

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—MONDAY, APRIL 4, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious God, help us this week to be those “who walk in wisdom”. Help us that we might use our intelligence wisely in all the circumstances we find ourselves. May our daily behavior express warm hearts, kindly voices and an open hand for those in need about us. And let us be Your servants in all we do. 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 31, 2011 was read and approved.

Senator Dempsey announced that photographers from KOMU-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	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.

Senator Goodman requested unanimous consent of the Senate to correct the report made by the Committee on the Judiciary and Civil and Criminal Jurisprudence on March 31, 2011, by submitting the correct senate committee substitute for **SBs 394** and **331**, which request was granted.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 673, regarding Betty Kristofferson, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 674, regarding Randall Kristofferson, Vandalia, which was adopted.

Senator Munzlinger offered Senate Resolution No. 675, regarding Richard Porter, which was adopted.

Senator Munzlinger offered Senate Resolution No. 676, regarding Rhonda Remley, Laddonia, which was adopted.

Senator Wasson offered Senate Resolution No. 677, regarding the Christian County Emergency Services/Emergency 911/Communications Center, Ozark, which was adopted.

Senator Rupp offered Senate Resolution No. 678, regarding Jordan Paul Hespen, Defiance, which was adopted.

Senator Stouffer offered Senate Resolution No. 679, regarding the One Hundred Second Birthday of Irene Balke, Concordia, which was adopted.

Senator Schmitt offered Senate Resolution No. 680, regarding the One Hundredth Anniversary of the Eagle Bank and Trust Company of Missouri, which was adopted.

Senator Schmitt offered Senate Resolution No. 681, regarding Conor Gerard Schilling, Marlborough, which was adopted.

Senator Richard offered Senate Resolution No. 682, regarding the One Hundred First Birthday of Emilia Cramsey, Sarcoxie, which was adopted.

Senator Mayer offered Senate Resolution No. 683, regarding Phillip Britt, 35th Circuit Treatment Court Commissioner, which was adopted.

Senator Schaefer offered Senate Resolution No. 684, regarding Timothy Robertson, Columbia, which was adopted.

Senator Crowell offered Senate Resolution No. 685, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Kermit Meystedt, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 686, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Boswell, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 687, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Albert Enderle, Oran, which was adopted.

Senator Rupp offered Senate Resolution No. 688, regarding Theodore Adam Campbell, St. Peters, which was adopted.

Senator Engler offered Senate Resolution No. 689, regarding Pat Jones, Williamsburg, which was adopted.

Senator Engler offered Senate Resolution No. 690, regarding Lisa G. Hubbard, which was adopted.

Senator Engler offered Senate Resolution No. 691, regarding Dr. Connie S. Waters, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 692, regarding Michael Yount, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 81**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 81**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 81

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to fine arts education.

Was taken up.

Senator Pearce moved that **SCS** for **SB 81** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 81** was declared perfected and ordered printed.

Senator Lager assumed the Chair.

Senator Cunningham moved that **SB 54**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 54**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54

An Act to repeal sections 37.710, 160.261, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixteen new sections relating to protecting children from sexual offenders, with penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 54** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 54, Page 11, Section 160.262, Line 35, by inserting immediately after said line the following:

“160.2100. 1. Sections 160.2100 and 160.2110 shall be known and may be cited as “Erin's Law”.

2. The “Task Force on the Prevention of Sexual Abuse of Children” is hereby created to study the issue of sexual abuse of children until January 1, 2013. The task force shall consist of all of the following members:

- (1) One member of the general assembly appointed by the president pro tem of the senate;**
- (2) One member of the general assembly appointed by the minority floor leader of the senate;**
- (3) One member of the general assembly appointed by the speaker of the house of**

representatives;

(4) One member of the general assembly appointed by the minority leader of the house of representatives;

(5) The director of the department of social services or his or her designee;

(6) The commissioner of education or his or her designee;

(7) The director of the department of health and senior services or his or her designee;

(8) The director of the office of prosecution services or his or her designee;

(9) A representative representing law enforcement appointed by the governor;

(10) Three active teachers employed in Missouri appointed by the governor;

(11) A representative of an organization involved in forensic investigation relating to child abuse in this state appointed by the governor;

(12) A school superintendent appointed by the governor;

(13) A representative of the state domestic violence coalition appointed by the governor;

(14) A representative from the juvenile and family court appointed by the governor;

(15) A representative from Missouri Network of Child Advocacy Centers appointed by the governor;

(16) An at-large member appointed by the governor.

