

# Journal of the Senate

SECOND REGULAR SESSION

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TENTH DAY—MONDAY, JANUARY 23, 2012

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the wise also hear and gain in learning and the discerning acquire skill.” (Proverbs 1:5)

Holy Father, we thank You for another week to serve in this historic Senate. Strengthen us with the resolve to always follow Your pathways and to do what You deem best for the people of this state. Walk with us this week so we may get to know You better and ourselves more completely for truly You are our God. 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, January 19, 2012 was read and approved.

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

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	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—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 1261, regarding Clay Schmidli, Unionville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1262, regarding Jennifer Stahlman, Gordonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1263, regarding Jillian Bertz, Mayview, which was adopted.

Senator Stouffer offered Senate Resolution No. 1264, regarding Evangeline Schultz, Curryville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1265, regarding Johannah Thomas, Owensville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1266, regarding Leah Stotts, Wentzville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1267, regarding Mikayla Elizabeth Engeman, Montrose, which was adopted.

Senator Stouffer offered Senate Resolution No. 1268, regarding Morgan Beach, Pilot Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 1269, regarding Paige Selman, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1270, regarding Shelby Murdock, Nelson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1271, regarding Parker Allen Twenter, Sedalia, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1272, regarding the Sheldon Arts Foundation, which was adopted.

Senator Schaefer offered Senate Resolution No. 1273, regarding Jennifer Simons, Columbia, which was adopted.

Senator Goodman offered Senate Resolution No. 1274, regarding the Eightieth Anniversary of the Mount Vernon Rotary Club, which was adopted.

Senator Stouffer offered Senate Resolution No. 1275, regarding Claude Ruboneka, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1276, regarding Maria Garcia, Columbia, which was adopted.

Senator Parson offered Senate Resolution No. 1277, regarding the Eightieth Birthday of Robert L. Wooten, Bolivar, which was adopted.

Senator Curls offered Senate Resolution No. 1278, regarding Alpha Energy and Electric, Inc., Kansas

City, which was adopted.

Senator Curls offered Senate Resolution No. 1279, regarding Gwendolyn Elizabeth Boyd, which was adopted.

Senator Goodman offered Senate Resolution No. 1280, regarding James William “Wil” Le Compte, III, which was adopted.

Senator Crowell offered Senate Resolution No. 1281, regarding Mary-Eloise Lovelady Durham, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1282, regarding Shelby Rhynn Ford, Cape Girardeau, which was adopted.

Senator Kehoe offered Senate Resolution No. 1283, regarding Class 1 State Champion Russellville High School Girls Cross Country Team, which was adopted.

Senator Richard offered Senate Resolution No. 1284, regarding Benjamin Croy, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1285, regarding William “Cody” Chlanda, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1286, regarding Jason Eric Ogle II, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 1287, regarding Brandon Splitter, Carthage, which was adopted.

Senator Lamping offered Senate Resolution No. 1288, regarding Donald Sher, Clayton, which was adopted.

Senator Lamping offered Senate Resolution No. 1289, regarding PNC Arts Alive, Clayton, which was adopted.

Senator Crowell offered Senate Resolution No. 1290, regarding Heather Short, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1291, regarding Premier Rehab, LLC, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1292, regarding Danny Essner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1293, regarding Everly Grey Hahn, Cape Girardeau, which was adopted.

Senator Kehoe offered Senate Resolution No. 1294, regarding Craig Kohler, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1295, regarding Jesse Albright, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1296, regarding Myles Strid, Fulton, which was adopted.

Senator Kehoe offered Senate Resolution No. 1297, regarding Noel Obi, Jefferson City, which was

adopted.

### CONCURRENT RESOLUTIONS

Senator Dempsey offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the United States 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 all 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 expense of the construction of 500-year levees along these rivers, estimated to be \$6 billion, does not meet current cost-benefit guidelines for federal funding; 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 a higher percentage of 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, the proposed 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 the proposed 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, Second 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 impacts 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.

### INTRODUCTION OF BILLS

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

**SB 687**—By Schmitt.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

**SB 688**—By Schmitt.

An Act to repeal section 50.160, RSMo, and to enact in lieu thereof one new section relating to political subdivisions, with existing penalty provisions.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 443**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Mayer referred **SS** for **SCS** for **SB 443** to the Committee on Ways and Means and Fiscal Oversight.

President Pro Tem Mayer referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## SENATE BILLS FOR PERFECTION

Senator Lager moved that **SB 592**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 592**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 592

An Act to repeal sections 213.010, 213.101, and 213.111, RSMo, and to enact in lieu thereof four new sections relating to unlawful discriminatory practices.

Was taken up.

Senator Stouffer assumed the Chair.

Senator Lager moved that **SCS** for **SB 592** be adopted.

Senator Callahan offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 592, page 1, section 213.010, line 12 by inserting immediately after all of said line the following “, **except in cases of age discrimination where, as it relates to a decision or action, the protected criterion was a “contributing factor”**”

Senator Callahan moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Callahan, Chappelle-Nadal, Curls and Justus.

At the request of Senator Lager, **SB 592**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

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

## SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 24, 2012

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

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

SB 665-Stouffer	SB 680-Nieves
SB 666-Keaveny	SB 681-Lager
SB 667-Wasson	SB 682-Dempsey, et al
SB 668-Lembke	SB 683-Crowell
SB 669-Lembke	SB 684-Crowell
SB 670-Green	SB 685-Crowell
SB 671-Parson	SB 686-Schaaf
SB 672-Brown	SB 687-Schmitt
SB 673-Brown	SB 688-Schmitt
SB 674-Schaaf	SJR 43-Green
SB 675-Crowell	SJR 44-Green
SB 676-Nieves	SJR 45-Nieves
SB 677-Pearce	SJR 46-Lager
SB 678-Schaaf	SJR 47-Rupp
SB 679-Dixon	

HOUSE BILLS ON SECOND READING

HCS for HJR 43

THIRD READING OF SENATE BILLS

SS for SCS for SB 443-Stouffer (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 467-Munzlinger, with SCS

SB 464-Schaaf and Rupp

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 592-Lager, with SCS & SA 1 (pending)

RESOLUTIONS

To be Referred

SCR 15-Dempsey

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