

# Journal of the Senate

SECOND REGULAR SESSION

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**EIGHTH DAY—WEDNESDAY, JANUARY 18, 2012**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Who is wise and understanding among you? Show your good life that your works are done with gentleness born of wisdom.”  
(James 3:13)

Almighty God, we seek to provide laws that assist our people; and our judges find easy to enforce. Continue to abide with us in our acquiring knowledge and wisdom so our efforts lie gently on our fellow citizens and removes that which may burden them. 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.

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	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	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 Green—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lamping offered Senate Resolution No. 1235, regarding the Ninetieth Birthday of Gertrude Fogel Gold, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1236, regarding Deanne Vassalli, Fenton, which was adopted.

Senator Nieves offered Senate Resolution No. 1237, regarding the Fiftieth Birthday of William Lee Hammack, St. Clair, which was adopted.

Senator Goodman offered Senate Resolution No. 1238, regarding Reverend Jack L. Daniel, El Dorado Springs, which was adopted.

Senator Schaefer offered Senate Resolution No. 1239, regarding Sharyn Hyatt-Wade, which was adopted.

Senator Schmitt offered Senate Resolution No. 1240, regarding the Chiropractic Wellness Center of South County, Fenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 1241, regarding PEAK Physique, St. Louis, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 678**—By Schaaf.

An Act to amend chapter 191, RSMo, by adding thereto five new sections relating to serious reportable events in health care.

**SB 679**—By Dixon.

An Act to repeal sections 195.070, 195.100, 208.152, 334.104, 334.108, 334.810, 335.016, 335.019, 335.046, and 338.198, RSMo, and to enact in lieu thereof ten new sections relating to advanced practice registered nurses.

**SB 680**—By Nieves.

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to ordinances adopted by political subdivisions regulating firearms.

**SB 681**—By Lager.

An Act to repeal section 174.332, RSMo, and to enact in lieu thereof one new section relating to the board of regents of Northwest Missouri State University.

**SB 682**—By Dempsey, Schaaf and Curls.

An Act to repeal section 334.155, RSMo, and to enact in lieu thereof one new section relating to spinal injections.

**SB 683**—By Crowell.

An Act to repeal sections 513.430 and 513.440, RSMo, and to enact in lieu thereof two new sections relating to property exempt from attachment or execution.

**SB 684**—By Crowell.

An Act to repeal sections 100.286, 135.352, and 253.550, RSMo, and to enact in lieu thereof three new sections relating to a moratorium on the authorization of certain tax credits, with an emergency clause.

**SB 685**—By Crowell.

An Act to repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to ex parte communications with the public service commission.

**SJR 46**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

Senator Dempsey moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Richard B. (Rick) Teitelman, which motion prevailed.

**JOINT SESSION**

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

Absent—Senators

Cunningham Purgason—2

Absent with leave—Senator Green—1

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Allen	Anders	Asbury	Atkins	Aull	Bahr	Barnes	Bernskoetter
Berry	Black	Brandom	Brattin	Brown 50	Brown 85	Brown 116	Burlison
Carlson	Carter	Casey	Cauthorn	Cierpiot	Colona	Conway 14	Conway 27
Cookson	Cox	Crawford	Cross	Curtman	Davis	Day	Denison
Diehl	Dugger	Ellinger	Ellington	Elmer	Entlicher	Fallert	Fisher
Fitzwater	Flanigan	Fraker	Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner	Hampton	Harris	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton	Hubbard	Hughes	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Keeney	Kelley 126	Kelly 24	Kirkton

Klippenstein	Koenig	Korman	Kratky	Lair	Lampe	Lant	Lasater
Lauer	Leach	Leara	Lichtenegger	Loehner	Long	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan	McGhee	McManus	McNary
McNeil	Molendorp	Montecillo	Morgan	Neth	Newman	Nichols	Nolte
Oxford	Pace	Parkinson	Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Sater	Schad	Scharnhorst	Schatz
Schieber	Schieffer	Schneider	Schoeller	Schupp	Shively	Shumake	Sifton
Silvey	Smith 71	Smith 150	Solon	Sommer	Spreng	Stream	Swinger
Talboy	Taylor	Torpey	Walton Gray	Webber	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr. Speaker—149			

## Absent and Absent with Leave—Representatives—14

Dieckhaus	Holsman	Kander	Largent	Meadows	Nance	Nasheed	Phillips
Ruzicka	Still	Swearingen	Thomson	Wallingford	Webb		

## Vacancies—None

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Richard B. (Rick) Teitelman, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

**Chief Justice Richard B. Teitelman's  
State of the Judiciary Address**

Mr. Speaker, Mr. President, Mr. President Pro Tem, Mr. Auditor, Mr. Attorney General, members of the General Assembly: Thank you for welcoming me here this morning. It is my honor to deliver this 39th state of the judiciary address. I also want to thank the staffs of the House clerk and the majority leader as well as our maintenance staff, who were kind enough to help make accommodations for me to be able to deliver this speech to you today.

