The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God’s work must truly be our own.” (John F. Kennedy)

Almighty God, You have chosen each of us to serve in this capacity and to lead our people in ways that benefit our laborers and thinkers, teachers and farmers. As we do our best here, with Your guidance, help us to provide bills that touch the needs before us and move them into laws that assist Missourians to move forward and prosper. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown Callahan Chappelle-Nadal Crowell Cunningham Curls Dempsey Dixon
Engler Goodman Green Justus Keaveny Kehoe Kraus Lager
Lamping Lemble 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.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 36, regarding Dr. Henry Givens, which was
Senator Richard offered Senate Resolution No. 37, regarding the Sixtieth Birthday of Kit Denise Brothers, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 38, regarding Steven H. “Steve” Holt, Carthage, which was adopted.

Senator Parson offered Senate Resolution No. 39, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Dwyer, Warsaw, which was adopted.

Senator Brown offered Senate Resolution No. 40, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Max Tucker, Montgomery City, which was adopted.

Senator Brown offered Senate Resolution No. 41, regarding the Thirtieth Anniversary of Rehagen Heating and Cooling, Westphalia, which was adopted.

Senator Dempsey announced that photographers from KOMU-TV, Missouri News Horizon and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred HB 2, 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 Ways and Means and Fiscal Oversight, to which was referred SS for SCS for SB 8, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for SB 1, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal section 162.069, RSMo, and to enact in lieu thereof one new section relating to communications between school district employees and students.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, SCS for SB 1 was read the 3rd time and passed by the following vote:

YEAS—Senators
Brown  Callahan  Chappelle-Nadal  Crowell  Cunningham  Curls  Dempsey  Dixon
Engler  Goodman  Green  Justus  Keaveny  Kehoe  Kraus  Lager
Lamping  Lemibke  Mayer  McKenna  Munzlinger  Parson  Pearce  Purgason
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.

SS for SCS for SB 8, introduced by Senator Mayer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 8


Was taken up.

Senator Schmitt assumed the Chair.

President Kinder assumed the Chair.

On motion of Senator Mayer, SS for SCS for SB 8 was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan    Chappelle-Nadal    Crowell    Curls    Dempsey    Dixon    Engler    Goodman
Green       Justus             Keaveny    Kehoe     Kraus     Lamping   Mayer     McKenna
Munzlinger  Parson            Pearce     Richard   Ridgeway  Rupp      Schmitt   Stouffer
Wasson      Wright-Jones—26

NAYS—Senators

Brown       Cunningham        Lager     Lembke    Nieves    Purgason  Schaaf    Schaefer—8

Absent—Senators—None
Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Callahan  Crowell  Curls  Dempsey  Dixon  Engler  Goodman  Green
Justus  Keaveny  Kehoe  Kraus  Lamping  Mayer  McKenna  Munzlinger
Parson  Pearce  Purgason  Richard  Ridgeway  Rupp  Schmitt  Stouffer
Wasson  Wright-Jones—26

NAYS—Senators

Brown  Chappelle-Nadal  Cunningham  Lager  Lembke  Nieves  Schaaf  Schaefer—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

On motion of Senator Dempsey, the Senate recessed until 2:00 p.m.

RECESS

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

RESOLUTIONS

Senator Curls offered Senate Resolution No. 42, regarding the Eightieth Birthday of Johnnie Ruth Irving, which was adopted.

Senator Munzlinger offered the following resolution:

SENATE RESOLUTION NO. 43

WHEREAS, over the course of the spring and summer of 2011, unprecedented releases of water upstream by the U.S. Army Corps of Engineers have caused extensive pressure on the river levees in the state of Missouri that protect many communities, businesses, and prime agricultural lands; and

WHEREAS, in the face of this tremendous pressure some of Missouri's levees have been intentionally and unintentionally breached, resulting in widespread flooding, which has proved devastating to many Missouri homes, farms, families, and livelihoods; and

WHEREAS, Missouri families have suffered unprecedented losses as a result of this situation and many Missouri farmers have experienced a complete and total loss of agricultural production, resulting in a decimated farm incomes and ravaged local economies; and

WHEREAS, the flood waters have not yet receded in some parts of Missouri and continue to disrupt the lives of hard-working
Missourians; and

WHEREAS, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural land and repair the ruined homes and businesses; and

WHEREAS, the U.S. Army Corps of Engineers is charged with management of the nation's rivers and flood control is one of the primary purposes for which the rivers are to be managed:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby strongly urge the U.S. Army Corps of Engineers to manage the rivers in such a way as to avoid the devastating flooding disasters that have occurred this year and also strongly urge the U.S. Army Corps of Engineers to rebuild the damaged levees to their previous heights as expediently as possible; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate encourage communities, families and other stakeholders to work together to restore the prime agricultural lands that have been damaged by the recent flooding so that the productive value of these lands is not irrevocably lost; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate strongly encourage the members of the Missouri Congressional delegation to actively support policies for the management of the Missouri River that mimic natural river level rises and falls and that minimize devastating flood events such as those that have been experienced by so many Missourians this summer; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the U.S. Army and the members of the Missouri Congressional delegation.

