

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTEENTH DAY—TUESDAY, OCTOBER 25, 2011

The Senate met pursuant to adjournment.

President Pro Tem Mayer in the Chair.

Photographers from KRCG-TV, ABC-17 and KOMU were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

On behalf of Senator Nieves, Senator Dempsey offered Senate Resolution No. 178, regarding Inez Rohrer, Washington, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 179, regarding Daria Claiborne, Joplin, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 180, regarding the Fiftieth Anniversary of Webb City High School Class of '61, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 181, regarding Carla Moore, Stoddard County, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 182, regarding Raymond Howard, which was adopted.

On behalf of Senator Wright-Jones, Senator Dempsey offered Senate Resolution No. 183, regarding James R. Neely, Jr., which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 184, regarding the Seventy-fifth Anniversary of the Newton County Courthouse, Neosho, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 185, regarding Edwin W. Parker, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 186, regarding the

Seventieth Wedding Anniversary of Mr. and Mrs. Henry Davis, Jackson, which was adopted.

On behalf of Senator Crowell, Senator Dempsey offered Senate Resolution No. 187, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Doug Wessell, Jackson, which was adopted.

On behalf of Senator Kehoe, Senator Dempsey offered Senate Resolution No. 188, regarding Judy Glover, Jefferson City, which was adopted.

On behalf of Senator Kehoe, Senator Dempsey offered Senate Resolution No. 189, regarding The Salvation Army Jefferson City Corps, which was adopted.

On behalf of Senator Engler, Senator Dempsey offered Senate Resolution No. 190, regarding the One Hundred Third Birthday of Irene Peek, Pilot Knob, which was adopted.

On behalf of Senator Rupp, Senator Dempsey offered Senate Resolution No. 191, regarding Etta Sherman, Troy, which was adopted.

On behalf of Senator Dixon, Senator Dempsey offered Senate Resolution No. 192, regarding Gary Whitaker, which was adopted.

On behalf of Senator Dixon, Senator Dempsey offered Senate Resolution No. 193, regarding Helen Brumitt, Springfield, which was adopted.

On behalf of Senator Curls, Senator Dempsey offered Senate Resolution No. 194, regarding Wiley College Debate Team and Wiley College Forensics Director Christopher Medina, which was adopted.

On behalf of Senator Goodman, Senator Dempsey offered Senate Resolution No. 195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack R. Daugherty, Mount Vernon, which was adopted.

On behalf of Senator Lembke, Senator Dempsey offered Senate Resolution No. 196, regarding the death of Linda Kunz, which was adopted.

On behalf of Senator Lembke, Senator Dempsey offered Senate Resolution No. 197, regarding Scott Andrew “Scotty” Salzman, St. Louis, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 198, regarding Elks Lodge #2251 and its Ladies Auxiliary, Tempe, Arizona, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 199, regarding Susan Hand, Rolla, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 200, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Huffman, Vienna, which was adopted.

On behalf of Senator Brown, Senator Dempsey offered Senate Resolution No. 201, regarding the One Hundredth Anniversary of Belle United Methodist Church, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 202, regarding Paul Lam, which was adopted.

On behalf of Senator Lamping, Senator Dempsey offered Senate Resolution No. 203, regarding Alex Motley, St. Louis, which was adopted.

On behalf of Senator Richard, Senator Dempsey offered Senate Resolution No. 204, regarding the Missouri National Guard Camp Crowder Training Site, Neosho, which was adopted.

On behalf of Senator Stouffer, Senator Dempsey offered Senate Resolution No. 205, regarding Ruby Daniel, Richmond, which was adopted.

On behalf of Senator Stouffer, Senator Dempsey offered Senate Resolution No. 206, regarding the One Hundred Fiftieth Anniversary of Salem Lutheran Church, Salisbury, which was adopted.

On behalf of Senator Parson, Senator Dempsey offered Senate Resolution No. 207, regarding Josiah Jensen, which was adopted.

On behalf of Senator Parson, Senator Dempsey offered Senate Resolution No. 208, regarding Tytus Breshears, which was adopted.

On behalf of Senators Goodman and Kraus, Senator Dempsey offered Senate Resolution No. 209, regarding the One Hundredth Birthday of Esther Nobe Barber, Lee's Summit, which was adopted.

On behalf of Senators Goodman and Engler, Senator Dempsey offered Senate Resolution No. 210, regarding the One Hundredth Birthday of Meta Nobe Knaust, Centerville, which was adopted.

On behalf of Senator Lager, Senator Dempsey offered Senate Resolution No. 211, regarding Lana Smith, Stanberry, which was adopted.

MESSAGES FROM THE GOVERNOR

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

October 21, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 1 entitled:

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.

On October 21, 2011, I approved said Senate Committee Substitute for Senate Bill No. 1.

My approval of Senate Committee Substitute for Senate Bill No. 1 is provided after considerable deliberation. Although it eliminates particularly egregious provisions that were contained in Senate Committee Substitute for Senate Bill No. 54, passed during the First Regular Session of the Ninety-Sixth General Assembly, Senate Committee Substitute for Senate Bill No. 1 is not without flaws.

First, Senate Committee Substitute for Senate Bill No. 1 requires each school district to promulgate a policy directed at the use of electronic communication between staff members and students rather than its substance and the policy must be drafted in a manner that will "prevent" improper communications. School districts may find it challenging to promulgate a policy that erects adequate restrictions around the use of electronic media sufficient to "prevent" improper communications without also preventing otherwise appropriate communications.

Second, under Senate Committee Substitute for Senate Bill No. 1, a school district will need to determine whether its policy applies to "employees," as that term is used in 162.069.1, RSMo, or "staff members," as that term is used in 162.069.1(2), RSMo, to the extent such terms have different meanings.

These challenges could have been avoided with a more deliberative approach, which is why my Special Message was narrowly drafted to effectuate immediate relief for educators by simply repealing the offending provisions of Senate Committee Substitute for Senate Bill No. 54.

Nonetheless, Senate Committee Substitute for Senate Bill No. 1 is an improvement – primarily through subtraction – over Senate Committee Substitute for Senate Bill No. 54. Senate Committee Substitute for Senate Bill No. 1 eliminates three of the problematic provisions of Senate Committee Substitute for Senate Bill No. 54, and Senate Committee Substitute for Senate Bill No. 1 will give school districts an additional two months, until March 1, 2012, to promulgate policies. Senate Committee Substitute for Senate Bill No. 1 is not perfect, but the alternative of educators having to conform to the unreasonable restrictions of Senate Committee Substitute for Senate Bill No. 54 is a far worse result.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

October 21, 2011

TO THE SECRETARY OF THE SENATE
96TH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 7 entitled:

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.

On October 21, 2011, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 7.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

October 19, 2011

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

Dear Ms. Spieler:

I am appointing Senator Jane Cunningham to the following committee:

Task Force on the Prevention of Sexual
Abuse of Children (Erin's Law)

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

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

On behalf of Senators Callahan and Chappelle-Nadal, President Pro Tem Mayer submitted the following:

October 24, 2011

Senator Victor Callahan
Minority Floor Leader
Missouri State Senate
State Capitol Building
Jefferson City, MO 65101

Dear Senator Callahan:

This letter is to inform you that I am unable to serve on the Joint Interim Committee on State Employee Wages at this time. Please remove me from the committee.

Thank you for your consideration.

Sincerely,

/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
State Senator, District 14

On motion of Senator Dempsey, the Senate of the First Extraordinary Session of the First Regular Session of the 96th General Assembly adjourned sine die, pursuant to the Constitution.

PETER D. KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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