3. Members of the task force shall be individuals who are actively involved in the fields of the prevention of child abuse and neglect and child welfare. The appointment of members shall reflect the geographic diversity of the state.

4. The task force shall elect a presiding officer by a majority vote of the membership of the task force. The task force shall meet at the call of the presiding officer.

5. The task force shall make recommendations for reducing child sexual abuse in Missouri. In making those recommendations, the task force shall:

(1) Gather information concerning child sexual abuse throughout the state;

(2) Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations;

(3) Create goals for state policy that would prevent child sexual abuse; and

(4) Submit a final report with its recommendations to the governor, general assembly, and the state board of education by January 1, 2013.

6. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local government.

7. The task force shall consult with employees of the department of social services, the department of public safety, department of elementary and secondary education, and any other state agency, board, commission, office, or department as necessary to accomplish the task force's responsibilities under this section.

8. The members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

9. The provisions of sections 160.2100 and 160.2110 shall expire on January 1, 2013.

160.2110. 1. The task force on the prevention of sexual abuse of children established in section 160.2100 may adopt and implement a policy addressing sexual abuse of children that may include:

(1) Age-appropriate curriculum for students in pre-K through fifth grade;

(2) Training for school personnel on child sexual abuse;

(3) Educational information to parents or guardians provided in the school handbook on the warning signs of a child being abused, along with any needed assistance, referral, or resource information;

(4) Available counseling and resources for students affected by sexual abuse; and

(5) Emotional and educational support for a child of abuse to continue to be successful in school.

2. Any policy adopted may address without limitation:

(1) Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse;

(2) Actions that a child who is a victim of sexual abuse could take to obtain assistance and intervention; and

(3) Available counseling options for students affected by sexual abuse.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cunningham moved that **SCS for SB 54**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS for SB 54**, as amended, was declared perfected and ordered printed.

At the request of Senator Crowell, **SB 200** was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 72** was placed on the Informal Calendar.

At the request of Senator Lembke, **SB 36** was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 322** was placed on the Informal Calendar.

Senator Brown moved that **SB 29**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 29, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29**

An Act to repeal sections 338.010, 338.140, 338.150, 338.210, 338.220, and 338.240, RSMo, and to enact in lieu thereof six new sections relating to veterinary legend drugs.

Was taken up.

Senator Brown moved that **SCS** for **SB 29** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 29, Page 7, Section 338.240, Line 15, by inserting after the word “sold” the following:

“. Except that a person or company in the business of providing supplies for animals, including veterinary legend drugs, that has been in continuous operation since January 1, 1975 shall not be subject to the provisions of this subdivision”.

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

Senator Brown moved that **SCS** for **SB 29**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 29**, as amended, was declared perfected and ordered printed.

At the request of Senator Munzlinger, **SJR 11**, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 118** be taken up for perfection, which motion prevailed.

Senator Stouffer offered **SS** for **SB 118**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 118

An Act to repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements in long-term care facilities.

Senator Stouffer moved that **SS** for **SB 118** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SB 118** was declared perfected and ordered printed.

Senator Brown moved that **SB 177**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177

An Act to repeal sections 630.053, 630.095, and 630.167, RSMo, and to enact in lieu thereof three new sections relating to the department of mental health.

Was taken up.

Senator Brown moved that **SCS** for **SB 177** be adopted.

Senator Brown offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 177, Page 1, Section 630.053, Line 11, by striking “and 4” and inserting in lieu thereof the following: “, **4**, and **5**”.

