

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—MONDAY, MARCH 7, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...with songs and everlasting joy upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away.” (Isaiah 35:10)

We are thankful to return to our work and responsibilities that You have given us. We thank You for safe travel. We thank You that You have shown us that we are to be a joyful people in our living and working and that gladness will accompany us through these days of service to the people of Missouri. So let us with boldness and confidence ask that we may trust always in Your love and mercy and find grace in our time of need. 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 for Thursday, March 3, 2011 was read and approved.

Senator Dempsey announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Callahan	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—32

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wright-Jones offered Senate Resolution No. 464, regarding JRO Ministries Divinity Dancers, which was adopted.

Senator Stouffer offered Senate Resolution No. 465, regarding the One Hundredth Birthday of Avanelle “Nell” Houck, Concordia, which was adopted.

Senator Parson offered Senate Resolution No. 466, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Roland, Lamar, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 467, regarding Amy Richards, High Ridge, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 468, regarding Service International, Chesterfield, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 469, regarding Michael J. Meyer, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 470, regarding Johnny Furr, Jr., St. Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 471, regarding the 2010-2011 Class 4 State Champion Blue Springs High School Wrestling Team, which was adopted.

Senator Schmitt offered Senate Resolution No. 472, regarding David Holley, which was adopted.

Senator Schmitt offered Senate Resolution No. 473, regarding Anna Rawlings, Kirkwood, which was adopted.

Senator Munzlinger offered Senate Resolution No. 474, regarding Vicki Hildebrand, Center, which was adopted.

Senator Ridgeway offered Senate Resolution No. 475, regarding Marcus Burchett, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 476, regarding Zachary Green, Smithville, which was adopted.

Senator Crowell offered Senate Resolution No. 477, regarding Sergeant Dennis J. Horn, Cape Girardeau, which was adopted.

Senator Parson offered Senate Resolution No. 478, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Connie Mack McCurry, Fair Grove, which was adopted.

Senator McKenna offered Senate Resolution No. 479, regarding Jonah Zachary Tucker, which was adopted.

Senator Green offered Senate Resolution No. 480, regarding the One Hundredth Birthday of Theodore “Ted” Rozak, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Brown, **SB 55** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 161** was placed on the Informal Calendar.

Senator Keaveny moved that **SB 61** be taken up for perfection, which motion prevailed.

Senator Keaveny offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 61, Page 1, Section 523.040, Line 8, by striking the word “two” and inserting in lieu thereof the following: “**one**”.

Senator Keaveny moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Keaveny, **SB 61**, as amended, was declared perfected and ordered printed.

Senator Wasson moved that **SB 219**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 219

An Act to repeal sections 362.111 and 370.073, RSMo, and to enact in lieu thereof two new sections relating to international transactions.

Was taken up.

Senator Wasson moved that **SCS** for **SB 219** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 219** was declared perfected and ordered printed.

Senator Wasson moved that **SB 284** be taken up for perfection, which motion prevailed.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 284, Page 5, Section 338.330, Line 47, by inserting after all of said line, the following:

“Section B. Because immediate action is necessary to ensure the continuance of clinical trials in this state, the repeal and reenactment of section 338.330 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 338.330 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wasson, **SB 284**, as amended, was declared perfected and ordered printed.

At the request of Senator Dixon, **SB 173** was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 254**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 120** was placed on the Informal Calendar.

SB 135 was placed on the Informal Calendar.

Senator Lager moved that **SB 207** be taken up for perfection, which motion prevailed.

On motion of Senator Lager, **SB 207** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 76**, entitled:

An Act to repeal sections 147.010, and 148.064, RSMo, and to enact in lieu thereof two new sections relating to the phase-out of the corporate franchise tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 276, 233** and **274**, entitled:

An Act to repeal sections 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof four new sections relating to unlawful picketing of a funeral, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 116** and **316**, entitled:

An Act to repeal sections 32.028, 32.087, 105.716, 144.083, and 168.071, RSMo, and to enact in lieu thereof sixteen new sections relating to collection of state money, with a penalty provision and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 136**, entitled:

An Act to repeal sections 288.050, 288.090, and 288.100, RSMo, and to enact in lieu thereof four new sections relating to benefits for military spouses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 214**, entitled:

An Act to repeal sections 566.200, 566.203, 566.206, 566.209, 566.212, 566.213, 566.218, and 566.223, RSMo, and to enact in lieu thereof eight new sections relating to human trafficking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 61**, entitled:

