

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-THIRD DAY—THURSDAY, FEBRUARY 17, 2011**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Saying ‘Yes’ to God’s gift of love and life primarily and above all else means choosing love as a life principle.” (John Powell)

As we complete this day and journey back to those we love, O God, we give You thanks and praise for teaching us the meaning of loving imperfect people as ourselves so that we may learn to overlook the flaws of those whom You have given us to love and who love us. Help us to make love our “life principle” and express it in the varied and many relationships we have and in Your presence this weekend make it known unto You. 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 Schaefer offered Senate Resolution No. 322, regarding Kraft Foods Oscar Mayer Plant,

Columbia, which was adopted.

Senator Cunningham offered Senate Resolution No. 323, regarding Flexway Trucking, Incorporated, Hazelwood, which was adopted.

Senator Cunningham offered Senate Resolution No. 324, regarding Caroline Levens, Town and Country, which was adopted.

Senator Schaefer offered Senate Resolution No. 325, regarding Niyonzima Etienne, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 326, regarding John and Vicki Ott, which was adopted.

Senator Stouffer offered Senate Resolution No. 327, regarding Brody Jack Baker, which was adopted.

Senator Stouffer offered Senate Resolution No. 328, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Warren George, Bunceton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 329, regarding Henry Givens, Jr., Saint Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 330, regarding Matthew Lamont Bell, Lee's Summit, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Wright-Jones offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 11

Relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week

WHEREAS, Diabetic Peripheral Neuropathy (DPN) is a serious condition that results from damage to nerves due to prolonged exposure to high amounts of glucose in the bloodstream as a result of diabetes; and

WHEREAS, more than half of all diabetics suffer from DPN, and the areas of the body most commonly affected by DPN are the feet and legs; and

WHEREAS, nerve damage in the feet can result in the loss of foot sensation, increasing risk of foot problems and which manifests itself in intense pain often described as aching, tingling, burning, and numbness; and

WHEREAS, in 2009, 364,000 Missourians were diagnosed with diabetes; and

WHEREAS, DPN is the leading cause of amputations, and as many as 40 to 60 percent of lower extremity amputations are due to severe forms of DPN; and

WHEREAS, DPN is preventable only to the extent that the underlying cause is preventable, requiring the individual patient's alert awareness of bodily deficiency, illness, infection or injury that can cause DPN, and the individual's willingness to seek early diagnosis and treatment; and

WHEREAS, it is absolutely fitting and proper to designate a special week to raise public awareness of DPN and its symptoms:

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 recognize the third week of June of each year as Diabetic Peripheral Neuropathy (DPN) Week in Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate and the House of Representatives encourage citizens throughout Missouri to observe this week by raising public awareness regarding the symptoms and treatment of this painful and dangerous neuropathy; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution

to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

### **INTRODUCTION OF BILLS**

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

**SB 291**—By Pearce.

An Act to repeal sections 160.400, 160.405, 160.415, and 160.420, RSMo, and to enact in lieu thereof four new sections relating to charter schools.

**SB 292**—By Schaaf.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to qualifications for certification of presidential and vice presidential candidates by the secretary of state.

**SB 293**—By Schaaf.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

**SB 294**—By Keaveny.

An Act to repeal sections 160.405, 160.410, and 160.539, RSMo, and to enact in lieu thereof three new sections relating to charter schools.

**SB 295**—By Keaveny.

An Act to repeal sections 408.500 and 408.505, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

**SB 296**—By Schmitt, Lamping, Engler, Cunningham, Richard, Parson, Goodman and Schaefer.

An Act to repeal sections 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, and 620.482, RSMo, and to enact in lieu thereof four new sections relating to the compete Missouri training program.

**SB 297**—By Munzlinger.

An Act to repeal sections 407.500 and 407.505, RSMo, and to enact in lieu thereof two new sections relating to the purchase of rifles and shotguns.

**SB 298**—By Munzlinger.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with existing penalty provisions.

**SB 299**—By Munzlinger.

An Act to repeal section 252.040, RSMo, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

**SB 300**—By Munzlinger.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to deer season.

**SB 301**–By Mayer.

An Act to amend chapter 379, RSMo, by adding thereto ten new sections relating to the creation of the Missouri homeowners mutual insurance company.

**INTRODUCTION OF GUESTS**

Senator Schaefer introduced to the Senate, University of Missouri Men's Basketball Head Coach, Mike Anderson. Coach Anderson assumed the dais and addressed the members of the body.

President Kinder assumed the Chair.

**MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Saleem Abdulrauf, 7520 Buckingham Drive 1E, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Saleem Abdulrauf, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

John Albright, 40 Brookhaven Court, Sunrise Beach, Camden County, Missouri 65079, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until his successor is duly appointed and qualified; vice, John Albright, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Angela Beshears, Republican, 15810 Oakmont Circle, Kearney, Clay County, Missouri 64060, as Secretary of the Clay County Board of Election Commissioners, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, Angela Beshears, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Barbara Brown, 4248 East Linwood Drive, Springfield, Greene County, Missouri 65809, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Susan Phillips, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Edna Chavis, 2223 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Quality Homecare Council, for a term ending October 1, 2015, and until her successor is duly appointed and qualified; vice, Debra Catlett, RSMO 208.856.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Derek Conard, 3001 Southeast Galvin Road, Saint Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2012, and until his successor is duly appointed and qualified; vice, Derek Conard, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

James Corwin, 4901 Northwest Old Trail Road, Kansas City, Platte County, Missouri 64151, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, Carl Kinnison, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

James Cunningham, 2315 West 5<sup>th</sup> Street, Sedalia, Pettis County, Missouri 65301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until his successor is duly appointed and qualified; vice, James Cunningham, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

James Dronberger, 5714 McGee Street, Kansas City, Jackson County, Missouri 64113, as a member of the Advisory Committee for Physical Therapists, for a term ending October 1, 2015, and until his successor is duly appointed and qualified; vice, Dawn Standley, resigned.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Phillip Duncan, 8200 East 189<sup>th</sup> Street, Belton, Cass County, Missouri 64012, as a member of the Organ Donation Advisory Committee, for a term ending September 4, 2013, and until his successor is duly appointed and qualified; vice, Lisa Atkins, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Marilyn Durk, 2611 Briarwood Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2012, and until her successor is duly appointed and qualified; vice, Charity Shelton, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Leslie Gertsch, Independent, 10981 Thompson Drive, Rolla, Phelps County, Missouri 65401, as a member of the Land Reclamation Commission, for a term ending September 28, 2013, and until her successor is duly appointed and qualified; vice, Nick Matherly, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Dorothy Grange, 639 West Polo Drive, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2011, and until her successor is duly appointed and qualified; vice, Dorothy Grange, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

*Journal of the Senate*

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Charles J. Gulas, 2054 Wild Horse Creek Road, Wildwood, Saint Louis County, Missouri 63038, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2012, and until his successor is duly appointed and qualified; vice, Charles J. Gulas, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Richard Hashagen, 19324 County Road 1250, Saint James, Phelps County, Missouri 65559, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2013, and until his successor is duly appointed and qualified; vice, Timothy Imhoff, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Heidi M. Hernandez, 5917 NE Coral Circle, Lee's Summit, Jackson County, Missouri 64064, 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, Heidi M. Hernandez, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Cheryl Hibbler, Democrat, 819 Lauralee Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Community Service Commission, for a term ending December 15, 2013, and until her successor is duly appointed and qualified; vice, Jolene M. Schulz, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Garry Kemp, Democrat, 2514 NW Windwood Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2015, and until his successor is duly appointed and qualified; vice, Garry Kemp, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Kristi Kenney, 2302 N. Antioch Road, Clinton, Henry County, Missouri 64735, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2013, and until her successor is duly appointed and qualified; vice, Kristi Kenney, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Fareesa Khan, Democrat, 543 Oakhaven Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2011, and until her successor is duly appointed and qualified; vice, Fareesa Khan, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Barbara Kuebler, 3204 Pembroke Square, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2013, and until her successor is duly appointed and qualified; vice, Barbara Kuebler, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Benjamin Lampert, 4367 East Bogey Court, Springfield, Greene County, Missouri 65809, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Benjamin Lampert, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Eric Latimer, 1801 West Finley River Drive, Nixa, Stone County, Missouri 65714, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Andrew Nimmo.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Timothy D. McBride, 4 Spoede Hills Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the MO HealthNet Oversight Committee, for a term ending October 30, 2011, and until his successor is duly appointed and qualified; vice, Timothy D. McBride, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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 Miner, 1434 Schulte Rd, St. Louis, St. Louis County, Missouri 63146, as a member of the Committee for Professional Counselors, for a term ending August 28, 2012, and until his successor is duly appointed and qualified; vice, Craig Miner, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Mary Sharlene Morgan, 12012 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Well Installation Board, for a term ending February 24, 2014, and until her successor is duly appointed and qualified; vice, Harriett Beard, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Peter Nicastro, 2169 Willow Ridge Lane, Chesterfield, Saint Louis County, Missouri 63017, 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, Peter Nicastro, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Elizabeth G. Sims, Republican, 18 Ladue Manor, Ladue, Saint Louis County, Missouri 63124, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2016 and until her successor is duly appointed and qualified; vice, Elizabeth G. Sims, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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 J. Vanderfeltz, 26683 Highway D, California, Moniteau County, Missouri 65018, as a member of the State Board of Optometry, for a term ending June 20, 2013, and until his successor is duly appointed and qualified; vice, Donald J. Vanderfeltz, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Dalton Wright, Republican, 21125 Aster Road, Conway, Laclede County, Missouri 65632, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2014, and until his successor is duly appointed and qualified; vice, Dalton Wright, withdrawn.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 16, 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:

Christopher J. Young, 36 Rio Vista Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2013, and until his successor is duly appointed and qualified; vice, Charles Bowen, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

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

Senator Lager assumed the Chair.