Senators Cunningham, Kraus, Dixon, Ridgeway, Lembke, Purgason, Schaaf, Crowell, Rupp, Mayer, Schmitt, Parson, Engler, Stouffer, Richard, Munzlinger, Nieves, Dempsey, Kehoe, Wasson, Brown, Lamping and Callahan offered the following resolution:

SENATE RESOLUTION NO. 44

WHEREAS, an employee of the Department of Elementary and Secondary Education is seeking to apply for a federal grant from the Early Learning Challenge Fund to implement a quality rating system for early childhood in Missouri; and

WHEREAS, the General Assembly has previously considered legislation during several legislative sessions to adopt a quality rating system similar to the Early Learning Challenge Fund's tiered quality rating system and has repeatedly refused to enact legislation creating such a system; and

WHEREAS, strong opposition to a quality rating system continues to exist in the General Assembly; and

WHEREAS, an employee of the Department of Elementary and Secondary Education is knowingly circumventing the legislative process and the will of the General Assembly by attempting to implement a quality rating system and applying for an approximately $60 million federal grant that requires the implementation of such a system; and

WHEREAS, the receipt of a grant from the Early Learning Challenge Fund would demonstrate a complete disregard for the legislative process and require the establishment of a system that the General Assembly has refused to adopt and has strongly opposed:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby demand that the Commissioner of Education, State Board of Education, and Governor cease and desist from taking any further action on the application and not apply for a grant from the Early Learning Challenge Fund or any other source that requires an early childhood quality rating system; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Education, each member of the State Board of Education, and the Governor.

REFERRALS

President Pro Tem Mayer referred SR 28 to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Mayer referred HB 2, with SCS, to the Committee on Ways and Means and Fiscal Oversight.
THIRD READING OF SENATE BILLS

SS for SCS for SB 7, introduced by Senator Mayer, entitled:
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to repeal sections 196.1109, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, and 348.300, RSMo, and to enact in lieu thereof fourteen new sections relating to science and innovation, with a contingent effective date.

Was taken up.

On motion of Senator Mayer, SS for SCS for SB 7 was read the 3rd time and passed by the following vote:

YEAS—Senators
Brown Callahan Chappelle-Nadal Crowell Curls Dempsey Dixon Engler
Goodman Green Justus Keaveny Kehoe Kraus Lager Lamping
Mayer McKenna Munzlinger Parson Pearce Purgason Richard Ridgeway
Schiaf Schaefer Schmitt Stouffer Wasson Wright-Jones—30

NAYS—Senators
Cunningham Lembke Nieves Rupp—4

Absent—Senators—None
Absent with leave—Senators—None
Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HCS for HB 3, entitled:

An Act to repeal sections 115.123, 115.755, and 115.761, RSMo, and to enact in lieu thereof two new sections relating to presidential election regulation.

Was taken up by Senator Engler.

At the request of Senator Engler, HCS for HB 3 was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Dylan Rehagen, Westphalia.

Senator Lembke introduced to the Senate, Roland and Jane VonderHaar and their son, Adam, Oakville;
and Adam was made an honorary page.

Senator Kehoe introduced to the Senate, Coaches Brandon Talbot and Ryan Suttenfield, parents and members of the Class 2 State Champion New Bloomfield R-III High School baseball team, Brendon Bailey, Cameron Baker, Aaron Bedsworth, Greg Bedsworth, Daniel Berry, Alec Britton, Trent Crawford, Alex Cuneio, Cam Edwards, Lee Gardner, Tim Long, Skyler Lucas, Ethan Massman, Taylor Mattern, Kolby O’Dowd, Brandon Peiter, Austin Pittman, Zach Rehagan, Justice Richards, Jacob Rieken, Justus Zumbehl and Justin Tighe.

On motion of Senator Dempsey, the Senate adjourned until 2:00 p.m., Wednesday, September 21, 2011.

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, SEPTEMBER 21, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 10-Schaaf

SB 11-Chappelle-Nadal

HOUSE BILLS ON SECOND READING

HB 6-Silvey

HB 7-Silvey

HOUSE BILLS ON THIRD READING

HB 1-Nasheed and Tilley (Keaveny) (In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer) (In Fiscal Oversight)

INFORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HCS for HB 3 (Engler)

RESOLUTIONS

To be Referred

SR 43-Munzlinger

SR 44-Cunningham, et al

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