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

Senator Brown moved that **SCS** for **SB 177**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 177**, as amended, was declared perfected and ordered printed.

At the request of Senator Brown, **SB 241** was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 323**, with **SCS**, was placed on the Informal Calendar.

Senator Keaveny moved that **SB 59** be taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 59** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 60**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 60

An Act to repeal sections 404.710, 456.3-301, 456.8-813, 469.411, 469.437, and 469.459, RSMo, and to enact in lieu thereof six new sections relating to fiduciaries.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 60** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 60** was declared perfected and ordered printed.

At the request of Senator Schaefer, **SB 70**, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 165**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 165**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 165

An Act to repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund.

Was taken up.

Senator Goodman moved that **SCS** for **SB 165** be adopted, which motion failed.

On motion of Senator Goodman, **SB 165** was declared perfected and ordered printed.

Senator Justus moved that **SB 116** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 116** was declared perfected and ordered printed.

SB 10 was placed on the Informal Calendar.

SB 9 was placed on the Informal Calendar.

Senator Pearce assumed the Chair.

At the request of Senator Lager, **SB 208** was placed on the Informal Calendar.

At the request of Senator Lager, **SB 209** was placed on the Informal Calendar.

At the request of Senator Nieves, **SJR 15** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 147** be taken up for perfection, which motion prevailed.

Senator Cunningham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 147, Page 1, In the Title, Line 3 of the title, by striking the words “gifted education” and inserting in lieu thereof the following: “the school accountability report card”; and

Further amend said bill, Page 2, Section 160.522, Line 29 by striking the first occurrence of the word “and”; and inserting in lieu thereof the following: “**including the number of applications or resumes received by the school district for a teaching position from individuals who have obtained a baccalaureate or master's degree in the area of mathematics, engineering, technology, or science, or individuals who have obtained a certificate of license to teach based on certification by the American Board for Certification of Teacher Excellence or had a career specialty in the fields of mathematics, engineering, technology, or science, and the number of such individuals employed by the school district. The information shall also include**”.

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

On motion of Senator Schaefer, **SB 147**, as amended, was declared perfected and ordered printed.

Senator Lembke moved that **SJR 10** be taken up for perfection, which motion prevailed.

On motion of Senator Lembke, **SJR 10** was declared perfected and ordered printed.

Senator Rupp moved that **SB 9** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rupp offered **SS** for **SB 9**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 9

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Senator Rupp moved that **SS** for **SB 9** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SB 9** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Mayer referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Anthony Bologna, Democrat, 432 Kings Ridge, Liberty, Clay County, Missouri 64068, as a member and Chair of the Clay County Board of Election Commissioners, for a term ending June 15, 2013, and until his successor is duly appointed and qualified; vice, Gerald Lee Randall, deceased.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Joseph Cavato, Democrat, 7101 Cambridge Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Health and Educational Facilities Authority, for a term ending July 30, 2013, and until his successor is duly appointed and qualified; vice, Donald Thompson, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Catherine Crum-Thompson, Independent, 1919 Green Meadow, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Women's Council, for a term ending December 6, 2013, and until her successor is duly appointed and qualified; vice, Michelle Esswein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Cecilia Davis, 508 Vivian Street, Liberty, Clay County, Missouri 64068, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2012, and until her successor is duly appointed and qualified; vice, Mary L. Buren, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Gerard Grimaldi, 12206 Washington Court, Kansas City, Jackson County, Missouri 64145, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Steven Lipstein, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Bryan Hampton, 1155 Spencer Hill Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Crime Laboratory Review Commission, for a term ending April 1, 2015, and until his successor is duly appointed and qualified; vice, MO RSMo 650.059.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

William Hopfinger, 12001 Foursome Place, Sunset Hills, Saint Louis County, Missouri 63128, as a member of the Advisory Commission for Physical Therapists, for a term ending May 9, 2012, and until his successor is duly appointed and qualified; vice, William Hopfinger, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Ted Hunt, 1200 West Gregory Boulevard, Kansas City, Jackson County, Missouri 64114, as a member of the Crime Laboratory Review

