

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—TUESDAY, FEBRUARY 8, 2011

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Great peace have those who love your law' nothing can make them stumble.” (Psalm 119:165)

Gracious God, You have given us guidelines for living in all that we do. Many of the laws we write flow from Your law in order to help guide and protect lives in Missouri. So we acknowledge Your blessings and give You praise for the work we have to do and the gifts we enjoy each day. 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 Stouffer offered Senate Resolution No. 207, regarding LeadingAge Missouri, Jefferson City, which was adopted.

Senator Parson offered Senate Resolution No. 208, regarding Grace Kelley, Sedalia, which was adopted.

Senator Parson offered Senate Resolution No. 209, regarding Jessica Covert, Halfway, which was adopted.

Senator Parson offered Senate Resolution No. 210, regarding Andrea Jones, Warsaw, which was adopted.

Senator Ridgeway offered Senate Resolution No. 211, regarding James Martin Larson, which was adopted.

Senator Crowell offered Senate Resolution No. 212, regarding the Fifty-seventh Wedding Anniversary of Mr. and Mrs. James D. Priest, Marquand, which was adopted.

Senator Crowell offered Senate Resolution No. 213, regarding Jess Bolen, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dempsey moved that **HCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **HCR 24** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Lager	Lamping	McKenna
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Schaaf	Schaefer
Schmitt	Stouffer	Wasson	Wright-Jones—28				

NAYS—Senator Lembke—1

Absent—Senators

Kraus Ridgeway Rupp—3

Absent with leave—Senator Mayer—1

Vacancies—1

INTRODUCTION OF BILLS

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

SB 225—By Engler.

An Act to repeal sections 478.010 and 478.320, RSMo, and to enact in lieu thereof three new sections relating to nonpartisan judicial elections, with an effective date for a certain section.

SB 226—By Engler.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to recall elections for

board members of ambulance districts.

SB 227—By Engler.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to field tests for controlled substances.

SB 228—By Pearce.

An Act to repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to school district board of directors.

SB 229—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of eating disorders.

SB 230—By Lager.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to scrap tires.

SB 231—By Lager, Lembke, Schmitt, Goodman, McKenna, Lamping, Kehoe and Wright-Jones.

An Act to amend chapter 85, RSMo, by adding thereto one new section relating to paid members of any fire department or fire district.

SB 232—By Crowell.

An Act to repeal section 89.145, RSMo, relating to peripheral zoning.

SB 233—By Parson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for licensed athletic trainer services.

SB 234—By Dempsey.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SJR 15—By Nieves, Lembke and Purgason.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 33** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Stouffer, **SB 33** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

SCS for SB 19 and **SCS for SB 18**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, the United States Army Corps of Engineers' five-year study of the Upper Mississippi River Basin, which is everything north of Cairo, Illinois, failed to produce a plan for flood control acceptable to stakeholders; and

WHEREAS, the Mississippi River Commission did recommend Plan H to the United States Congress; and

WHEREAS, the Corps of Engineers has not recommended this plan to the United States Congress, citing the estimated \$6 billion expense of the construction of 500-year levees along these Rivers as not cost effective; and

WHEREAS, the Corps of Engineers additionally determined a need for better data based upon new hydrology and flow studies and the need to study tributaries of the Mississippi River; and

WHEREAS, the Corps of Engineers indicated that ramifications of the additional 500-year levees and their potential to cause additional flooding would need to be determined, and affected populations and communities informed and advised of the potential impact; and

WHEREAS, the affected counties include the Missouri counties of Lincoln, Pike, and St. Charles; and

WHEREAS, Plan H designates only about half of the levees in the Missouri counties of Lincoln, Pike, and St. Charles be raised, while to the north 500-year levees are recommended for both sides of the River; and

WHEREAS, the stakeholders in the Missouri counties of Lincoln, Pike, and St. Charles desire the protections provided by the 500-year levees; and

WHEREAS, Plan H, if implemented, denies the benefits of 500-year levees to those making a living along the Mississippi River, negatively impacting agriculture, transportation, businesses, industries, tourism, hunting, fishing, boating, infrastructure, and residences; and

WHEREAS, over 6,500 citizens have signed petitions opposing Plan H; and

WHEREAS, the Upper Mississippi River Basin should receive funding comparable to funding for the Southern Mississippi River Basin from Cairo, Illinois, to New Orleans, Louisiana:

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 strongly urge the United States Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances system-wide flood control without creating adverse impacts on existing levees, levee districts, rural communities, and metropolitan areas. The plan should be based on analysis that quantifies the impact of enhanced flood control measures and acknowledges the importance of keeping agricultural land in production. The proposed Plan H making the Missouri counties of Lincoln, Pike, and St. Charles the lowest points on the Mississippi River levee system is totally unacceptable and we ask the Missouri Congressional delegation to oppose this plan; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

Relating to rescinding Missouri's 1983 call for a constitutional convention for the purpose of adopting a balanced budget amendment.

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's Congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

Read 1st time.

COMMUNICATIONS

President Pro Tem Mayer submitted the following:

February 7, 2011

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

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John Lamping to the Financial and Governmental Organizations and Elections Committee.

Please do not hesitate to contact me should you have any questions.

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

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Lt. Colonel Chris Leljedal, Warrensburg.

Senator Schaefer introduced to the Senate, members of the Missouri Athletic Trainers Association.

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, M.D., Kirksville.

Senator Munzlinger introduced to the Senate, a group representing Missouri Farm Bureau.

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

SENATE CALENDAR

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EIGHTEENTH DAY—WEDNESDAY, FEBRUARY 9, 2011
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FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 213-Schaefer	SB 225-Engler
SB 214-Schaaf	SB 226-Engler
SB 215-Schaaf	SB 227-Engler
SB 216-Schaaf	SB 228-Pearce
SB 217-Richard and Schmitt	SB 229-Pearce
SB 218-Wasson	SB 230-Lager
SB 219-Wasson	SB 231-Lager, et al
SB 220-Wasson	SB 232-Crowell
SB 221-Cunningham	SB 233-Parson
SB 222-Cunningham	SB 234-Dempsey
SB 223-Mayer	SJR 15-Nieves, et al
SB 224-Stouffer	

HOUSE BILLS ON SECOND READING

HCS for HB 45	HCS for HB 163
HCS for HBs 73 & 47	

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SCS for SB 18-Schmitt
SCS for SB 19-Schmitt	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 8-Goodman, with SCS

RESOLUTIONS

To be Referred

SCR 8-Rupp

SCR 9-Rupp

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