

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 14, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we gather once again to pray that You will provide us a reverent sense of Your presence that we may be at peace with the various things that confront us this week. As we enjoy the various activities which come with the responsibilities of our office may we embrace them with joy and delight. But we are also mindful of the need of Your healing presence for Senator Libla's granddaughter, Elizabeth. We pray O God, to let Your healing power flow through every cell of her body bringing her to health and wholeness once again. We ask this in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Sifton—1

Vacancies—None

The Lieutenant Governor was present.

Senator Richard moved that the Senate recess until 1:15 p.m. and the Senators repair to the South steps of the Capitol where they will meet the House of Representatives in Joint Session to witness the Inauguration of the newly elected Governor, Jay Nixon, and receive his message, which motion prevailed.

JOINT SESSION

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol where President Pro Tem Dempsey called the Joint Assembly to order.

Governor Jay Nixon and First Lady Georganne Nixon were escorted to their places on the Inaugural Platform by the Legislative Inaugural Committees of the 97th General Assembly.

Welcome was extended by the Honorable Tom Dempsey, President Pro Tem of the Missouri Senate.

The Colors were presented by the Joint Service Color Guard.

Cathy Cartier, 2012-2013 Missouri Teacher of the Year, Affton High School, Saint Louis, lead the audience in the Pledge of Allegiance to the Flag.

Lieutenant Colonel Regina Kilmer, Missouri National Guard sang the National Anthem.

The Invocation was offered by Rabbi Amy Feder, Temple Israel, Saint Louis.

United States Senator Claire McCaskill was introduced.

Chief Justice Richard B. Teitelman, Judge Mary R. Russell, Judge Zel M. Fischer, Judge Laura Denvir Stith, Judge George W. Draper III, and Judge Paul C. Wilson, Missouri Supreme Court; Judge Rex M. Burlison, 22nd Judicial Circuit Court and Judge James F. Kanatzar, 16th Judicial Circuit Court, were introduced.

State Auditor Thomas A. Schweich was introduced.

Former Senator and Former Governor Christopher S. Bond was introduced.

Former Governor Bob Holden and Former First Lady Lori Hauser-Holden were introduced.

Judge Mary R. Russell of the Missouri Supreme Court, administered the oath of office to Attorney General Christopher A. Koster.

Judge Laura Denvir Stith of the Missouri Supreme Court, administered the oath of office to State Treasurer Clint Zweifel.

Judge James F. Kanatzar of the 16th Judicial Circuit Court, administered the oath of office to Secretary of State Jason Kander.

Judge Zel M. Fischer of the Missouri Supreme Court, administered the oath of office to Lieutenant Governor Peter D. Kinder.

The oath of office was administered to Governor Jeremiah W. (Jay) Nixon by Judge Rex M. Burlison, 22nd Judicial Circuit Court. Immediately after administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen gun salute by the BTRY D, 1st Battalion, 129th Field Artillery Regiment (Truman's Own) Missouri Army National Guard, Independence.

Governor Nixon delivered his Inaugural Address:

Inaugural Address of Governor Jeremiah W. (Jay) Nixon

55th Governor of Missouri

January 14, 2013

Thank you, Judge Burlison. Thank you, President Pro Tem Dempsey and Speaker Jones.

Let me begin by thanking the people of Missouri for the privilege of serving a second term as your Governor. I am grateful and humbled that once again, you have given me the opportunity to lead our state forward.

I will honor the trust and confidence you have placed in me each and every day.

I'm joined today by Missouri's First Lady – my lovely wife, Georganne – our sons, Jeremiah and Will, and the rest of our family.

I'd like to welcome Missouri's former governors, our statewide office holders, members of the Missouri Supreme Court, legislators and the people of Missouri.

When I first came to the Capitol as a freshman senator from my hometown of De Soto, I was just 30 years old – the youngest person in the Senate.

I had the good fortune to serve with many thoughtful, dedicated and capable legislators on both sides of the aisle.

Then, as now, Republicans and Democrats were deeply committed to their beliefs.

Then, as now, we had a divided state government, with a governor of one party, and the other party holding a majority in the legislature.

Disagreement and debate were daily fare.

But it was possible to disagree, while continuing to advance the public good. Cooperation wasn't considered a sign of weakness, but rather a prerequisite for progress.

And progress is not partisan.

We understood that first and foremost, we were all Missourians.

So no matter which way the pendulum of power might swing, or which way the political winds blew, our bedrock Missouri values of hard work, optimism, faith and compassion never wavered.