### **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:

Bassem F. Armaly, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Sara Zorich, Democrat, as a member of the Jackson County Board of Election Commissioners;

Also,

Joan M. Keiser and Virginia A. Beatty, as members of the Organ Donation Advisory Committee;

Also,

Betty Marver and Betty Skinner, as members of the Child Abuse and Neglect Review Board;

Also,

Lane Roberts, as a member of the Peace Officer Standards and Training Commission;

Also,

Patrick Lamping, Democrat, as a member of the Missouri Development Finance Board;

Also,

Deron Sugg, Democrat, as a member of the Hazardous Waste Management Commission;

Also,

Bridget M. McCandless, as a member of the MO HealthNet Oversight Committee;

Also,

Tamara Burlis, as a member of the Advisory Commission for Physical Therapists;

Also,

Archie Camden, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Alan H. Wells, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Charlie Ausfahl, Democrat, as a member of the State Soil and Water District Commission;

Also,

Christopher A. Gordon, as a member of the State Historical Records Advisory Board;

Also,

Pamela L. Marshall, as a member of the State Board of Pharmacy.

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.

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

### THIRD READING OF SENATE BILLS

At the request of Senator Schmitt, **SCS** for **SB 18** was placed on the Informal Calendar.

**SB 3**, introduced by Senator Stouffer, entitled:

An Act to repeal sections 115.205, 115.427, 115.430, and 115.631, RSMo, and to enact in lieu thereof five new sections relating to elections, with penalty provisions and a contingent effective date.

Was taken up.

On motion of Senator Stouffer, **SB 3** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Crowell	Cunningham	Dempsey	Dixon	Engler	Goodman	Kehoe
Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger	Nieves	Parson
Pearce	Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt
Stouffer	Wasson—26						

#### NAYS—Senators

Callahan	Chappelle-Nadal	Green	Justus	Keaveny	McKenna	Wright-Jones—7
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Dempsey moved that motion lay on the table, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 77**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which were referred **SB 1** and **SB 206**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 97**, begs

leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 96**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 174, Page 1, Section 67.319, Line 2, by striking “any county with a”; and further amend lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “**this state may**”.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SJR 2** and **SCS** for **SB 108**, begs leave to report that it has examined the same and finds that the joint resolution and bill have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Lager assumed the Chair.

#### REFERRALS

President Pro Tem Mayer referred **SJR 2** to the Committee on Ways and Means and Fiscal Oversight.

#### SECOND READING OF SENATE BILLS

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

**SB 253**—Education.

**SB 254**—Transportation.



- SB 255**—Rules, Joint Rules, Resolutions and Ethics.
- SB 256**—Ways and Means and Fiscal Oversight.
- SB 257**—Ways and Means and Fiscal Oversight.
- SB 258**—Ways and Means and Fiscal Oversight.
- SB 259**—Ways and Means and Fiscal Oversight.
- SB 260**—Transportation.
- SB 261**—Judiciary and Civil and Criminal Jurisprudence.
- SB 262**—Small Business, Insurance and Industry.
- SB 263**—Commerce, Consumer Protection, Energy and the Environment.
- SB 264**—Select Committee on Redistricting.
- SB 265**—Education.
- SB 266**—Financial and Governmental Organizations and Elections.
- SB 267**—Health, Mental Health, Seniors and Families.
- SB 268**—Education.
- SB 269**—Governmental Accountability.
- SB 270**—Financial and Governmental Organizations and Elections.
- SB 271**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 272**—Judiciary and Civil and Criminal Jurisprudence.
- SB 273**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 274**—General Laws.
- SB 275**—Veterans’ Affairs, Emerging Issues, Pensions and Urban Affairs.
- SB 276**—General Laws.
- SB 277**—General Laws.
- SB 278**—Agriculture, Food Production and Outdoor Resources.
- SB 279**—Jobs, Economic Development and Local Government.
- SB 280**—Ways and Means and Fiscal Oversight.
- SB 281**—Ways and Means and Fiscal Oversight.
- SB 282**—Financial and Governmental Organizations and Elections.
- SB 283**—Transportation.
- SB 284**—Financial and Governmental Organizations and Elections.
- SB 285**—General Laws.
- SB 286**—General Laws.

