

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTH DAY—WEDNESDAY, SEPTEMBER 14, 2011

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	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.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 36, regarding Dr. Henry Givens, which was

adopted.

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	Lembke	Mayer	McKenna	Munzlinger	Parson	Pearce	Purgason

Richard Ridgeway Rupp Schaaf Schaefer Schmitt Stouffer Wasson
 Wright-Jones—33

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

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

An Act to repeal sections 32.115, 100.286, 100.297, 135.090, 135.313, 135.326, 135.327, 135.350, 135.352, 135.460, 135.478, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.815, 135.825, 135.1150, 143.119, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof fifty-five new sections relating to taxation, with an emergency clause.

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
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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
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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
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Cunningham	Lembke	Nieves	Rupp—4
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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 Suttentfield, 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 Zumbahl 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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