

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY—MONDAY, FEBRUARY 22, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.” (George Washington)

Lord God, we are confronted with a time that many in our country experience the burden of debt, unemployment and fear for the future. It is a time that truly tries our souls and a time that we need to follow Your teachings so our lives when examined show the moral fiber You would have us live by. Our forefathers left us a legacy that we should never forget nor try to live without the religious principles upon which they tried to establish this country as truly “one nation under God.” So help us live so others see those principles in our lives. 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, February 18, 2010 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1672, regarding Mr. and Mrs. Shawn David Hawk, which was adopted.

Senator Bray offered Senate Resolution No. 1673, regarding Sean Lally, St. Ann, which was adopted.

Senator Bray offered Senate Resolution No. 1674, regarding Scott Rapponotti, Clayton, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1675, regarding Jalee Gooch, Vandalia, which was adopted.

Senator Crowell offered Senate Resolution No. 1676, regarding Delta Companies, Inc./Delta Concrete, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1677, regarding Rollet Brothers Trucking Company, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1678, regarding Melanie Hoehn, Cape Girardeau, which was adopted.

Senator Vogel offered Senate Resolution No. 1679, regarding Herman Foley, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 1680, regarding Twehous Excavating Company, Inc., Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1681, regarding Sergeant Charles Lee Hammond, Eugene, which was adopted.

Senator Shields offered Senate Resolution No. 1682, regarding Deep-Vein Thrombosis Awareness Month, March 2010, which was adopted.

Senator Barnitz offered Senate Resolution No. 1683, regarding Boy Scout Troop 17, Linn, which was adopted.

Senator McKenna offered Senate Resolution No. 1684, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley E. Seabaugh, Crystal City, which was adopted.

Senator McKenna offered Senate Resolution No. 1685, regarding Bridget Niebruegge, Arnold, which was adopted.

Senator Lembke offered Senate Resolution No. 1686, regarding Russell Bono, Saint Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1687, regarding the One Hundred Fourth Birthday of Lena P. Cummings, Cuba, which was adopted.

INTRODUCTION OF BILLS

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

SB 973—By Ridgeway, Clemens, Mayer, Shoemyer and Barnitz.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to state and local sales and use tax exemptions for shooting ranges.

SB 974—By Mayer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway designation.

SB 975—By Schaefer.

An Act to repeal sections 193.145 and 193.265, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

SB 976—By Rupp.

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof two new sections relating to the race to the top program, with an emergency clause.

SB 977—By Rupp.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to the electronic accessibility of records in protective order cases.

SB 978—By Rupp.

An Act to repeal sections 375.1152 and 375.1155, RSMo, and to enact in lieu thereof three new sections relating to the treatment of qualified financial contracts, netting agreements, and other similar agreements in insurance insolvency proceedings.

SB 979—By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the approval or disapproval of long-term care insurance rates by the director of the department of insurance, financial institutions and professional registration.

SB 980—By Pearce.

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof one new section relating to early childhood education.

SB 981—By Callahan.

An Act to repeal section 94.577, RSMo, and to enact in lieu thereof one new section relating to taxes imposed by certain cities to fund public safety activities including operations and capital improvements, with an emergency clause.

SB 982—By Bray, Justus, Days, Green, Shoemyer, Keaveny, Wright-Jones and Wilson.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof five new sections relating to increasing preventive health services in the state through the prevention first act.

SB 983—By Bray.

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to the Missouri energy efficiency performance standard, with penalty provisions.

SB 984—By Lembke.

An Act to repeal section 313.830, RSMo, and to enact in lieu thereof one new section relating to prohibited acts on excursion gambling boats, with penalty provisions.

SB 985—By Goodman.

An Act to repeal sections 452.430, 454.515, and 525.233, RSMo, and to enact in lieu thereof three new sections relating to personal identification information in certain documents, with an emergency clause for a certain section.

REPORTS OF STANDING COMMITTEES

Senator Engler, 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 **SB 806**, 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.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SJR 31** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

President Pro Tem Shields assumed the Chair.

Senator Pearce assumed the Chair.

At the request of Senator Scott, **SJR 31** was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julie Ballard, 1927 Green Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Julie Ballard, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lisa G. Baron, 7929 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Lisa G. Baron, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

M. Joan D' Ambrose, 10051 Sakura Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, M. Joan D' Ambrose, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Maureen Dempsey, 7605 Shadybridge Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Maureen Dempsey, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy G. Dolan, 387 Larimore Valley Drive, Wildwood, Saint Louis County, Missouri 63005, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, Timothy G. Dolan, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah S. Ellis, 16406 Bayshore Cove Court, Wildwood, Saint Louis County, Missouri 63040, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Deborah S. Ellis, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jean Leonatti, 3406 Wakefield Drive, Columbia, Boone County, Missouri 65203, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Jean Leonatti, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John C. Morris, 8032 Orlando Drive, Clayton, Saint Louis County, Missouri 63105, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until his successor is duly appointed and qualified; vice, John C. Morris, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph S. Palm, 5466 Clemens Place, Saint Louis City, Missouri 63112, as a member of the Alzheimer's State Plan Task Force for a term

ending November 1, 2012, and until his successor is duly appointed and qualified; vice, RSMo 191.115.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clara Carroll Rodriguez, 1921 Grayson Ridge Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Clara Carroll Rodriguez, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 18, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lois Zerrer, 1312 South Virginia, Springfield, Greene County, Missouri 65807, as a member of the Alzheimer's State Plan Task Force for a term ending November 1, 2012, and until her successor is duly appointed and qualified; vice, Lois Zerrer, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Shields referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 986—By Barnitz.