Commission, for a term ending April 1, 2013, and until his successor is duly appointed and qualified; vice, MO RSMO 650.059.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Thomas McVeigh, 3412 Northeast State Route 92, Smithville, Clay County, Missouri 64089, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 20, 2012, and until his successor is duly appointed and qualified; vice, William Horn, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Shane Mecham, 6429 North Amoret Avenue, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Reginald Turnbull, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Mary Ellen Miller, Democrat, 37 Anchor Drive, Lake Tapawingo, Jackson County, Missouri 64015, as a member and Chair of the Jackson County Board of Election Commissioners, for a term ending April 2, 2014, and until her successor is duly appointed and qualified; vice, Charles Dumsky, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

Forty-Fifth Day—Monday, April 4, 2011

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Jenifer Placzek, Democrat, 5459 East Dunrobin, Springfield, Greene County, Missouri 65809, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2015, and until her successor is duly appointed and qualified; vice, Adolfo Castillo, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Lisa Reynolds-Korobey, 439 Bridget Drive, Saint Louis, Saint Louis County, Missouri 63125, 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, W. Craig McGuire, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Michael Sparks, 17 Hickory Court, Arnold, Jefferson County, Missouri 63010, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Donna English, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Thomas Springer, 49 Forest Glen, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of

Accountancy, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Sandra Thomas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Suzanne Taggart, 24010 Highway D, California, Moniteau County, Missouri 65018, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Suzanne Taggart, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 1, 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:

Michael Whitehead, Republican, 4613 Northeast Jamestown Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2014, and until his successor is duly appointed and qualified; vice, Michael Whitehead, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

MESSAGES FROM THE HOUSE

The following messages were 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 344**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the farm-to-table advisory board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 462**, entitled:

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 503**, entitled:

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof one new section relating to public election dates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 578**, entitled:

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to the disposal of tires.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.

HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, baseball players called him “Skip” because John Jordan “Buck” O’Neil was the captain of the ship that sent more Negro League veterans ashore to the white Majors than any man in baseball history; and

WHEREAS, Buck O’Neil played briefly in 1937 with the Memphis Red Sox and debuted as a first baseman for the Kansas City Monarchs in 1938. In 1942, O’Neil led the Monarchs to a Negro American League title, hitting .353 during the Negro World Series in the Monarchs four-game sweep of the Homestead Grays; and

WHEREAS, O’Neil’s achievements included being named to the East-West All-Star Classic in 1942, 1943, and 1949, managing the West squad in 1950, 1953, 1954, and 1955, and playing for the 1946 Satchel Paige All Stars; and

WHEREAS, in 1944, O’Neil enlisted for a two-year stint with the United States Navy, briefly interrupted his playing career. He returned to the Monarchs in 1946, admitting that he regretted the fact that he was not a member of the Monarchs in 1945 when the great Jackie Robinson played in Kansas City before signing with the Brooklyn Dodgers; and

WHEREAS, in 1948, O’Neil succeeded Frank Duncan as manager of the Kansas City Monarchs, continuing to manage the team until 1955. He guided the Monarchs to league titles in 1948, 1950, 1951, and 1953; and

WHEREAS, in 1956, O’Neil was hired by the Chicago Cubs as a scout, helping the team sign future Hall of Famer Lou Brock, and superstars Oscar Gamble, Lee Smith, and Joe Carter;

WHEREAS, O’Neil’s greatest achievement came in 1962 when he became the first African-American coach in the Major Leagues with

the Cubs. After 33 years as a Cubbie, he returned home in 1988 to scout for the Kansas City Royals; and

WHEREAS, in 1990, O'Neil began raising money for a museum to preserve and celebrate the history of the Negro Leagues. His efforts led to the opening of the Negro League Baseball Museum in Kansas City, serving as Chair of the Board of Directors from 1990 until his death in 2006. O'Neil also served on the Veterans' Committee of the National Baseball Hall of Fame, was posthumously awarded the Presidential Medal of Freedom, and is a member of the Missouri Sports Hall of Fame; and