Those steadfast values have served the people of our state well for generations, and will serve us well for generations to come.

Now, some pundits like to say that politics in the Show-Me State has never been more partisan, more difficult than it is today.

But as history tells us, that's simply not true.

One hundred and fifty years ago, Missouri was bitterly divided in the struggle for our nation's survival – and its soul.

For a time, Missouri had two state governments, two state capitals and two governors.

Two state flags fluttered above the boys in blue and gray, the sons of farmers and cobblers, tinkers and slaves. They fought and died on blood-soaked ground from the Bootheel to the Iowa border.

They rose with valor and fell with honor at Liberty and Lexington, Carthage and Wilson's Creek, Boonville and Fredericktown.

Our newest state park commemorates the Battle of Island Mound, where the first African-American troops shed their blood for the Union in 1862.

Centralia was the site of an infamous massacre, when confederate guerrillas bushwhacked more than 100 Union soldiers and hacked them to ribbons. Taking part in the killing spree were two young brothers from Clay County: 20-year-old Frank and 16-year-old Jesse James.

Twelve of Missouri's governors served in the military during the Civil War.

That's right: twelve.

And for years after the war's official end, the suffering, retaliation and political struggles dragged on – crippling our economy, testing our resolve.

That my friends? That was hard politics.

But from that time forward the arc of Missouri history shows us that even the deepest divisions can be healed.

The people of Missouri are tough and resilient.

And generation after generation, a bold vision for the future and a passion for progress spur us forward.

We pushed back the wilderness, tilled the prairie and opened the western frontier.

We built railroads and highways, founded great universities and hospitals, tamed mighty rivers and even conquered space.

In good times and bad, through hellish drought and high water, the people of Missouri have proved their mettle. And, as we've seen these past

few years, when our backs are against the wall, we come together.

When the American auto industry was on the ropes in 2009, we pulled together and got it back on its feet. More vehicles made in Missouri means thousands of jobs for hardworking folks in every corner of our state.

In a competitive and volatile global marketplace, we stepped up our game to set all-time records for exports in agriculture, biotech and defense – deals worth billions, creating prosperity at home.

When Mother Nature hit our neighbors with ice storms, floods, drought and the most devastating tornado in our history, we rallied to their side. We were there at every step – from rescue to rebuilding. And the strength and resilience of Missourians inspired the world.

History has left its indelible mark on our landscape and our character.

But history is not destiny.

We do not inherit the future. We must build the future.

A future without limits:

Where all our children get an education that prepares them to compete for the best jobs in the global economy;

Where the brightest minds in science and technology advance the frontiers of human knowledge;

Where business and the arts flourish;

Where the bounty of Missouri's farms and fields will feed, clothe and power the planet;

And where the natural beauty of our state is preserved and cherished for all time.

I am more optimistic than ever about our future.

We will put our shared principles ahead of our small differences, and work together for the common good.

The people of Missouri deserve – and expect – no less.

And that is how I intend to lead.

Throughout my quarter century of public service, I've had the opportunity to visit with thousands of Missourians from all walks of life, in every corner of this great state.

Year after year, I've met them in the halls of this historic Capitol, exercising their First Amendment rights: midwives and math teachers; farmers and firefighters; Muslims and Mennonites; soldiers and Scouts.

They may not – and in fact do not – always agree.

But they are a vivid reminder that democracy is a chorus of many voices.

And our democracy and our state are stronger for it.

On days like this one, I can look out the windows of my office and see the flags of our state and our nation, their colors bright against the winter sky, the wide Missouri River in the distance.

It's a beautiful sight.

It is a reminder of the bold pioneers who walked this land before us, who explored the wilderness, who dedicated their lives to the creation of a more perfect union, who fought and died so that we might one day enjoy peace and prosperity.

I think, too, of the bold pioneers who someday will explore new frontiers beyond our imagining.

Today, I took a solemn oath to serve all the people of Missouri, to do everything in my power to make your lives better, and to make life better for our children and grandchildren.

I pledge my oath to the waitress pulling double shifts just to feed and clothe her kids, praying that nobody gets hurt or sick – because she can't afford a doctor's bill.

I pledge my oath to the battle-weary veteran, home from Afghanistan, who deserves a job worthy of his skills and sacrifice.

I pledge my oath to the farmer who plows and plants through flood and drought, year in and year out.

Hard working, God-fearing, decent folk.

I carry them in my heart.

Their strength gives me strength.

Their courage gives me courage.

And to live a life of service to the people of Missouri is my greatest honor.

Our time here is fleeting.

But the work we do will endure.

