

# Journal of the Senate

FIRST REGULAR SESSION

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TWELFTH DAY—WEDNESDAY, JANUARY 26, 2011

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You know the value of prayer: it is precious beyond all price. Never, never neglect it.” (Sir Thomas Buxton)

Gracious God, we know our need of prayer and yet we often don’t take time to enter into serious conversation with You. Help us to see that all in which we are engaged, prayer can be a plumb line to keep us centered in You. Help us to see that prayer can make us attentive and more receptive to what is happening about us and how best to respond to them. Lord, help us to pray. 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 Kraus offered Senate Resolution No. 130, regarding Eric Michael Eschmann, which was adopted.

Senator Kraus offered Senate Resolution No. 131, regarding Kevin Matthew Curdy, Lee's Summit, which was adopted.

Senator Munzlinger offered Senate Resolution No. 132, regarding the One Hundredth Birthday of Evafae Jeffries, Downing, which was adopted.

Senator Goodman offered Senate Resolution No. 133, regarding Jolene Garoutte, Monett, which was adopted.

Senator Goodman offered Senate Resolution No. 134, regarding Ron Creek, Eagle Rock, which was adopted.

Senator Kraus offered Senate Resolution No. 135, regarding the Sixtieth Anniversary of the Missouri City Clerks and Finance Officers Association, which was adopted.

Senator Richard offered Senate Resolution No. 136, regarding the Fiftieth Anniversary of the Good Shepherd Nursing Home, Lockwood, which was adopted.

Senator McKenna offered Senate Resolution No. 137, regarding Richard J. King, Hillsboro, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 138, regarding Mrs. Theresa Ferguson, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 139, regarding Minds Eye Information Service, Belleville, Illinois, which was adopted.

Senator Parson offered Senate Resolution No. 140, regarding Barbara Cooney, Sedalia, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Munzlinger offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 6**

WHEREAS, U.S. and Missouri agriculture has an impressive track record of successfully addressing the economic and market-based issues associated with coexistence, whether via neighbor-to-neighbor or through state seed certifying agencies or other local, state or regional initiatives; and

WHEREAS, the U.S. Department of Agriculture has indicated that it may deregulate genetically-engineered alfalfa with certain conditions in an effort to protect organic growers' claims of potential harm. The American Farm Bureau and several other grower-based organizations strongly believe that such a conditional deregulation is not science-based, and would restrict or even eliminate the use of a valuable tool from growers in many parts of this country; and

WHEREAS, in the field of agricultural biotechnology, Missouri growers have worked closely with the seed industry to meet their respective stewardship obligations through contractual arrangements and other mechanisms, which is where matters of coexistence and stewardship are addressed most effectively and efficiently; and

WHEREAS, the National Alfalfa and Forage Alliance developed its Best Management Practices for Roundup Ready Alfalfa seed production in 2008 and has taken the lead in providing coexistence documents for alfalfa hay export markets, alfalfa seed export markets, and organic alfalfa seed and hay markets; and

WHEREAS, issues of coexistence are always best dealt with farmer-to-farmer, and any proposals to change federal policy on agricultural biotechnology regulation must be done through a thoughtful dialogue inclusive of all U.S. government agencies:

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, hereby urge the U.S. Secretary of Agriculture and the U.S. Department of Agriculture to make regulatory decisions based on sound science and to deregulate genetically-engineered alfalfa without any conditions as soon as possible to enable alfalfa farmers in Missouri and other states to have access to genetically-engineered alfalfa seeds in time for the spring planting season; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to the U.S. Secretary of Agriculture, each member of the Missouri Congressional delegation, and the director of the Missouri Department of Agriculture.

### **INTRODUCTION OF BILLS**

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

**SB 175**—By Munzlinger, Nieves, Lager, Richard and Ridgeway.

An Act to repeal sections 34.203, 34.206, 34.209, 34.212, 34.216, and 34.217, RSMo, and to enact in lieu thereof eight new sections relating to public contracts.

**SB 176**—By Munzlinger, Nieves, Lager, Richard and Ridgeway.

An Act to repeal sections 290.210, 290.250, 290.260, 290.262, 290.290, and 290.340, RSMo, and to enact in lieu thereof six new sections relating to public construction, with existing penalty provisions.

**SB 177**—By Brown.

An Act to repeal section 630.167, RSMo, and to enact in lieu thereof one new section relating to department of mental health investigative reports.

**SB 178**—By Brown.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical technology.

**SB 179**—By Brown.

An Act to repeal sections 79.050 and 79.055, RSMo, and to enact in lieu thereof two new sections relating to marshals in fourth class cities.