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 108**, entitled:

An Act to repeal sections 130.031 and 130.036, RSMo, and to enact in lieu thereof two new sections relating to campaign finance, with an existing penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 4, 2011

To the Senate of the 96th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Barbara Brown for the Child Abuse and Neglect Review Board, submitted to you on February 16, 2011. Line 1 should be amended to read:

Barbara Brown-Johnson, 4248 East Linwood Drive, Springfield, Greene County,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

COMMUNICATIONS

Senator Crowell submitted the following:

March 4, 2011

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

Dear Madame Secretary:

I respectfully request that the following bills be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SB 81 (Pearce) – Modifies provisions relating to fine arts education.

SB 131 (Rupp) – Exempts qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.

SB 282 (Engler) – Moves the presidential primary from February to March.

Sincerely,
/s/ Jason Crowell
Jason G. Crowell
State Senator

President Pro Tem Mayer submitted the following:

February 16, 2011

The Honorable Rob Mayer
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Mayer:

I respectfully submit my resignation as a member of the Joint Committee on Legislative Research. Thank you for giving me the opportunity to serve in this capacity.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey

Also,

March 7, 2011

Senator Jim Lembke
Chairman, Governmental 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 study HB 381, passed and signed into law in 2009, which requires the Department of Revenue to award fee office contracts by a competitive bidding process and give preference to specified tax exempt entities and

to political subdivisions.

Please investigate the process of how fee offices are awarded in the State of Missouri and make sure the provisions in this law are being carried out.

Please let me know if you have additional questions.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

District 25 Senator

Also,

March 7, 2011

Senator Jim Lembke

Chairman, Governmental 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 on Governmental Accountability investigate allegations of food stamp fraud in Missouri.

It has recently come to my attention that Missouri EBT (Electronic Benefit Transfer) cardholders are not required to show identification when purchasing food with said cards. I have also learned that Missouri EBT cards were used in all fifty states this past January. While it is conceivable for cards to be used in Border States, it does appear strange that Missouri's cards were used in every state.

Please look into alleged misuses of these cards in the aforementioned areas.

Sincerely,

/s/ Robert N. Mayer

Robert N. Mayer

District 25 Senator

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Dan Mohn and his son Jackson, Homeschoolers from Hollister; and Jackson was made an honorary page.

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

SENATE CALENDAR

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THIRTY-THIRD DAY—TUESDAY, MARCH 8, 2011
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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 418-Chappelle-Nadal and Lamping

SB 419-Kraus

SB 420-Mayer

SB 421-Pearce

SB 422-Lager
 SB 423-Lager
 SB 424-Cunningham
 SB 425-Goodman
 SB 426-Lamping
 SB 427-Lamping

SB 428-Ridgeway
 SB 429-Ridgeway
 SB 430-Mayer
 SB 431-Munzlinger
 SB 432-Munzlinger
 SB 433-Kraus

HOUSE BILLS ON SECOND READING

HCS for HB 46
 HB 71-Nasheed, et al
 HB 139-Smith (150), et al
 HB 209-Guernsey, et al
 HB 107-Smith (150), et al
 HCS for HB 205
 HCS for HB 76

HCS for HBs 276, 233 & 274
 HCS for HBs 116 & 316
 HCS for HB 136
 HCS for HB 214
 HCS for HB 61
 HCS for HB 108

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)

SCS for SB 188-Lager, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 130-Rupp, with SCS
 SB 163-Pearce, with SCS
 SB 145-Dempsey
 SB 203-Schmitt, et al

SB 63-Mayer
 SB 278-Munzlinger, et al
 SB 162-Munzlinger, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

HB 15-Silvey (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS	SBs 113 & 95-Parson and Engler, with SCS
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 120-Stouffer
SB 8-Goodman, with SCS & SS#2 for SCS (pending)	SB 135-Schaefer
SB 23-Keaveny, with SCS	SB 161-Munzlinger
SB 28-Brown	SB 173-Dixon and Kehoe
SB 55-Brown	SB 204-Dempsey, et al
	SB 254-Stouffer, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &
SA 1 (pending) (Pearce)

CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS	SB 96-Engler
SB 97-Engler	

RESOLUTIONS

Reported from Committee

SR 179-Purgason	SCR 8-Rupp
SCR 7-Dempsey	

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