read:

May 12, 2013, and until his successor is duly appointed and qualified; vice, Richard Hashagen, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

SENATE BILLS FOR PERFECTION

Senator Ridgeway moved that **SB 1** and **SB 206**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1** and **206**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 and 206

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

Was taken up.

Senator Rupp assumed the Chair.

Senator Ridgeway moved that **SCS** for **SBs 1** and **206** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1 and 206, Page 2, Section 290.590, Line 44, by striking “or”; and

Further amend same page and section, line 49, by inserting immediately after “agreement” the following “; or **(6) To any business or corporation that, in the five years preceding a legal action under this section, has terminated the employment of two-hundred or more employees as part of a lay-off or reduction in force and has hired, either directly or through a subsidiary, parent or related corporation or entity, more than two-hundred employees who are not citizens of the United States of America.**”.

Senator Callahan moved that the above amendment be adopted.

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

COMMUNICATIONS

Senator Crowell submitted the following:

March 11, 2011

Ms. Terry Spieler
Secretary of Senate
State Capitol Building – Room 325
Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 116 (Justus) – Updates the Uniform Interstate Family Support Act.

SB 165 (Goodman) – Extends the sunset on the Basic Civil Legal Services Fund.

SB 237 (Schaefer) – Requires that the September 1996 Supreme Court standards for representation by guardians ad litem be updated.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

March 10, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senators Maria Chappelle-Nadal and Kiki Curls to the Joint Committee on Corrections.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

March 10, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Joe Keaveny to the Joint Committee on Legislative Research.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

Also,

March 14, 2011

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Kiki Curls to the following committees:

Appropriations
General Laws
Health, Mental Health, Seniors and Families

I am removing Senator Jolie Justus from the Appropriations Committee and the Health, Mental Health, Seniors and Families Committee.

Also, I am removing Senator Ryan McKenna from the General Laws Committee.

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Robert N. Mayer
Robert N. Mayer
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, Dr. Colin Nichols, his wife, Diana and their children, Will and George, University City; and Will and George were made honorary pages.

Senator Kehoe introduced to the Senate, Rylee King, and her grandfather, David, Jasper, Alabama.

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

SENATE CALENDAR

THIRTY-SEVENTH DAY—TUESDAY, MARCH 15, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 209-Guernsey, et al
HB 107-Smith (150), et al
HCS for HB 205
HCS for HB 76
HCS for HBs 276, 233 & 274
HCS for HBs 116 & 316
HCS for HB 136

HCS for HB 214
HCS for HB 61
HCS for HB 108
HCS for HB 174
HCS for HBs 112 & 285
HCS for HB 266
HB 339-Pollock, et al

HB 167-Nolte, et al

HJR 2-McGhee, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)
 SB 173-Dixon and Kehoe
 SCS for SB 163-Pearce

SB 161-Munzlinger
 SS for SB 55-Brown

SENATE BILLS FOR PERFECTION

1. SB 278-Munzlinger, et al
 2. SB 162-Munzlinger, with SCS
 3. SB 17-Lembke, with SCS
 4. SB 62-Schaaf, with SCS
 5. SB 280-Purgason, et al, with SCS
 6. SB 306-Wasson
 7. SB 282-Engler
 8. SB 226-Engler
 9. SB 131-Rupp, with SCS
 10. SB 250-Kehoe
 11. SB 202-Crowell
 12. SB 176-Munzlinger, et al
 13. SB 175-Munzlinger, et al

14. SB 242-Cunningham, with SCS
 15. SB 65-Mayer, et al, with SCS
 16. SB 37-Lembke, with SCS
 17. SB 220-Wasson
 18. SB 247-Pearce
 19. SB 81-Pearce, with SCS
 20. SB 54-Cunningham, with SCS
 21. SB 200-Crowell
 22. SB 72-Kraus
 23. SB 36-Lembke
 24. SB 322-Schaefer
 25. SB 29-Brown, with SCS
 26. SJR 11-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 & SA 1
 (pending)
 SBs 7, 5, 74 & 169-Goodman, with SCS
 SB 8-Goodman, with SCS & SS#2 for SCS
 (pending)

SB 23-Keaveny, with SCS & SS for SCS
 (pending)
 SB 28-Brown
 SB 120-Stouffer
 SB 130-Rupp, with SCS

SB 145-Dempsey
SB 203-Schmitt, et al

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

MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Schaaf

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