Together we can – and we will – build a bright future for the great state of Missouri in the greatest nation on earth.

May God almighty guide us in our work.

Thank you and God bless.

The 135th Army Band, Missouri Army National Guard, Springfield, performed “America the Beautiful”.

The Benediction was pronounced by Reverend Daniel Hilty, Senior Pastor, First United Methodist Church, Jefferson City.

The Colors were retired by the Joint Service Color Guard.

The audience remained standing and Governor Nixon and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committee.

The Joint Session of the 97th General Assembly was adjourned by President Pro Tem Dempsey. The Senators returned to the Chamber, where they were called to order by President Kinder.

The Journal for Thursday, January 10, 2013 was read and approved.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 21, regarding Quentin Elliott James, Lee’s Summit, which was adopted.

Senator Dempsey offered Senate Resolution No. 22, regarding John Anthony Dosland, St. Charles, which was adopted.

Senator Parson offered Senate Resolution No. 23, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Skidmore, Buffalo, which was adopted.

Senator Cunningham offered Senate Resolution No. 24, regarding DeeEllen Maher, Eldon, which was adopted.

INTRODUCTION OF BILLS

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

SB 134–By Sater.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

SB 135—By Sater.

An Act to repeal sections 116.025, 116.160, and 116.334, RSMo, and to enact in lieu thereof four new sections relating to ballot language.

SB 136—By Sater.

An Act to repeal sections 136.055, 301.130, 301.3142, 301.3150, 301.3154, 307.350, 307.353, 307.355, and 643.315, RSMo, section 301.147 as enacted by conference committee substitute for house committee substitute for senate substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, section 301.147 as enacted by senate bill no. 54, ninety-second regular session, first regular session, and to enact in lieu thereof ten new sections relating to the registration of motor vehicles, with an effective date.

SB 137—By Sater.

An Act to repeal section 50.622, RSMo, and to enact in lieu thereof one new section relating to procedures for counties to decrease their budgets.

SB 138—By Kraus.

An Act to repeal sections 67.463 and 67.469, RSMo, and to enact in lieu thereof two new sections relating to neighborhood improvement district special assessments.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Donna L. Birks to the Missouri Commission on Human Rights, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending April 1, 2018, and until her successor is duly appointed and qualified; vice,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of David L. Bonner to the Truman State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending January 1, 2019, and until his successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lloyd Joseph Carmichael to the Missouri State University Board of Governors, submitted to you on January 9, 2013. Line 2 should be amended to read:

Missouri 65809, as a member of the Missouri State University Board of Governors, for a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Carrie Carroll to the Missouri State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending January 1, 2015, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Collin L. Follis to the State Board of Embalmers and Funeral Directors, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending April 1, 2017, and until his successor is duly appointed and qualified; vice,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lisa A. Green to the Missouri State Board of Nursing, submitted to you on

January 9, 2013. Paragraph 1 should be amended to read:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 27, 2012, while the Senate was not in session.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Michael J. LaBeth to the Truman State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

term ending January 1, 2019, and until his successor is duly appointed and

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Carolyn R. Mahoney to the Coordinating Board for Higher Education, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending June 27, 2018, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Gregory D. Mason to the Missouri Western State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

Governors, for a term ending October 29, 2018, and until his successor is duly

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Dushyanthi A. Mullegama to the State Committee for Social Workers, submitted to you on January 9, 2013. Line 3 should be amended to read:

ending October 23, 2014, and until her successor is duly appointed and qualified;

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Nathan D. Preston to the Advisory Committee for 911 Service Oversight, submitted to you on January 9, 2013. Lines 3 and 4 should be amended to read:

2016, and until his successor is duly appointed and qualified; vice, Peggy D. (Loman) Hulett, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Alfred Purcell to the Missouri Western State University Board of Governors, submitted to you on January 9, 2013. Line 3 should be amended to read:

Governors, for a term ending October 29, 2018, and until his successor is duly

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lori Rasmussen to the Missouri State Board of Chiropractic Examiners, submitted to you on January 9, 2013. Lines 2 and 3 should be amended to read:

as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2014, and until her successor is duly appointed and qualified; vice, Paul

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of John W. Richmond to the Northwest Missouri State University Board of Regents, submitted to you on January 9, 2013. Line 3 should be amended to read:

term ending January 1, 2019, and until his successor is duly appointed and

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 11, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Don T. Ruzicka to the Board of Probation and Parole, submitted to you on January 9, 2013. Lines 3 and 4 should be amended to read:

December 20, 2018, and until his successor is duly appointed and qualified; vice, RSMo 217.665.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above addendums to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 11, 2013

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

Dear Ms. Spieler:

I am appointing Senators John Lamping and Joe Keaveny to the following board:

- Missouri State Employees' Retirement System (MOSERS)

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

Sincerely,

/s/ Tom Dempsey

Tom Dempsey

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Walsh introduced to the Senate, Mary Lou Elfen, Paduka, Kentucky; Jane White, Nancy Wiess, Sally Whalbrink and Judge Mary Elizabeth Dorsey, St. Louis County.