**SB 180**—By Kraus.

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to bicycling state holidays.

**SB 181**—By Stouffer.

An Act to repeal sections 303.400, 303.403, 303.406, 303.409, 303.412, and 303.415, RSMo, and to enact in lieu thereof six new sections relating to the motorist insurance identification database program, with penalty provisions.

**SB 182**—By Ridgeway.

An Act to repeal section 536.310, RSMo, and to enact in lieu thereof one new section relating to the small business regulatory fairness board.

**SB 183**—By Ridgeway.

An Act to repeal section 407.1355, RSMo, and to enact in lieu thereof one new section relating to social security numbers.

**SB 184**—By Wright-Jones.

An Act to repeal sections 160.400 and 160.405, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

**SB 185**—By Purgason.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the imposition of a sunset upon certain tax credit programs.

**SB 186**—By Crowell.

An Act to repeal sections 478.711 and 483.420, RSMo, and to enact in lieu thereof two new sections relating to the circuit court of Cape Girardeau County.

**SB 187**—By Lager, Purgason, Brown, Kehoe, Parson, Munzlinger, Mayer and Stouffer.

An Act to repeal section 537.296, RSMo, and to enact in lieu thereof one new section relating to private nuisance actions.

**SB 188**—By Lager, Purgason, Rupp, Lembke, Munzlinger, Wasson, Richard, Brown, Schaaf, Cunningham, Pearce, Dixon, Nieves, Kehoe, Mayer, Dempsey, Parson, Lamping, Ridgeway, Goodman and Schmitt.

An Act to repeal sections 213.010, 213.070, 213.101, and 213.111, RSMo, and to enact in lieu thereof four new sections relating to unlawful discriminatory practices.

**SJR 14**—By Schaaf.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a) and 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the collection of state highway revenues, with an effective date.

Senator Crowell requested unanimous consent of the body to withdraw **SB 168**, which request was granted.

### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 25, 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:

David Steward, Republican, 309 Wyndmoor Terrace Court, Saint Louis, Saint Louis County, Missouri 63141, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, David Wasinger, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Mayer referred the above appointment to the Committee on gubernatorial appointments.

**SECOND READING OF  
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 5**—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.

**REPORTS OF STANDING COMMITTEES**

Senator Lembke, Chairman of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

**RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 141, regarding the Ninety-fifth Birthday of Hazel Florine Garrett Forrester, Memphis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 142, regarding Juan Williams Chavez, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 143, regarding Jazz St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 144, regarding Elliott Edmond Telle, which was adopted.

Senator Crowell offered Senate Resolution No. 145, regarding Versa-Tech, Incorporated, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 146, regarding Denny Ward, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 147, regarding Trish Brewington, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 148, regarding Allison Boyer, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 149, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Lunsford, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 150, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert White, Cape Girardeau, which was adopted.

Senator Green offered Senate Resolution No. 151, regarding David Martin Benjamin, which was adopted.

Senator Green offered Senate Resolution No. 152, regarding Terrance Rasheed Filer, which was adopted.

### COMMUNICATIONS

President Pro Tem Mayer submitted the following:

January 26, 2011

Senator Rob Mayer  
Senate President Pro Tem  
State Capitol, Room 326  
Jefferson City, MO 65101

Dear Senator Mayer:

This letter is to advise you that, due to other commitments, I wish to resign my position as a member of the Missouri Consolidated Health Care Plan Board of Trustees effective immediately. I do appreciate being given the opportunity to serve as a member of the Board.

Thank you.

Sincerely,  
/s/ Tom Dempsey  
Tom Dempsey

Also,

January 26, 2011

Senator Jim Lembke  
Chairman, Government Accountability Committee  
Room 419, State Capitol  
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate the bonding protocol and practices of the Missouri Development Finance Board, Missouri Health and Educational Facilities Authority, Missouri Higher Education Loan Authority, Missouri Housing Development Commission, and Environmental Improvement and Energy Resources Authority.

With economic uncertainty and scarce resources, it is imperative that authorities and commissions issuing bonds strictly adhere to statute, specifically RSMo 100.282, by confirming that an interested entity has an identifiable source of revenue.

Sincerely,  
/s/ Robert N. Mayer  
Robert N. Mayer  
District 25 Senator

Also,

January 26, 2011

Senator Jim Lembke  
Chairman, Government Accountability Committee  
Room 419, State Capitol  
Jefferson City, MO 65101

Dear Chairman Lembke:

Pursuant to Senate Rule 28 Section 8, I request that your committee investigate the recent controversy surrounding the Department of Economic Development's approval of \$2 million in tax incentives for the Watch Me Smile project in Cape Girardeau, MO.

