

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 27, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk in wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Almighty God, help us that we might use our intelligence wisely, at every opportunity to effectively help those who are hurting and provide direction for those who are lost. Help us do our best behaving as You would have Your children “who walk in wisdom” live. And may You bless and watch our travel bringing us safely home to those we love and serve. 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	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators—None

Absent with leave—Senators

Lager Rupp—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 153, regarding Denny Henke, Fredericktown, which was adopted.

Senator Keaveny offered Senate Resolution No. 154, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Mullenschlader, Jr., Florissant, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dempsey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

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 authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

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

INTRODUCTION OF BILLS

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

SB 189—By Schmitt.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to the quality jobs act.

SB 190—By Pearce.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for processed biomass engineered fiber fuel.

SB 191—By Pearce.

An Act to repeal sections 335.036, 335.200, 335.203, 335.206, and 335.209, RSMo, and to enact in lieu thereof three new sections relating to the caring for Missourians program.

SB 192—By Pearce.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to continuing

professional education curriculum in eating disorders for certain school personnel.

SB 193—By Pearce.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to county municipal courts.

SB 194—By Pearce.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to abatement of nuisances in certain counties.

SB 195—By Stouffer.

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof one new section relating to the issuance of driver's licenses and nondriver's licenses to noncitizens.

SB 196—By Cunningham.

An Act to repeal sections 287.120 and 287.800, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

SB 197—By Ridgeway.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions, and a referendum clause.

SB 198—By Crowell.

An Act to repeal sections 145.009, 145.011, 145.041, 145.051, 145.091, 145.101, 145.102, 145.201, 145.301, 145.481, 145.511, 145.551, 145.552, 145.601, 145.711, 145.801, 145.846, 145.871, 145.961, 145.971, 145.985, 145.995, and 145.1000, RSMo, relating to the repeal of the estate tax.

SB 199—By Crowell.

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof five new sections relating to telephone calls.

SB 200—By Crowell.

An Act to repeal sections 100.270, 100.282, 173.385, 176.080, 215.030, 260.035, and 360.045, RSMo, and to enact in lieu thereof eight new sections relating to bond issuances.

SB 201—By Crowell.

An Act to repeal sections 105.915 and 105.927, RSMo, and to enact in lieu thereof two new sections relating to the state employee deferred compensation program.

SB 202—By Crowell.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof two new sections relating to labor organizations.

SB 203—By Schmitt, Richard, Dempsey, Justus, Schaefer, Callahan, Wasson and Wright-Jones.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tax incentives to attract sporting events to Missouri.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 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:

Donald Cupps, Democrat, 1 Persimmon Hill Road, Cassville, Barry County, Missouri 65625, 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, John Carnahan III, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 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:

Craig Van Matre, Democrat, 450 Covered Bridge Road, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2013, and until his successor is duly appointed and qualified; vice, Buford Fraser, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 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:

Harry Ratliff, 4554 Laclede Unit 207, Saint Louis City, Missouri 63108, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until his successor is duly appointed and qualified; vice, Lisa Britt, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 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:

Lane Roberts, 1801 E. Natalie Lane, Joplin, Jasper County, Missouri 64801, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2012, and until his successor is duly appointed and qualified; vice, James Lynch, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 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:

Mark Sanford, 5103 Washington Place, Saint Louis, Saint Louis County, Missouri 63108, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011; vice, Laura Neal, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 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:

Diane Scagna, 762 Camelot Estates Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2012, and until her successor is duly appointed and qualified; vice, Kenneth Gregory, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 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:

Debra Simaitis, 32446 Golden Acres Road, Lincoln, Benton County, Missouri 65338, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2015, and until her successor is duly appointed and qualified; vice, Lori Hodges, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Mayer referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Mayer referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 68**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 68**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 68**

An Act to repeal section 21.400, RSMo, and to enact in lieu thereof one new section relating to subpoenas issued by the general assembly, with an emergency clause.

Was taken up.

Senator Stouffer assumed the Chair.

Senator Mayer moved that **SCS** for **SB 68** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 68** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Russell A. Unger, Democrat, as a member of the Missouri Community Service Commission;

Also,

Kurt Finklang, as a member of the State Board of Optometry;

Also,

Scott Englund, as a member of the Missouri Veterans' Commission;

Also,

Teresa Rodgers and Karen Greiner, as members of the Behavior Analyst Advisory Board;

Also,

Corinne Walentik, as a member of the MO HealthNet Oversight Committee;

Also,

Rodney W. Herring, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Herbert Hardwick, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Charles McKenzie, Jennifer Tyus and Dorothy Rowland, as members of the Child Abuse and Neglect Review Board;

Also,

Margaret Pigg, as a member of the Committee for Professional Counselors;

Also,

Colleen Scott, Republican, as a member and Secretary of the Jackson County Board of Election Commissioners;

Also,

Teddy E. Sheppard, Republican, as a member of the State Fair Commission;

Also,

Randy Holman, Democrat, as a member of the State Tax Commission;

Also,

Mark S. Lester, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Donald W. McNutt, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dempsey, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 68**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Stouffer assumed the Chair.

Senator Pearce assumed the Chair.

