

# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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**FOURTEENTH DAY—MONDAY, OCTOBER 17, 2011**

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The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we give You thanks for bringing us safely together to do the work You have called us to do. During this session interrupted we have been challenged and called to think outside of the box and that has not always been comfortable. These days are filled with frustration and concerns about our future as a state and country. So we ask that You guide us and direct our thoughts and actions this afternoon so that we might do what is most helpful for the people of this state and bring to a close this special session. 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 Journals for Friday, September 23, 2011; Monday, September 26, 2011; Monday, October 3, 2011; Thursday, October 6, 2011; and Tuesday, October 11, 2011, were read and approved.

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

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	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—Senator Cunningham—1

Vacancies—None

## RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 138, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harlan Herbster, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 139, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William W. "Bill" Carpenter, Jr., St. Joseph, which was adopted.

On behalf of Senator Cunningham, Senator Dempsey offered Senate Resolution No. 140, regarding Edward Wagner, St. Charles, which was adopted.

Senator Curls offered Senate Resolution No. 141, regarding Mothers of Incarcerated Sons and Daughters, which was adopted.

Senator Schmitt offered Senate Resolution No. 142, regarding the Ninetieth Anniversary of Gross & Janes Company, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 143, regarding the death of Robert James "Bob" Cassilly, Jr., St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 144, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C.R. "Dick" Dunn, Maitland, which was adopted.

Senator Lager offered Senate Resolution No. 145, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russ Baldwin, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Meek, Chula, which was adopted.

Senator Lager offered Senate Resolution No. 147, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Taylor, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rolland Hersh, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 149, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Florea, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 150, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Larry Carmack, Green City, which was adopted.

Senator Lager offered Senate Resolution No. 151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Treese, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 152, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Persell, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 153, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Spalding, Hopkins, which was adopted.

Senator Lager offered Senate Resolution No. 154, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Miles, Mound City, which was adopted.

On behalf of Senator Cunningham, Senator Dempsey offered Senate Resolution No. 155, regarding Charles H. Wunderlich, Ballwin, which was adopted.

Senator Dempsey offered Senate Resolution No. 156, regarding James A. Woody, Saint Charles, which was adopted.

Senator Lager offered Senate Resolution No. 157, regarding the Fiftieth Wedding Anniversary of Mr.

and Mrs. Raymond “Tillie” Porterfield, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 158, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Travis, which was adopted.

Senator Lager offered Senate Resolution No. 159, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arnold Hughes, Rosendale, which was adopted.

Senator Lager offered Senate Resolution No. 160, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Strauch, Skidmore, which was adopted.

Senator Lager offered Senate Resolution No. 161, regarding the One Hundredth Birthday of Pauline Reardon, Plattsburg, which was adopted.

Senator Schmitt offered Senate Resolution No. 162, regarding Mary Binggeli, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 163, regarding Lane Smith, Taneyville, which was adopted.

Senator Richard offered Senate Resolution No. 164, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Means, Lockwood, which was adopted.

Senator Richard offered Senate Resolution No. 165, regarding Ted Krygiel, which was adopted.

Senator Richard offered Senate Resolution No. 166, regarding Mark Lindquist, Joplin, which was adopted.

Senator Mayer offered Senate Resolution No. 167, regarding J.D. Wagster, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 168, regarding Cleo Crofford, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 169, regarding Inez Abner, Bell City, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 170, regarding the death of Anna May Slay, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 171, regarding Joshua David Arthur Wendt, which was adopted.

Senator Dixon offered Senate Resolution No. 172, regarding Matthew Aaron Klika, which was adopted.

Senator Dixon offered Senate Resolution No. 173, regarding Josh Clark, which was adopted.

Senator Dixon offered Senate Resolution No. 174, regarding Jesse Adam Wilson, which was adopted.

Senator Wasson offered Senate Resolution No. 175, regarding the 27th Annual Salute to Construction, which was adopted.

Senator Keaveny offered Senate Resolution No. 176, regarding Mark Stansberry, St. Louis, which was adopted.

