

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 6, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, King of the Universe, today we remember the Christian celebration of the Epiphany and the variety of ways You have made Yourself known throughout this planet. You have manifested Your presence so all may come to know You and in so doing You taught us Your will for us to follow and the requirements we are to fulfill. Watch over us as we travel to be with loved ones and may we be found in Your house of prayer giving You thanks and praise. 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	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 13, regarding Hannibal-LaGrange University, Hannibal, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lembke offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to disapproving the recommendations of the Missouri Citizens' Commission on Compensation for Elected Officials.

WHEREAS, Article XIII, Section 3 of the Missouri Constitution charges the Missouri Citizens' Commission on Compensation for Elected Officials with setting the amounts of compensation paid to statewide elected officials, legislators, and judges; and

WHEREAS, the Constitution provides the Commission with a four-month window prior to its constitutional deadline for making salary recommendations to hold public hearings around the state to gather testimony related to salaries for affected state officials and to carefully consider whether pay increases are warranted; and

WHEREAS, the Missouri Citizens' Commission on Compensation of Elected Officials has recommended that the compensation for statewide elected officials and members of the General Assembly in fiscal years 2012 and 2013 remains identical to the compensation which exists currently in fiscal year 2011; and

WHEREAS, the Commission recommended that the compensation for judges in fiscal year 2012 remains identical to the compensation which exists currently for fiscal year 2011, but did recommend a pay increase for each state judge to be indexed to the commensurate judicial position in the federal system for fiscal year 2013; and

WHEREAS, for fiscal year 2013, the Commission recommended an annual salary increase of \$14,681 for the Chief Justice of the Supreme Court, an annual salary increase of \$10,557 for Supreme Court Judges, an annual increase of \$6,478 for judges of the Court of Appeals, an annual increase of \$6,536 for circuit judges, and an annual increase of \$7,492.40 for associate circuit judges; and

WHEREAS, the Commission's recommendations shall take effect unless disapproved by the General Assembly through a concurrent resolution process passed by two-thirds majorities in each legislative chamber before February 1, 2011:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, disapprove the recommendations of the Missouri Citizens' Commission on the Compensation for Elected Officials contained in its report dated November 24, 2010; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Read 1st time.

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the reassignment of office space within the State Capitol.

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings, and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove

as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members”:

NOW THEREFORE BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, that pursuant to the provisions of Section 8.460, RSMo, the Board of Public Buildings is advised to reassign offices and other space within the State Capitol to provide adequate space for the members and staff of the General Assembly; and

BE IT FURTHER RESOLVED that rooms 122, 123, 124, 125, 126, 127, 128, and 129, and rooms within these rooms where only a corridor number is listed, presently occupied or under the control of the Office of Administration, shall be reassigned to the Senate Administration Committee and the House Administration and Accounts Committee, and the General Assembly further asserts the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that the Senate Administrator and the Chief Clerk of the House shall mark the rooms so assigned upon blueprints and shall submit the blueprints so marked to the Board of Public Buildings and the Office of Design and Construction, together with a properly inscribed copy of this resolution; and

BE IT FURTHER RESOLVED that where the room numbers and descriptions are not clear, that the aforementioned blueprints shall control; and

BE IT FURTHER RESOLVED that the aforementioned space will be vacated by the Office of Administration and totally delivered to the General Assembly within twenty-four hours of the passage of this resolution; 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 Administration, each member of the Board of Public Buildings, the Senate Administration Committee and the House Administration and Accounts Committee.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 79—By Justus.

An Act to repeal sections 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, and 348.271, RSMo, and to enact in lieu thereof eleven new sections relating to science and innovation.

SB 80—By Justus.

An Act to repeal section 208.798, RSMo, and to enact in lieu thereof one new section relating to the extension of the sunset provision of the Missouri RX prescription drug program.

SB 81—By Pearce.

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

SB 82—By Pearce.

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

SB 83—By Pearce.

An Act to repeal sections 408.140, 408.233, and 408.300, RSMo, and to enact in lieu thereof four new sections relating to the sale of deficiency waiver addendums and other similar products in certain loan transactions.