I believe it is imperative that we spend tax dollars wisely, which is why I am asking that your committee pursue a thorough investigation to determine if funds were initially granted without regard for possible discrepancies in the company's application.

Sincerely,  
/s/ Robert N. Mayer  
Robert N. Mayer  
District 25 Senator

### **INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Lana Oleen, Bob Downer and Pam Schutt, representatives of the Midwestern Higher Education Compact.

Senator Parson introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D., and his granddaughter, Olivia Hairston, Osceola.

Senator Munzlinger introduced to the Senate, Evelyn Jorgenson, Moberly.

Senator Wasson introduced to the Senate, Danny and Carol Minor, Strafford.

Senator Wasson introduced to the Senate, Nick Myers, Joplin; Kelly Hair, St. Louis; Kathy Meyer, Overland; and David Ruth, St. Louis.

Senator Richard introduced to the Senate, Abby Kittrell, Joplin.

Senator Wright-Jones introduced to the Senate, Brian and Nina Murphy, St. Louis.

Senator Kehoe introduced to the Senate, Brandon Kelley, Jefferson City; and Chris Thompson, Callaway County.

Senator Dixon introduced to the Senate, J. Martin and Nathan Taylor, Springfield.

Senator Schaefer introduced to the Senate, Yungshen Xu, Lorenzo Williams and Monte Wyrick, Columbia.

Senator Pearce introduced to the Senate, Brandon and Chris Kerksieck, Chilhowee.

Senator Schaaf introduced to the Senate, former State Senator Marvin Singleton, Fayetteville, Arkansas.

Senator Mayer introduced to the Senate, Grace Zoeller, Kansas City.

On behalf of himself and Senator Wasson, the President introduced to the Senate, former State Senator Dan Clemens, Marshfield.

On behalf of Senator Dempsey and himself, Senator Rupp introduced to the Senate, Donna Weiss and Toni Milan, St. Charles County.

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

## SENATE CALENDAR

THIRTEENTH DAY—THURSDAY, JANUARY 27, 2011

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

|                              |                          |
|------------------------------|--------------------------|
| SB 126-Wasson                | SB 156-Rupp              |
| SB 127-Chappelle-Nadal       | SB 157-Schaefer          |
| SB 128-Lembke                | SB 158-Keaveny           |
| SB 129-Lembke                | SB 159-Cunningham        |
| SB 130-Rupp                  | SB 160-Cunningham        |
| SB 131-Rupp                  | SB 161-Munzlinger        |
| SB 132-Rupp and Kehoe        | SB 162-Munzlinger        |
| SB 133-Rupp                  | SB 163-Pearce            |
| SB 134-Rupp                  | SB 164-Pearce            |
| SB 135-Schaefer              | SB 165-Goodman           |
| SB 136-Schaaf                | SB 166-Goodman           |
| SB 137-Brown                 | SB 167-Goodman           |
| SB 138-Keaveny               | SB 169-Crowell           |
| SB 139-Crowell               | SB 170-Crowell           |
| SB 140-Crowell               | SB 171-Crowell           |
| SB 141-Crowell               | SB 172-Crowell           |
| SB 142-Crowell               | SB 173-Dixon and Kehoe   |
| SB 143-Crowell               | SB 174-Dempsey           |
| SB 144-Crowell               | SB 175-Munzlinger, et al |
| SB 145-Dempsey               | SB 176-Munzlinger, et al |
| SB 146-Schmitt               | SB 177-Brown             |
| SB 147-Schaefer              | SB 178-Brown             |
| SB 148-Schaefer              | SB 179-Brown             |
| SB 149-Schaaf                | SB 180-Kraus             |
| SB 150-Munzlinger            | SB 181-Stouffer          |
| SB 151-Callahan and Stouffer | SB 182-Ridgeway          |
| SB 152-Crowell               | SB 183-Ridgeway          |
| SB 153-Schaaf                | SB 184-Wright-Jones      |
| SB 154-Schaaf                | SB 185-Purgason          |
| SB 155-Rupp                  | SB 186-Crowell           |



SB 187-Lager, et al  
SB 188-Lager, et al

SJR 13-Justus  
SJR 14-Schaaf

HOUSE BILLS ON SECOND READING

HCS for HB 45

SENATE BILLS FOR PERFECTION

SB 68-Mayer, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 6-Munzlinger

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