SECOND READING OF SENATE BILLS

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

- SB 126**—Financial and Governmental Organizations and Elections.
- SB 127**—Health, Mental Health, Seniors and Families.
- SB 128**—Education.
- SB 129**—Education.
- SB 130**—Education.
- SB 131**—Transportation.
- SB 132**—Small Business, Insurance and Industry.
- SB 133**—Transportation.
- SB 134**—Judiciary and Civil and Criminal Jurisprudence.
- SB 135**—Commerce, Consumer Protection, Energy and the Environment.
- SB 136**—Health, Mental Health, Seniors and Families.
- SB 137**—Financial and Governmental Organizations and Elections.
- SB 138**—Agriculture, Food Production and Outdoor Resources.
- SB 139**—Ways and Means and Fiscal Oversight.
- SB 140**—Ways and Means and Fiscal Oversight.
- SB 141**—Ways and Means and Fiscal Oversight.
- SB 142**—Jobs, Economic Development and Local Government.
- SB 143**—Ways and Means and Fiscal Oversight.
- SB 144**—Ways and Means and Fiscal Oversight.
- SB 145**—Jobs, Economic Development and Local Government.
- SB 146**—Jobs, Economic Development and Local Government.
- SB 147**—Education.
- SB 148**—Small Business, Insurance and Industry.
- SB 149**—Judiciary and Civil and Criminal Jurisprudence.
- SB 150**—Agriculture, Food Production and Outdoor Resources.
- SB 151**—Jobs, Economic Development and Local Government.
- SB 152**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 153**—Small Business, Insurance and Industry.
- SB 154**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 155**—Ways and Means and Fiscal Oversight.
- SB 156**—Judiciary and Civil and Criminal Jurisprudence.
- SB 157**—Judiciary and Civil and Criminal Jurisprudence.

- SB 158**—Commerce, Consumer Protection, Energy and the Environment.
- SB 159**—Commerce, Consumer Protection, Energy and the Environment.
- SB 160**—Agriculture, Food Production and Outdoor Resources.
- SB 161**—Agriculture, Food Production and Outdoor Resources.
- SB 162**—Agriculture, Food Production and Outdoor Resources.
- SB 163**—Education.
- SB 164**—Education.
- SB 165**—Judiciary and Civil and Criminal Jurisprudence.
- SB 166**—Small Business, Insurance and Industry.
- SB 167**—Transportation.
- SB 169**—Health, Mental Health, Seniors and Families.
- SB 170**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 171**—Judiciary and Civil and Criminal Jurisprudence.
- SB 172**—Judiciary and Civil and Criminal Jurisprudence.
- SB 173**—Transportation.
- SB 174**—Jobs, Economic Development and Local Government.
- SB 175**—Jobs, Economic Development and Local Government.
- SB 176**—Small Business, Insurance and Industry.
- SB 177**—Health, Mental Health, Seniors and Families.
- SB 178**—Health, Mental Health, Seniors and Families.
- SB 179**—Jobs, Economic Development and Local Government.
- SB 180**—Health, Mental Health, Seniors and Families.
- SB 181**—Small Business, Insurance and Industry.
- SB 182**—Small Business, Insurance and Industry.
- SB 183**—General Laws.
- SB 184**—Education.
- SB 185**—Ways and Means and Fiscal Oversight.
- SB 186**—Judiciary and Civil and Criminal Jurisprudence.
- SB 187**—Agriculture, Food Production and Outdoor Resources.
- SB 188**—Commerce, Consumer Protection, Energy and the Environment.
- SJR 13**—Financial and Governmental Organizations and Elections.
- SJR 14**—Transportation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 204—By Dempsey, Ridgeway, Nieves, Lembke, Stouffer, Engler, Mayer, Keaveny, Schaaf, Green, Dixon, Pearce, Chappelle-Nadal, Schaefer, Richard, Lamping, McKenna, Parson, Wasson, Goodman, Munzlinger, Schmitt, Brown, Kehoe, Callahan and Kraus.

An Act to repeal section 135.630, RSMo, and to enact in lieu thereof one new section relating to a tax credit for contributions to pregnancy resource centers.

COMMUNICATIONS

Senator Callahan submitted the following:

January 27, 2011

The Honorable Senator Rob Mayer – President Pro-Tem
State Capitol, Room 326
Jefferson City, Missouri 65101

Dear Senator Mayer:

Pursuant to the provisions of section 42.007.2 RSMo and acting within my capacity as Minority Floor Leader, I hereby appoint myself to the Missouri Veterans Commission.

Sincerely,
/s/ Victor E. Callahan
Victor Callahan

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, former Governor Roger Wilson, Columbia.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 31, 2011.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, JANUARY 31, 2011

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 189-Schmitt
SB 190-Pearce
SB 191-Pearce
SB 192-Pearce
SB 193-Pearce
SB 194-Pearce
SB 195-Stouffer
SB 196-Cunningham

SB 197-Ridgeway
SB 198-Crowell
SB 199-Crowell
SB 200-Crowell
SB 201-Crowell
SB 202-Crowell
SB 203-Schmitt, et al
SB 204-Dempsey, et al

HOUSE BILLS ON SECOND READING

HCS for HB 45

THIRD READING OF SENATE BILLS

SCS for SB 68-Mayer

SENATE BILLS FOR PERFECTION

SB 11-McKenna, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 7-Dempsey

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