SB 84—By Wright-Jones.

An Act to repeal sections 115.205 and 115.631, RSMo, and to enact in lieu thereof three new sections

relating to elections, with penalty provisions.

SB 85—By Lembke.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to the service of warrants in this state by agents of the federal government.

SB 86—By Lembke.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 197.705, 198.530, 198.531, and 208.169, RSMo, and to enact in lieu thereof four new sections relating to certificate of need.

SB 87—By Parson.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to unlawful use of weapons, with existing penalties.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 5, 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 made and commissioned by me on October 26, 2010, while the Senate was not in session.

Vicki Benson, Democrat, 19592 State Highway 157, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, for a term ending February 1, 2012; vice, Constitution of Missouri Article XIII, Section 3.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

RESOLUTIONS

Senator Mayer moved that **SR 10** be taken up for perfection, which motion prevailed.

On motion of Senator Mayer, **SR 10** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—1

INTRODUCTIONS OF GUESTS

Senator Cunningham introduced to the Senate, Jennifer Speckman, St. Louis.

Senator Goodman introduced to the Senate, Tylor Willis, Mt. Vernon.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 10, 2011.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 10, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Ridgeway	SB 25-Schaaf
SB 2-Ridgeway	SB 26-Wasson
SB 3-Stouffer	SB 27-Brown
SB 4-Stouffer	SB 28-Brown
SB 5-Stouffer	SB 29-Brown
SB 6-Goodman	SB 30-Chappelle-Nadal
SB 7-Goodman	SB 31-Chappelle-Nadal
SB 8-Goodman	SB 32-Chappelle-Nadal
SB 9-Rupp	SB 33-Stouffer
SB 10-Rupp	SB 34-Stouffer
SB 11-McKenna	SB 35-Lembke
SB 12-Pearce	SB 36-Lembke
SB 13-Pearce	SB 37-Lembke
SB 14-Pearce	SB 38-Wright-Jones
SB 15-Lembke	SB 39-Wright-Jones
SB 16-Lembke	SB 40-Wright-Jones
SB 17-Lembke	SB 41-Chappelle-Nadal
SB 18-Schmitt	SB 42-Chappelle-Nadal
SB 19-Schmitt	SB 43-Chappelle-Nadal
SB 20-Wright-Jones	SB 44-Wright-Jones
SB 21-Wright-Jones	SB 45-Wright-Jones
SB 22-Wright-Jones	SB 46-Wright-Jones
SB 23-Keaveny	SB 47-Wright-Jones
SB 24-Keaveny	SB 48-Wright-Jones

SB 49-Wright-Jones	SB 73-Kraus
SB 50-Kehoe, et al	SB 74-Kraus
SB 51-Cunningham	SB 75-Kraus
SB 52-Cunningham	SB 76-Schaaf
SB 53-Cunningham	SB 77-Stouffer
SB 54-Cunningham	SB 78-Brown
SB 55-Brown	SB 79-Justus
SB 56-Rupp	SB 80-Justus
SB 57-Callahan	SB 81-Pearce
SB 58-Stouffer	SB 82-Pearce
SB 59-Keaveny	SB 83-Pearce
SB 60-Keaveny	SB 84-Wright-Jones
SB 61-Keaveny	SB 85-Lembke
SB 62-Schaaf	SB 86-Lembke
SB 63-Mayer	SB 87-Parson
SB 64-Parson	SJR 1-Ridgeway
SB 65-Mayer, et al	SJR 2-Stouffer
SB 67-Cunningham	SJR 3-Goodman
SB 68-Mayer	SJR 5-Chappelle-Nadal
SB 69-Schaefer	SJR 6-Chappelle-Nadal
SB 70-Schaefer	SJR 7-Lembke
SB 71-Parson	SJR 8-Kraus
SB 72-Kraus	

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Jones (89) (Dempsey)

HCR 2-Jones (89) (Dempsey)

To be Referred

SCR 1-Ridgeway
SCR 2-Schaaf

SCR 3-Lembke
SCR 4-Crowell

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