Senators Schmitt, Schaefer, Green, Lager, Richard, Lamping, Wasson, Purgason, Rupp, McKenna, Mayer, Munzlinger, Goodman, Parson, Brown, Kehoe, Dempsey, Lembke, Ridgeway, Schaaf, Kraus, Stouffer, Engler, Callahan, Chappelle-Nadal and Justus offered the following resolution, which was read:

## SENATE RESOLUTION NO. 177

WHEREAS, Missouri has an extensive history of supporting our military and strengthening our nation; and

WHEREAS, our military personnel and their families receive peace of mind from the fact that they have the F/A-18E/F, which is the most capable, next-generation, multi-role strike fighter flying in combat today, ensuring their safety, protecting our nation, and securing peace around the world; and

WHEREAS, the F/A-18E/F is the most capable, multi-role strike fighter in production today and will continue to provide air superiority to the United States and its allies for the next generation; and

WHEREAS, over twenty-four thousand retirees and over fifteen thousand hard working employees in Missouri contribute to the success of programs like the F/A-18E/F; and

WHEREAS, in 2010 nine hundred sixty-nine Missouri suppliers had purchases of approximately seven hundred sixty-four million dollars worth of supplies for programs such as the F/A-18E/F, further contributing to the sustainability of Missouri jobs and making a substantial economic impact on Missouri; and

WHEREAS, the United States invested in a multi-year procurement of F/A-18E/F aircraft in 2010 continuing through 2014 which will save the taxpayer over eight hundred eighteen million dollars; and

WHEREAS, every F/A-18E/F aircraft has been delivered to our military on time and at cost, providing the only capable and affordable multi-strike fighter today; and

WHEREAS, limiting the production of the F/A-18E/F program would cause an adverse economic impact to Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, First Extraordinary Session, hereby urge the United States Congress to recognize the importance of the F/A-18E/F to the State of Missouri, our military, and our national security, and support the continued production and full funding of the F/A-18E/F program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Dempsey announced that photographers from KMIZ and Missouri News Horizon were given permission to take pictures in the Senate Chamber today.

**REFERRALS**

President Pro Tem Mayer referred **SR 60** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**PRIVILEGED MOTIONS**

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 8**, as amended, and request the House to recede from its position and take up and pass **SS** for **SCS** for **SB 8**, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Engler moved that **HCS** for **HB 3** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Engler offered **SS** for **HCS** for **HB 3**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 3

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to the presidential preference primary.

Senator Engler moved that **SS** for **HCS** for **HB 3** be adopted.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 115.755, Line 27 of said page, by inserting after all of said line the following:

“Section B. Because of the need for the Secretary of State to have adequate time to comply with the provisions of this act, 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 section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Section 115.123, Line 13 of said page, by inserting after “2.” the following: “**For the 2012 presidential year, an election for a presidential primary held pursuant to sections 115.758 to 115.785 shall be held on the first Tuesday after the first Monday in March.**”; and

Further amend said bill and section, Page 2, Line 2 of said page, by striking the following: “This subsection”; and further amend lines 3 and 4 of said page, by striking said lines; and

Further amend said bill, Page 2, Section 115.755, Line 25 of said page, by striking the following: “This section and”; and further amend lines 26 and 27 of said page, by striking all of said lines.

Senator Schmitt moved that the above amendment be adopted.

Senator Lager offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 5, by striking the word “March”, and inserting in lieu thereof, the following: “**February**”.

Senator Lager moved that the above amendment be adopted.

Senator Rupp raised the point of order that **SA 1** to **SA 2** is out of order as it is dilatory.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Lager offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 5, by striking the word “March”, and inserting in lieu thereof, the following: “**January**”.

Senator Lager moved that the above amendment be adopted.

Senator Ridgeway assumed the Chair.

Senator Green requested a roll call vote be taken on the adoption of SA 2 to SA 2 and was joined in his request by Senators Engler, Justus, Lager and Lamping.

SA 2 to SA 2 failed of adoption by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Green	Keaveny	Lager	Lamping	McKenna	Purgason
Ridgeway	Schaefer—10						

NAYS—Senators

Callahan	Curls	Dempsey	Dixon	Engler	Goodman	Justus	Kehoe
Kraus	Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Richard
Rupp	Schaaf	Schmitt	Stouffer	Wasson	Wright-Jones—22		

Absent—Senators—None

Absent with leave—Senators

Crowell	Cunningham—2
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Vacancies—None

SA 2 was again taken up.