**SB 287**—Commerce, Consumer Protection, Energy and the Environment.

**SB 288**—Ways and Means and Fiscal Oversight.

**SB 289**—General Laws.

**SB 290**—Small Business, Insurance and Industry.

**SJR 16**—General Laws.

**SJR 17**—General Laws.

## RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 331, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Robert Hayes, Edina, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 332, regarding the death of Pastor Robert Maurice Franklin, Sr., Saint Louis, which was adopted.

## COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 16, 2011

Honorable Robert N. Mayer  
Senate President Pro Tem  
State Capitol, Room 326  
Jefferson City, MO 65101

Honorable Steven Tilley  
Speaker of the House  
State Capitol, Room 308  
Jefferson City, MO 65101

Honorable Victor Callahan  
Senate Minority Floor Leader  
State Capitol, Room 333  
Jefferson City, MO 65101

Honorable Mike Talbo  
House Minority Floor Leader  
State Capitol, Room 204  
Jefferson City, MO 65101

Dear Gentlemen:

This letter shall serve as notice of my action on Senate Concurrent Resolution No. 1.

On January 26, 2011, the Public Service Commission approved an order withdrawing 4 CSR 240-20.100(2)(A) and 4 CSR 240-20.100(2)(B)2 pertaining to geographic sourcing. Twelve days later, on February 7, 2011, I was presented with Senate Concurrent Resolution No. 1 which purports to disapprove those same regulations. The action of the Public Service Commission approving an order to withdraw the relevant regulations renders Senate Concurrent Resolution No. 1 moot and therefore makes the approval or disapproval of Senate Concurrent Resolution No. 1 unnecessary.<sup>1</sup>

Sincerely,  
Jeremiah W. (Jay) Nixon  
Governor

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<sup>1</sup> I am cognizant of the argument asserted by two members of the Public Service Commission that the Commission lacked authority to withdraw these regulations. I disagree with that view and find that the Public Service Commission was clearly vested with the necessary power to issue its January 26, 2011 order. While I am not approving this legislative resolution rendered unnecessary by mootness, I recognize that my action will allow Senate Concurrent Resolution No. 1 to become effective through Article III, Section 31 of the Missouri Constitution. This approach will not change the inevitable result – the relevant rules being withdrawn – but will eliminate future uncertainty surrounding the status of these rules and appropriately return our collective focus to developing a vibrant renewable energy industry in Missouri.

### **INTRODUCTIONS OF GUESTS**

Senator Schaaf introduced to the Senate, Mayor Bill Falkner and Lisa Robertson, St. Joseph.

Senator Kraus introduced to the Senate, former State Senator Bob Johnson, Lee's Summit.

Senator Parson introduced to the Senate, Chris McClay, Ellis Hall, Audra Morgan, Scott Daniel, Karen Bruce, Patricia Schneider, Belinda Presley and Mike Campbell, representatives of Leadership Bolivar.

Senator Schmitt introduced to the Senate, Mayor Felicity Buckley, Alderman Chris Gorman and Jonathan Greever, Shrewsbury.

The President introduced to the Senate, Pam Carter.

Senator Schaefer introduced to the Senate, Athletic Director Mike Alden and Deputy Chancellor Mike Middleton, University of Missouri, Columbia.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 21, 2011.

### **SENATE CALENDAR**

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TWENTY-FOURTH DAY—MONDAY, FEBRUARY 21, 2011

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### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 291-Pearce

SB 292-Schaaf

SB 293-Schaaf

SB 294-Keaveny

SB 295-Keaveny

SB 296-Schmitt, et al

SB 297-Munzlinger

SB 298-Munzlinger

SB 299-Munzlinger

SB 300-Munzlinger

SB 301-Mayer

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 45

HCS for HBs 73 & 47

HCS for HB 163

HB 162-Fisher, et al

HCS for HB 46

## THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna  
(In Fiscal Oversight)

SB 33-Stouffer (In Fiscal Oversight)

SJR 2-Stouffer (In Fiscal Oversight)

SCS for SB 108-Schmitt, et al

## SENATE BILLS FOR PERFECTION

SB 71-Parson

SB 58-Stouffer and Lembke, with SCS

SB 28-Brown

SBs 1 & 206-Ridgeway, with SCS

SB 13-Pearce, with SCS

SB 174-Dempsey, with SCA 1

SB 187-Lager, et al

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

## SENATE BILLS FOR PERFECTION

SBs 7, 5, 74 & 169-Goodman, with SCS

SB 8-Goodman, with SCS & SS for SCS  
(pending)

SBs 113 & 95-Parson and Engler, with SCS

## CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 77-Stouffer

SB 57-Callahan, with SCS

SB 97-Engler

SB 96-Engler

SB 161-Munzlinger

## RESOLUTIONS

To be Referred

SCR 11-Wright-Jones

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