WHEREAS, O'Neil gained national prominence with his compelling descriptions of the Negro Leagues as part of Ken Burns' 1994 PBS documentary on baseball; and

WHEREAS, on April 2, 2007, the Kansas City Royals honored O'Neil by placing a fan in the Buck O'Neil Legacy Seat in Kauffman Stadium each game who best exemplifies O'Neil's spirit. The seat is a red seat amidst the all-blue seats behind home plate in Section 127, Seat 9, Row C. The first person to sit in "Buck's seat" was Buck O'Neil's brother, Warren; and

WHEREAS, Buck O'Neil will be remembered as the first African-American coach in Major League Baseball and as one of the finest players in the Negro Leagues. Through his willingness to share his memories of the Negro Leagues, fans everywhere have a greater understanding and deeper appreciation for a significant period in baseball history:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby designate November 13, 2011, as "Buck O'Neil Day" in Missouri and recommends to the people of the state that the day be appropriately observed with activities, events, and ceremonies in honor of the first African-American coach in Major League Baseball; and

BE IT FURTHER RESOLVED that the General Assembly requests that the Governor issue a proclamation setting apart November 13, 2011, as "Buck O'Neil Day" in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 33**.

HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 1034 was introduced in the 111th Congress designating the Honor and Remember Flag, created by Honor and Remember, Inc., as an official recognition and in honor of fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby designates the Honor and Remember Flag as the State of Missouri's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges the United States Congress to enact a similar resolution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri Veterans Commission and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 34**.

HOUSE CONCURRENT RESOLUTION NO. 34

WHEREAS, the Mark Twain National Forest, the only national forest in Missouri, is 1.5 million acres spread across 29 counties, with 1.4 million acres open to public hunting, 14 floatable streams, and 16 lakes ranging from 3 to 44 acres; and

WHEREAS, the Mark Twain National Forest is located in southern and central Missouri, and extends from the St. Francois Mountains in the southeast to dry rocky glades in the southwest, from the prairies lands along the Missouri River to the nation's most ancient mountains in the south; and

WHEREAS, the Mark Twain National Forest is popular with hunters, trappers, anglers, and persons who enjoy observing, studying, and photographing wildflowers and wildlife; and

WHEREAS, the Mark Twain National Forest has approximately 320 species of birds, 75 species of mammals, and 125 species of amphibians and reptiles; and

WHEREAS, named after Missouri native, Mark Twain, the National Forest gets a variety of visitors through the year, including spring and fall, when color changes the forest; and

WHEREAS, on January 8, 2009, the United States Forest Service Travel Management Rule, 36 CFR 212, Subpart B, became effective. This Rule requires each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles; and

WHEREAS, the designations under the Rule include class of vehicle and, where appropriate, time of year for motor vehicle use; and

WHEREAS, once these designations are completed, the Rule will prohibit motor vehicle use off the designated system or inconsistent with the designations; and

WHEREAS, these designations will be made locally, with public input and in coordination with state, local, and tribal governments; and

WHEREAS, these designations will be shown on a motor vehicle map, with any use inconsistent with those designations prohibited; and

WHEREAS, the Travel Management Rule limits access to areas of the forest, especially for the disabled and elderly. Many disabled and elderly persons enjoy hunting, fishing, and observing nature and wildlife; and

WHEREAS, many areas of the forest are only accessible by hiking, so further restrictions on motor vehicle usage in the National Forest will significantly reduce access to the wide range of learning and recreational opportunities available in the Mark Twain National Forest:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Forest Service to amend or rescind the Travel Management Rule, 36 CFR 212, Subpart B, and allow an increase in motor vehicle access to areas of the Mark Twain National Forest; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Tom Tidwell, Chief of the United States Forest Service, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, more than 4,000,000 Americans served in World War I; and

WHEREAS, there is no nationally recognized memorial honoring the service of those over 4,000,000 Americans; and