Senator Schaefer offered SA 3 to SA 2, which was read:

SENATE AMENDMENT NO. 3 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 3, Page 1, Line 12, by inserting immediately after the word, “lines”, the following: “and inserting in lieu thereof, the following:

**“Section 1. No presidential candidate shall appear on a ballot for the office of the president of the United States for an established political party in a presidential election unless such candidate has appeared on a presidential preference primary for that presidential election.”; and**

Further amend the title and enacting clause accordingly.”

Senator Schaefer moved that the above amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Schmitt moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Green, Justus, Keaveny and Schaaf.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Brown	Callahan	Curls	Goodman	Justus	Keaveny	Lager	McKenna
Ridgeway	Schaaf	Schmitt	Wright-Jones—12				

NAYS—Senators

Chappelle-Nadal	Dempsey	Dixon	Engler	Green	Kehoe	Kraus	Lamping
Lembke	Mayer	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Rupp	Schaefer	Stouffer	Wasson—20				

Absent—Senators—None

Absent with leave—Senators

Crowell                      Cunningham—2

Vacancies—None

Senator Engler moved that **SS** for **HCS** for **HB 3** be adopted.

Senator Green requested a roll call vote be taken and was joined in his request by Senators Callahan, Dixon, Engler and Justus.

**SS** for **HCS** for **HB 3** failed of adoption by the following vote:

YEAS—Senators

Dempsey	Dixon	Engler	Kehoe	Kraus	Lembke	Mayer	Munzlinger
Nieves	Parson	Pearce	Richard	Rupp	Schaaf	Stouffer	Wasson—16

NAYS—Senators

Brown	Callahan	Chappelle-Nadal	Curls	Goodman	Green	Justus	Keaveny
Lager	Lamping	McKenna	Purgason	Ridgeway	Schaefer	Schmitt	Wright-Jones—16

Absent—Senators—None

Absent with leave—Senators

Crowell                      Cunningham—2

Vacancies—None

At the request of Senator Engler, **HCS** for **HB 3** was placed on the Informal Calendar.

## COMMUNICATIONS

President Pro Tem Mayer submitted the following:

October 12, 2011

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

Dear Ms. Spieler:

I am appointing Senator Rob Schaaf to the following committee:

Missouri Task Force on Prematurity and Infant Mortality

Please feel free to contact me should you have any questions.

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

Also,

October 13, 2011

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

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the following committee:

Missouri Task Force on Prematurity and Infant Mortality

Please feel free to contact me should you have any questions.

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

Also,

October 13, 2011

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

Dear Ms. Spieler:

I am appointing Senator Will Kraus to the following committee:

Missouri Workforce Investment Board

Please feel free to contact me should you have any questions.

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

Also,

October 17, 2011

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

Dear Ms. Spieler:

I am appointing Mr. Brett Dorton, 231 South Park Lane, Dexter, MO 63841, as the public member of the following committee:

Joint Interim Committee on State Employee Wages

Please feel free to contact me should you have any questions.

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

### **INTRODUCTIONS OF GUESTS**

Senator Schaaf introduced to the Senate, Mary and Ben Pecora, St. Joseph.

On motion of Senator Dempsey, the Senate adjourned until 12:00 p.m., Tuesday, October 25, 2011.

### **SENATE CALENDAR**

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FIFTEENTH DAY—TUESDAY, OCTOBER 25, 2011  
—————

#### **FORMAL CALENDAR**

##### **HOUSE BILLS ON THIRD READING**

HB 1-Nasheed and Tilley (Keaveny)  
(In Fiscal Oversight)

HB 2-Flanigan, with SCS (Schaefer)  
(In Fiscal Oversight)

#### **INFORMAL CALENDAR**

##### **HOUSE BILLS ON THIRD READING**

HCS for HB 3 (Engler)

##### **BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES**

Requests to Recede or Grant Conference

SS for SCS for SB 8-Mayer, with HCS, as amended  
(Senate requests House recede and pass the bill)

#### **RESOLUTIONS**

To be Referred

SR 177-Schmitt, et al

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