The President introduced to the Senate, his brother, Lt. Col. Mark H. Kinder, United States Air Force, his wife, Barbara and their son Hunter; and his nieces Molly and Mia Kinder, Cape Girardeau; and Dawn Schaeffer, Springfield.

Senator Cunningham introduced to the Senate, Bob Pollard, Willow Springs.

Senator Emery introduced to the Senate, his wife, Rebecca and their son, Paul, Lamar; his mother,

Helen, Nevada; his sister, Leesa Drury and her daughters, Caroline and Molly, Minnesota; Susan Cass and Gail Alston, Cass County; Nancy Malsack, Chicago, Illinois; and Jeff Mullen and his daughter, Mikala, Windsor.

Senator Pearce introduced to the Senate, Liz Uptegrove and Taylor Elwell, Leeton.

Senator Silvey introduced to the Senate, his wife, Angela and their daughters, Taylor and Kally, Kansas City; and Taylor and Kally were made honorary pages.

Senator Lager introduced to the Senate, his parents, Ron and Maureen; his daughter, Addison; and his sister, Ashley and her friend, Dan, Maryville; and niece, Sabryan Lager.

Senator Rupp introduced to the Senate, his brother-in-law, Aaron Schaper and his wife, Shannon, Wentzville.

Senator Kraus introduced to the Senate, Roger Davenport, Lee's Summit.

Senator Brown introduced to the Senate, his wife, Kathy, and his daughter, Danette Sherrill and her husband, Brad, Rolla.

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

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 15, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 56-Munzlinger
SB 57-Romine
SB 58-Romine
SB 59-Rupp
SB 60-Rupp
SB 61-Keaveny
SB 62-Keaveny
SB 63-Schmitt
SB 64-Dixon
SB 65-Dixon
SB 66-Dixon
SB 67-Dixon
SB 68-Parson
SB 69-Keaveny
SB 70-Munzlinger

SB 71-Parson
SB 72-Schaefer
SB 73-Schaefer
SB 74-Richard
SB 75-Brown
SB 76-Brown
SB 77-Lamping
SB 78-Lamping
SB 79-Lamping
SB 80-Romine
SB 81-Schaefer
SB 82-Schaefer
SB 83-Parson
SB 84-Rupp
SB 85-McKenna

SB 86-Keaveny	SB 117-Kraus
SB 87-Schaaf	SB 118-Kraus
SB 88-Schaaf	SB 119-Emery
SB 89-Munzlinger	SB 120-Schmitt
SB 90-McKenna	SB 121-Schaefer
SB 91-Justus	SB 122-Schaefer
SB 92-Justus	SB 123-Chappelle-Nadal
SB 93-Justus	SB 124-Chappelle-Nadal
SB 94-Justus	SB 125-Nasheed
SB 95-Justus	SB 126-Sater
SB 96-Justus	SB 127-Sater
SB 97-Schaefer	SB 128-Sater
SB 98-Schaefer	SB 129-Sater
SB 99-Keaveny	SB 130-Schaefer
SB 100-Keaveny	SB 131-Nasheed
SB 101-Wasson	SB 132-Keaveny
SB 102-Kraus	SB 133-Keaveny
SB 103-Kraus	SB 134-Sater
SB 104-Kraus	SB 135-Sater
SB 105-Brown	SB 136-Sater
SB 106-Brown	SB 137-Sater
SB 107-Lamping	SB 138-Kraus
SB 108-Kraus	SJR 3-Schaefer
SB 109-Brown	SJR 4-Lamping
SB 110-Brown	SJR 5-Lamping
SB 111-Emery	SJR 6-Kraus
SB 112-Rupp and Richard	SJR 7-Dixon
SB 113-Schmitt	SJR 8-Dixon
SB 114-Schmitt	SJR 9-Emery
SB 115-Schmitt	SJR 10-Nasheed
SB 116-Kraus	

INFORMAL CALENDAR

RESOLUTIONS

HCR 1-Diehl (Richard)

HCR 2-Diehl (Richard)

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