

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTH DAY—WEDNESDAY, JANUARY 12, 2011

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence; for out of it are the issues of life.” (Proverbs 4:27)

Gracious God, we are thankful for You who keep our hearts rooted firmly in Your promises. Help us to seek You daily so we are anchored in living fully and effectively as You desire us to walk the path of righteousness, and be Your people in serving others. 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	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Crowell offered Senate Resolution No. 29, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Richard Courtois, Perryville, which was adopted.

Senator Green offered Senate Resolution No. 30, regarding the One Hundredth Birthday of Johnnie Rivere, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 31, regarding the One Hundredth Birthday of Fern Swanson, Maryville, which was adopted.

Senator Stouffer offered Senate Resolution No. 32, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Norman Greer, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 33, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. James Harold Frerking, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 34, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. John R. Reynolds, which was adopted.

Senator Stouffer offered Senate Resolution No. 35, regarding Becky Lee Plattner, Grandpass, which was adopted.

Senator Rupp offered Senate Resolution No. 36, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Haley, Lake St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 37, regarding Centerville R-I School District, which was adopted.

Senator Lamping offered Senate Resolution No. 38, regarding Marshall Stanley Manne, DDS, Creve Coeur, which was adopted.

Senator Munzlinger offered Senate Resolution No. 39, regarding Robert and Helen Fenlon, Mexico, which was adopted.

Senator Green offered Senate Resolution No. 40, regarding the One Hundredth Birthday of Ed Jurkiewicz, St. Louis, which was adopted.

**REFERRALS**

President Pro Tem Mayer referred **SR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**INTRODUCTION OF BILLS**

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

**SB 94**—By Munzlinger.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, and 260.035, RSMo, and to enact in lieu thereof eight new sections relating to financing for energy efficiency improvements, with existing penalty provisions.

**SB 95**—By Munzlinger.

An Act to repeal section 273.345, RSMo, and to enact in lieu thereof one new section relating to the puppy mill cruelty prevention act, with an existing penalty provision.

**SB 96**—By Engler.

An Act to authorize the conveyance of state properties in St. Francois County.

**SB 97**—By Engler.

An Act to authorize the conveyance of state property owned by the state to the City of Farmington.

**SB 98**—By Schaaf.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

**SB 99**—By Chappelle-Nadal.

An Act to repeal sections 168.124, 168.211, and 168.221, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education.

**SB 100**—By Stouffer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits for certain contributions.

**SB 101**—By Parson.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to home exterior contractors, with penalty provisions.

**SB 102**—By Green.

An Act to repeal section 294.027, RSMo, and to enact in lieu thereof one new section relating to work certificates that permit minors to work.

**SB 103**—By Green.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection, with penalty provisions.

**SB 104**—By Green.

An Act to amend chapter 292, RSMo, by adding thereto fourteen new sections relating to crane safety.

**SB 105**—By Green.

An Act to repeal sections 115.275 and 115.289, RSMo, and to enact in lieu thereof three new sections relating to advance voting.

**SB 106**—By Green.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to specialized license plates.

**SB 107**–By Green.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

**SB 108**–By Schmitt, Nieves, Dempsey, Parson, Ridgeway, Chappelle-Nadal, Pearce, Callahan, Lembke, Mayer, Cunningham, Wright-Jones, Wasson, Richard, Purgason, Kraus, Crowell, Brown, McKenna, Engler, Rupp, Dixon, Kehoe, Munzlinger, Lager, Goodman, Justus, Lamping and Schaaf.

An Act to repeal section 67.281 as enacted by senate substitute no. 2 for senate committee substitute for house bill no. 103, ninety-fifth general assembly, first regular session, and section 67.281 as enacted by conference committee substitute for senate bill no. 513, ninety-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to the installation of fire sprinklers in certain dwellings.

**SJR 11**–By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to the right to hunt and fish.

**SJR 12**–By Green.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

### COMMITTEE APPOINTMENTS

President Pro Tem Mayer appointed the following escort committee pursuant to **HCR 1**: Senators Mayer, Dempsey, Rupp, Purgason, Stouffer, Callahan, Chappelle-Nadal, Justus, Green and Wright-Jones.

President Pro Tem Mayer appointed the following escort committee pursuant to **HCR 2**: Senators Mayer, Schmitt, Ridgeway, Crowell, Goodman, Schaefer, McKenna, Wright-Jones, Justus and Keaveny.