As President Reagan once said, "There are no constraints on the human mind, no walls around the human spirit, no barriers to our progress except those we ourselves erect." My humble thanks to you.

I also want to thank you for your continued cooperation in working with our branch of government. I think the founders of our great nation would have been so proud of you and your predecessors in welcoming the chief justice and the governor into this beautiful chamber to talk with you each year.

In light of this week's recognition of Dr. Martin Luther King Jr., I want to mention a true gem of the state - Frankie Freeman - a 95-year-old African-American woman who is being honored as the St. Louis Citizen of the Year and who has spent most of her 95 years marching as a true drum major for justice.

I was appointed to serve on the Supreme Court in 2002. I have been proud to serve there in the company of some of the finest jurists our state has ever known. I want to take a moment now to recognize my colleagues on the Court, who make every day of my job there special. I start by introducing to you our newest member, Judge George Draper III. Judge Draper - who is only the second African-American ever to serve on our state's high court - is from St. Louis, where he spent 11 years on the Court of Appeals, preceded by six years as a trial judge in St. Louis County, and before that, he served as chief trial attorney in the city's circuit attorney's office. Judge Draper, we are honored for the opportunity to serve alongside you. I also want to recognize Judge Ray Price, whose very big shoes I have to try to fill as chief justice; Judge Patty Breckenridge; Judge Zel Fischer; Judge Mary Russell and Judge Laura Stith.

It is important for me to mention all of these judges to you because the leadership for the judicial branch of government comes from all these fine men and women who are serving and who have served on the Supreme Court. I also would add my accolades to recognize our esteemed former clerk, Tom Simon, who retired at the end of May after serving with distinction for four decades as clerk of the Supreme Court of Missouri. Just to give you an idea of the kind of change Tom saw during his time at the Court ... the year he began his career, Richard Nixon

was our president; you could buy a stamp for 8 cents, a gallon of gas for 40 cents and a movie ticket for \$1.50; Walt Disney World opened in Orlando; the NASDAQ debuted; and television advertising of cigarettes ended. During his career at the Court, Tom did much to cultivate relationships among our branches of government. His kindness and thoughtfulness to all helped open dialogue and build friendships over time. We value those relationships. In his first inaugural address, Abraham Lincoln promoted a unifying focus on friendship and the things that bind us in affection by calling upon “the better angels of our nature.”

I remember sitting here in this chamber for the first time, listening to then-Chief Justice Steve Limbaugh Jr. giving his state of the judiciary address to your predecessors. As the grandson of a former state Rep. Rush Limbaugh, he focused much of his time as chief justice talking about the honor of public service as well as the importance of those citizens we all serve. Thankfully, as he noted then, we don’t have to do it all by ourselves. We have many judges in this state who serve not only their courts but also their local communities with dignity and integrity.

One judge in particular has been the source of much Missouri pride in recent months. Judge Jimmie Edwards, a circuit judge in St. Louis city, believed there needed to be an alternative to incarceration for juveniles who deserve a second chance through education. So in collaboration with 45 community partners, he took over an abandoned school and opened the Innovative Concept Academy in 2009. The academy, which serves as a “school of last resort” for at-risk youth between the ages of 10 and 18 years, recently has received a number of national accolades. People magazine named Judge Edwards as one of its 2011 Heroes of the Year, and the academy was featured on the Today show last month. But the academy’s biggest success is that it has changed the lives of many young people, helping them to turn away from problems such as gang violence. So far, 18 students have earned their high school diplomas or GED, and two of them have gone on to college. Judge Edwards is here this morning along with some of his students. Would you please stand and be recognized? We could not be more proud of you!

Many court employees throughout the state went to Joplin following the disaster to help the courageous citizens of Joplin rebuild their lives and their community. Our hearts go out to everyone affected by this disaster - and our appreciation goes to everyone who lent a helping hand. Vince Lombardi said, “Individual commitment to a group effort - that is what makes a team work, a company work, a society work, a civilization work.” I am so proud to live in a state that works as well as it does because its citizens and public servants are so generous with their prayers and other assistance and are so willing to work together.