An Act to repeal sections 334.506 and 334.613, RSMo, and to enact in lieu thereof two new sections relating to advanced practice registered nurses.

SENATE BILLS FOR PERFECTION

SB 579, with **SCS**, was placed on the Informal Calendar.

SB 621 was placed on the Informal Calendar.

Senator Dempsey moved that **SB 629** be taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 629** was declared perfected and ordered printed.

Senator Rupp moved that **SB 758** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 758** was declared perfected and ordered printed.

Senator Rupp moved that **SB 686** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 686** was declared perfected and ordered printed.

At the request of Senator Dempsey, **SB 754**, with **SCS**, was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 987—By Stouffer.

An Act to repeal section 172.794, RSMo, and to enact in lieu thereof one new section relating to funding for research projects by the University of Missouri board of curators.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 779**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was taken up.

At the request of Senator Bartle, the above amendment was withdrawn.

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 779, Page 2, Section 488.5050, Line 34, by inserting after all of said line the following:

“556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term

“person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to sections 407.511 to 407.556, RSMo; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state; or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020, RSMo;

(5) During any period of time after a DNA profile is developed and reported from evidence collected in relation to the commission of an offense until the time when the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analysis of a sample.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Lembke, Schaefer and Shields.

SA 2 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Griesheimer	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason
Ridgeway	Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Vogel—24

NAYS—Senators

Bray	Days	Justus	Keaveny	Wilson—5
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Absent—Senators

Barnitz Clemens Lager Stouffer Wright-Jones—5

Absent with leave—Senators—None

Vacancies—None

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 779, Page 6, Section 650.055, Line 134, by striking the word “ninety” and inserting in lieu thereof the word “**thirty**”; and

Further amend said page and section, line 144 by striking the word “ninety” and inserting in lieu thereof the following:

“**thirty**”; and

Further amend said page and section, line 163 by striking the opening and closing brackets and further amend said line by striking the word “ninety”.

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

On motion of Senator Bartle, **SB 779**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Engler, 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 **SB 686**; **SB 758**; and **SB 629**, 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.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Head Coach Bryan Blitz, players Crystal Wagner, Kristin Andrighetto, Bree Rhornton and members of the 2009 Big 12 Conference Champion University of Missouri women’s soccer team.

Senator Schaefer introduced to the Senate, Head Coach Ehren Earleywine and members of the 2009 Big 12 Tournament Champion, NCAA Regional Champion and NCAA Super Regional Champion University of Missouri women’s softball team.

Senator Schaefer introduced to the Senate, Mark Ellis, NCAA National Wrestling Champion, University of Missouri.

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

SENATE CALENDAR

TWENTY-SIXTH DAY—TUESDAY, FEBRUARY 23, 2010

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 962-Schaefer	SB 975-Schaefer
SB 963-Shoemyer	SB 976-Rupp
SB 964-Barnitz	SB 977-Rupp
SB 965-Barnitz	SB 978-Rupp
SB 966-Barnitz	SB 979-Rupp
SB 967-Cunningham	SB 980-Pearce
SB 968-Stouffer	SB 981-Callahan
SB 969-Keaveny	SB 982-Bray, et al
SB 970-Lembke	SB 983-Bray
SB 971-Lembke	SB 984-Lembke
SB 972-Dempsey	SB 985-Goodman
SB 973-Ridgeway, et al	SB 986-Barnitz
SB 974-Mayer	SB 987-Stouffer

HOUSE BILLS ON SECOND READING

HCS for HB 1377	HCS for HB 1750
HCS for HB 1497	HCS for HBs 1311 & 1341
HCS for HB 1675	

THIRD READING OF SENATE BILLS

SS for SB 618-Rupp (In Fiscal Oversight)	SB 686-Rupp
SB 627-Justus (In Fiscal Oversight)	SB 758-Rupp and Keaveny
SJR 20-Bartle (In Fiscal Oversight)	SB 629-Dempsey
SB 806-Bartle	

SENATE BILLS FOR PERFECTION

SB 636-Lembke, with SCS	SB 795-Mayer and Nodler, with SCA 1
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SB 824-Clemens
 SJR 29-Purgason and Cunningham, with SCS
 SB 716-Goodman

SJR 40-Goodman
 SBs 842, 799 & 809-Schmitt, with SCS
 SB 801-Rupp

HOUSE BILLS ON THIRD READING

HCS for HB 1540 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 577-Shields, with SCS, SS for SCS,
 SA 4 & SA 4 to SA 4 (pending)
 SB 579-Shields, with SCS
 SB 596-Callahan, with SCS (pending)
 SBs 607, 602, 615 & 725-Stouffer, with
 SCS & SA 1 (pending)
 SB 621-Lager

SB 738-Crowell, with SCS
 SB 754-Dempsey, with SCS
 SB 839-Wright-Jones, with SCS
 SJR 22-Callahan
 SJR 31-Scott
 SJR 33-Bartle, with SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 753-Dempsey
 SB 669-Justus
 SB 668-Justus

SB 649-Days and Wright-Jones
 SB 804-Schmitt

Reported 2/11

SB 772-Scott, with SCS

SB 771-Scott

Reported 2/18

SB 782-McKenna, with SCS
 SB 630-Cunningham, with SCS
 SB 684-Rupp
 SB 820-McKenna
 SBs 841, 657 & 751-Schmitt, with SCS
 SBs 812, 752 & 909-Schmitt, with SCS

SB 583-Champion, with SCS
 SB 834-Rupp, with SCS
 SB 897-Lager
 SB 614-Wilson
 SB 768-Bartle

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18 (Rupp)

SCR 34-Lembke, et al

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