WHEREAS, in 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2 million in two weeks for a memorial to the service of Americans who served in World War I. This fund was an accomplishment unparalleled by any other city in the United States, irrespective of population; and

WHEREAS, on November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas

City, Missouri; and

WHEREAS, General of the Armies John J. Pershing, a native of Missouri and the Commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921, dedication that “the people of Kansas City, Missouri, are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country’s armed forces during the World War. It symbolized their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited”; and

WHEREAS, the 217 foot Liberty Memorial Tower has an inscription that reads, “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country” as well as four stone “Guardian Spirits” representing courage, honors, patriotism, and sacrifices, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I; and

WHEREAS, the 106th Congress recognized the Liberty Memorial as a national symbol of World War I; and

WHEREAS, the 108th Congress designated the museum at the base of the Liberty Memorial as “American’s National World War I Museum”; and

WHEREAS, the American’s World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I; and

WHEREAS, the National World War I Museum is known throughout the world as a major center of World War I remembrance:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby urges the United States Congress to designate the Liberty Memorial, Kansas City, Missouri, at the National World War I Museum in Kansas City, Missouri, as the “National World War I Memorial”; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority Leader and Minority Leader of the United States Senate and United States House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted HCR 7.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, women have served honorably and with courage in all of America’s wars and conflicts since the American Revolution; and

WHEREAS, the United States military has evolved from a predominantly male force to a force of over 14% women who are currently serving on active duty, and nearly 17% serving in the Reserves and National Guard; and

WHEREAS, the population of women veterans is increasing exponentially from 1.1 million in 1980 to a projection of nearly 2 million by 2020, and will comprise more than 10% of the veteran population; and

WHEREAS, the projected population of male veterans is expected to continue to decline; and

WHEREAS, given that an unprecedented number of women are serving in the military and participating in Operation Enduring Freedom and Operation Iraqi Freedom, the United States Department of Veterans Affairs (VA) is working to provide consistent, comprehensive, and quality health care and benefits to women veterans of all eras; and

WHEREAS, the number of women veterans has increased over the last decade because there is an increasing number and proportion of women who are entering and leaving the military, and women are living longer than men and have a younger age distribution compared to male veterans; and

WHEREAS, even though the VA has been at the forefront of health care and lifestyle solutions affecting an aging male population, there is now a growing need to improve health care services for women veterans, ensure clinicians are properly trained to provide primary care and gender specific care to women of all ages, and identify innovative courses of treatment and solutions to obstacles that are unique to women veterans; and

WHEREAS, with a rapidly increasing number of women serving in the military today and returning from deployments as seasoned veterans, and some with exposure to combat, VA facilities and veterans service organizations are working to ensure that the post-deployment mental and physical health needs unique to women veterans are also met; and

WHEREAS, even though the roles of women in the military have changed over time and will continue to change, they deserve to be acknowledged for their military service and treated with equal respect:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby encourages the Missouri Veterans Commission and its women veterans state coordinator to work in conjunction with the National Foundation for Women Legislators and the Center for Women Veterans at the United States Department of Veterans Affairs to reach out to all women veterans within the State of Missouri to encourage them to bring their specific needs and concerns to the attention of agency officials so that state legislators and agency officials may work together to identify unique issues impacting women veterans and consider policy solutions that will improve the quality of life for women veterans within this state; and

BE IT FURTHER RESOLVED that the Missouri General Assembly formally honors all of the women in this state who have heroically answered their call to duty and recognizes the important role women have played in shaping this great nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Veterans Commission.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 17**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 17

WHEREAS, the United States Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to all stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the expense of the construction of 500-year levees along these Rivers (estimated to be \$6 billion) as it does not meet current cost-benefit guidelines for federal funding; and

WHEREAS, the Corps of Engineers additionally determined a need for a better data based upon new hydrology and flow studies and the need to study tributaries to the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north a higher percentage of 500-year levees are recommended for both sides of the River; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, the proposed Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructures, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing the proposed Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, First Regular Session, the Senate concurring therein, hereby strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantify the impacts of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H is totally unacceptable to Lincoln, Pike, and St. Charles Counties and we ask the Missouri Congressional Delegation to support modifications of the comprehensive plan, by the Corps of Engineers, to this plan; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

On behalf of Senator Munzlinger and himself, Senator Pearce introduced to the Senate, Jerry and Pat Byrn, Greentop.