Much can be accomplished when, as Thomas Jefferson encouraged, we “unite with one heart and one mind.” We owe many thanks for the bipartisan effort to improve criminal justice to Speaker of the House Steve Tilley and President Pro Tem Rob Mayer - as well as Governor Jay Nixon and former Chief Justice Ray Price. I understand legislation soon will be introduced to implement the recommendations of a broad-based committee led by Sen. Jack Goodman and Rep. Chris Kelly. I support your efforts to help make sentencing practices more cost-effective, helping Missouri to become, as Judge Price stressed so often, both tough *and* smart on crime.

We also owe you many thanks for helping the courts with their efforts in the area of technology. The state court administrator’s office has undertaken a remarkable cooperative effort to help make our records more accessible through electronic filing. If any of you want a demonstration of how the system works, just let us know, and we will be happy to show you!

A wise man once said the worst kind of death is being talked to death. As we come to the end of my speech, I am reminded by the quote carved into the dais behind me of the privilege of public service. That quote reflects our state motto, “Salus Populi Supreme Lex Esto,” which means, “Let the welfare of the people be the supreme law.” I look forward to working with you and getting to know many of you better throughout my time as chief justice. I am humbled to serve alongside you.

I have learned it is never good to get in the way of a good meal. With that, The Missouri Bar asks you to join them in the third-floor rotunda for a lunch of fried chicken with all the fixings ... and, for the first time, they’re even offering knishes!

Thank you. God Bless America!

On motion of Senator Dempsey, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Pro Tem Mayer.

### **INTRODUCTIONS OF GUESTS**

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. John Hagen, M.D., St. Louis.

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

## SENATE CALENDAR

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 NINTH DAY—THURSDAY, JANUARY 19, 2012
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 597-Dempsey	SB 632-Stouffer
SB 598-Dempsey	SB 633-Engler
SB 599-Schaefer	SB 634-Pearce
SB 600-Lembke	SB 635-Pearce
SB 601-Lembke	SB 636-Keaveny
SB 602-Green	SB 637-Brown
SB 603-Green	SB 638-Lamping
SB 604-Green	SB 639-Schaaf
SB 605-Green	SB 640-Schaaf
SB 606-Schmitt	SB 641-Pearce
SB 607-Stouffer	SB 642-Wasson
SB 608-Wasson and Richard	SB 643-Keaveny
SB 609-Lembke	SB 644-Schaefer
SB 610-Lembke	SB 645-Schaefer
SB 611-Lembke	SB 646-Engler
SB 612-Lembke	SB 647-Richard
SB 613-Kehoe, et al	SB 648-Dempsey
SB 614-Kehoe and Lamping	SB 649-Ridgeway
SB 615-McKenna	SB 650-Ridgeway
SB 616-Wasson	SB 651-Schaefer
SB 617-Schaaf	SB 652-Lager
SB 618-Schaaf	SB 653-Lager
SB 619-Richard	SB 654-Lager
SB 620-Rupp	SB 655-Green, et al
SB 621-Brown	SB 656-Lager and Dixon
SB 622-Cunningham	SB 657-Rupp
SB 623-Cunningham	SB 658-Rupp
SB 624-Lembke	SB 659-Dempsey and Rupp
SB 625-Kehoe	SB 660-Schmitt
SB 626-Kehoe	SB 661-Schmitt
SB 627-Schaefer	SB 662-Schmitt
SB 628-Schaefer	SB 663-Chappelle-Nadal
SB 629-Schaefer	SB 664-Chappelle-Nadal
SB 630-Parson	SB 665-Stouffer
SB 631-Parson	SB 666-Keaveny

SB 667-Wasson  
SB 668-Lembke  
SB 669-Lembke  
SB 670-Green  
SB 671-Parson  
SB 672-Brown  
SB 673-Brown  
SB 674-Schaaf  
SB 675-Crowell  
SB 676-Nieves  
SB 677-Pearce  
SB 678-Schaaf

SB 679-Dixon  
SB 680-Nieves  
SB 681-Lager  
SB 682-Dempsey, et al  
SB 683-Crowell  
SB 684-Crowell  
SB 685-Crowell  
SJR 43-Green  
SJR 44-Green  
SJR 45-Nieves  
SJR 46-Lager

SENATE BILLS FOR PERFECTION

SB 443-Stouffer, with SCS  
SB 592-Lager, with SCS

SB 467-Munzlinger, with SCS

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