President Pro Tem Mayer submitted the following standing committee appointments:

### AGRICULTURE, FOOD PRODUCTION AND OUTDOOR RESOURCES

Munzlinger, Chair  
 Parson, Vice-Chair  
 Brown  
 Purgason  
 Stouffer  
 Callahan  
 McKenna

### APPROPRIATIONS

Schaefer, Chair  
 Rupp, Vice-Chair  
 Brown  
 Kraus  
 Lembke

Pearce  
Schaaf  
Green  
Justus

**COMMERCE, CONSUMER PROTECTION, ENERGY AND THE ENVIRONMENT**

Lager, Chair  
Lamping, Vice-Chair  
Kehoe  
Lembke  
Parson  
Schaefer  
Stouffer  
Green  
Justus

**EDUCATION**

Pearce, Chair  
Nieves, Vice-Chair  
Brown  
Cunningham  
Kehoe  
Rupp  
Schaefer  
Chappelle-Nadal  
Keaveny

**FINANCIAL AND GOVERNMENTAL ORGANIZATIONS AND ELECTIONS**

Engler, Chair  
Wasson, Vice-Chair  
Crowell  
Cunningham  
Pearce  
Ridgeway  
Stouffer  
Justus  
Wright-Jones

**GENERAL LAWS**

Cunningham, Chair  
Nieves, Vice-Chair  
Purgason  
Richard  
Ridgeway  
Rupp  
Schaaf

McKenna  
Wright-Jones

#### **GOVERNMENTAL ACCOUNTABILITY**

Lembke, Chair  
Crowell, Vice-Chair  
Kraus  
Lager  
Chappelle-Nadal

#### **HEALTH, MENTAL HEALTH, SENIORS AND FAMILIES**

Ridgeway, Chair  
Schaaf, Vice-Chair  
Cunningham  
Lamping  
Schmitt  
Chappelle-Nadal  
Justus

#### **JOBS, ECONOMIC DEVELOPMENT AND LOCAL GOVERNMENT**

Schmitt, Chair  
Richard, Vice-Chair  
Dixon  
Goodman  
Lamping  
Nieves  
Ridgeway  
Callahan  
McKenna

#### **JUDICIARY AND CIVIL AND CRIMINAL JURISPRUDENCE**

Goodman, Chair  
Schmitt, Vice-Chair  
Dixon  
Kraus  
Munzlinger  
Justus  
Keaveny

#### **PROGRESS AND DEVELOPMENT**

Callahan, Chair  
Keaveny, Vice-Chair  
Chappelle-Nadal  
Schaaf  
Wasson

**SMALL BUSINESS, INSURANCE AND INDUSTRY**

Rupp, Chair  
Parson, Vice-Chair  
Crowell  
Munzlinger  
Wasson  
Callahan  
Green

**TRANSPORTATION**

Stouffer, Chair  
Kehoe, Vice-Chair  
Engler  
Goodman  
Lamping  
Richard  
Wasson  
McKenna  
Wright-Jones

**VETERANS' AFFAIRS, EMERGING ISSUES, PENSIONS AND URBAN AFFAIRS**

Crowell, Chair  
Brown, Vice-Chair  
Engler  
Lamping  
Pearce  
Wright-Jones  
Keaveny

**WAYS AND MEANS AND FISCAL OVERSIGHT**

Purgason, Chair  
Kraus, Vice-Chair  
Lager  
Richard  
Chappelle-Nadal

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 Pearce.

**COMMUNICATIONS**

President Pro Tem Mayer submitted the following:

**SENATE HEARING SCHEDULE  
96th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
JANUARY 12, 2011**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Health, Mental Health, Seniors and Families SCR 1 (Ridgeway)		
8:30 a.m.			Gubernatorial Appointments SL (Mayer)	Ways and Means and Fiscal Oversight SCR 1 (Purgason)  Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs SL (Crowell)
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Dempsey)	Jobs, Economic Development and Local Government SL (Schmitt)  Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
2:00 p.m.			Progress and Development SCR 2 (Callahan)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Engler)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Cunningham)	Governmental Accountability SCR 1 (Lembke)  Education SL (Pearce)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Goodman)			



## **RESOLUTIONS**

Senator Chappelle-Nadal offered Senate Resolution No. 41, regarding Dr. Savannah Miller Young, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 42, regarding Tyler Lee Yost, which was adopted.

Senator Wasson offered Senate Resolution No. 43, regarding Shelby Harris, which was adopted.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1**—General Laws.