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

SENATE CALENDAR

FORTY-SIXTH DAY—TUESDAY, APRIL 5, 2011

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 434-Nolte	HCS for HBs 187 & 54
HCS for HB 475	HB 263-Weter
HB 423-Burlison, et al	HCS for HB 287
HCS for HB 38	HB 340-Klippenstein, et al
HB 68-Scharnhorst	HCS for HB 344
HB 98-Ruzicka	HB 462-Pollock
HB 118-Peters-Baker	HB 503-Dugger, et al
HB 183-Silvey	HCS for HB 578

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SS for SCS for SB 65-Mayer (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

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|---|---------------------------------------|
| 1. SB 390-Schmitt, et al | 4. SB 25-Schaaf, with SCS |
| 2. SBs 189, 217, 246, 252 & 79-Schmitt, with
SCS | 5. SB 356-Munzlinger, with SCS |
| 3. SB 231-Lager, et al | 6. SB 368-Stouffer, with SCS |
| | 7. SBs 369 & 370-Cunningham, with SCS |

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|-------------------------------------|---|
| 8. SB 351-Lamping, with SCS | 17. SB 213-Schaefer, with SCS |
| 9. SB 90-Dempsey | 18. SB 420-Mayer, with SCS |
| 10. SB 122-Schaaf, with SCS | 19. SB 286-McKenna |
| 11. SB 100-Stouffer, with SCS | 20. SB 268-Stouffer |
| 12. SB 117-Engler, with SCS | 21. SB 228-Pearce |
| 13. SBs 26 & 106-Wasson, with SCS | 22. SBs 291, 184 & 294-Pearce, with SCS |
| 14. SBs 394 & 331-Goodman, with SCS | 23. SBs 88 & 82-Schaaf, with SCS |
| 15. SB 366-Goodman, with SCS | 24. SB 299-Munzlinger, with SCS |
| 16. SB 237-Schaefer | |

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

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| SBs 1 & 206-Ridgeway, with SCS & SA 1
(pending) | SB 203-Schmitt, et al, with SS (pending) |
| SBs 7, 5, 74 & 169-Goodman, with SCS | SB 204-Dempsey, et al |
| SB 10-Rupp | SB 208-Lager |
| SB 23-Keaveny, with SCS & SS for SCS
(pending) | SB 209-Lager |
| SB 28-Brown | SB 241-Brown and Wasson |
| SB 36-Lembke | SB 242-Cunningham, with SCS & SS for SCS
(pending) |
| SB 37-Lembke, with SCS | SB 247-Pearce, with SS (pending) |
| SB 70-Schaefer, with SCS | SB 254-Stouffer, with SCS |
| SB 72-Kraus | SB 278-Munzlinger, et al |
| SB 120-Stouffer | SB 280-Purgason, et al, with SCS & SS for SCS
(pending) |
| SB 130-Rupp, with SCS & SS for SCS (pending) | SB 322-Schaefer |
| SB 175-Munzlinger, et al, with SA 1 (pending) | SB 323-Schaefer, with SCS |
| SB 176-Munzlinger, et al | SJR 11-Munzlinger, with SCS |
| SB 200-Crowell | SJR 15-Nieves, et al |
| SB 202-Crowell | |

HOUSE BILLS ON THIRD READING

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

RESOLUTIONS

Reported from Committee

SR 179-Purgason

SCR 8-Rupp

To be Referred

HCR 15-Brown (50), et al
HCR 33-Davis, et al
HCR 34-Hampton, et al

HCR 11-Nolte, et al
HCR 7-Walton Gray, et al
HCS for HCR 17

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