**SB 2**—Health, Mental Health, Seniors and Families.

**SB 3**—Financial and Governmental Organizations and Elections.

**SB 4**—Agriculture, Food Production and Outdoor Resources.

**SB 5**—Health, Mental Health, Seniors and Families.

**SB 6**—Health, Mental Health, Seniors and Families.

**SB 7**—Health, Mental Health, Seniors and Families.

**SB 8**—Judiciary and Civil and Criminal Jurisprudence.

**SB 9**—Commerce, Consumer Protection, Energy and the Environment.

**SB 10**—Small Business, Insurance and Industry.

**SB 11**—Transportation.

**SB 12**—Education.

**SB 13**—Education.

**SB 14**—Education.

**SB 15**—Ways and Means and Fiscal Oversight.

**SB 16**—Jobs, Economic Development and Local Government.

**SB 17**—Health, Mental Health, Seniors and Families.

**SB 18**—Jobs, Economic Development and Local Government.

**SB 19**—Jobs, Economic Development and Local Government.

**SB 20**—Education.

**SB 21**—Education.

**SB 22**—Progress and Development.

**SB 23**—Progress and Development.

- SB 24**—Transportation.
- SB 25**—Jobs, Economic Development and Local Government.
- SB 26**—Transportation.
- SB 27**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 28**—Transportation.
- SB 29**—Agriculture, Food Production and Outdoor Resources.
- SB 30**—Judiciary and Civil and Criminal Jurisprudence.
- SB 31**—Small Business, Insurance and Industry.
- SB 32**—Judiciary and Civil and Criminal Jurisprudence.
- SB 33**—Transportation.
- SB 34**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 35**—Health, Mental Health, Seniors and Families.
- SB 36**—Jobs, Economic Development and Local Government.
- SB 37**—General Laws.
- SB 38**—Health, Mental Health, Seniors and Families.
- SB 39**—Health, Mental Health, Seniors and Families.
- SB 40**—Judiciary and Civil and Criminal Jurisprudence.
- SB 41**—Health, Mental Health, Seniors and Families.
- SB 42**—Health, Mental Health, Seniors and Families.
- SB 43**—Health, Mental Health, Seniors and Families.
- SB 44**—Small Business, Insurance and Industry.
- SB 45**—Transportation.
- SB 46**—Judiciary and Civil and Criminal Jurisprudence.
- SB 47**—Progress and Development.
- SB 48**—Commerce, Consumer Protection, Energy and the Environment.
- SB 49**—Transportation.
- SB 50**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.

### **COMMUNICATIONS**

President Pro Tem Mayer submitted the following:

January 12, 2011

Honorable Rob Mayer  
President Pro Tem  
Missouri Senate  
Jefferson City, MO 65101

Dear President Pro Tem:

By this letter, I hereby resign from the Missouri Health Facilities Review Committee.  
Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,  
/s/ Eric S. Schmitt  
ERIC S. SCHMITT

Also,

January 12, 2011

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

**RE: Appointment to the Joint Committee on Capital Improvements and Leases Oversight**

Dear Ms. Spieler:

Pursuant to Section 21.530, RSMo, I am appointing Senator Jim Lembke to the Joint Committee on Capital Improvements and Leases Oversight.

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

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

Also,

January 12, 2011

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

**RE: Appointment to the Joint Committee on Administrative Rules**

Dear Ms. Spieler:

Pursuant to Section 536.037, RSMo, I am appointing Senator Eric Schmitt to the Joint Committee on Administrative Rules.

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

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

**INTRODUCTIONS OF GUESTS**

On behalf of Senator Schaefer and himself, Senator Pearce introduced to the Senate, Steve Owens, Interim President of the University of Missouri, Columbia.

Senator Dixon introduced to the Senate, Tom Martz, Allen McDonald, Frank Shin and Debbie Bridges, Springfield.

Senator Rupp introduced to the Senate, the Physician of the Day, Dr. Thomas Wright, M.D., Wentzville.

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

## SENATE CALENDAR

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SIXTH DAY—THURSDAY, JANUARY 13, 2011

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 51-Cunningham	SB 79-Justus
SB 52-Cunningham	SB 80-Justus
SB 53-Cunningham	SB 81-Pearce
SB 54-Cunningham	SB 82-Pearce
SB 55-Brown	SB 83-Pearce
SB 56-Rupp	SB 84-Wright-Jones
SB 57-Callahan	SB 85-Lembke
SB 58-Stouffer	SB 86-Lembke
SB 59-Keaveny	SB 87-Parson
SB 60-Keaveny	SB 88-Schaaf
SB 61-Keaveny	SB 89-Lembke
SB 62-Schaaf	SB 90-Dempsey
SB 63-Mayer	SB 91-Engler
SB 64-Parson	SB 92-Schaaf
SB 65-Mayer, et al	SB 93-Kraus
SB 67-Cunningham	SB 94-Munzlinger
SB 68-Mayer	SB 95-Munzlinger
SB 69-Schaefer	SB 96-Engler
SB 70-Schaefer	SB 97-Engler
SB 71-Parson	SB 98-Schaaf
SB 72-Kraus	SB 99-Chappelle-Nadal
SB 73-Kraus	SB 100-Stouffer
SB 74-Kraus	SB 101-Parson
SB 75-Kraus	SB 102-Green
SB 76-Schaaf	SB 103-Green
SB 77-Stouffer	SB 104-Green
SB 78-Brown	SB 105-Green

SB 106-Green  
SB 107-Green  
SB 108-Schmitt, et al  
SJR 1-Ridgeway  
SJR 2-Stouffer  
SJR 3-Goodman  
SJR 5-Chappelle-Nadal

SJR 6-Chappelle-Nadal  
SJR 7-Lembke  
SJR 8-Kraus  
SJR 9-Engler  
SJR 10-Lembke and Green  
SJR 11-Munzlinger  
SJR 12-Green

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