

# Journal of the Senate

FIRST REGULAR SESSION

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**FORTY-FIRST DAY—MONDAY, MARCH 28, 2011**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Gracious Father, we are grateful for the time away from here that has allowed us re-creating our minds and bodies so that we might be revigorated and energized for what is ahead. We thank You for the nourishment of Your word for our souls that we might always be mindful of what is important to You in the work we are to accomplish and priorities You have for us.

And Lord, we are thankful for before You blessed are Your saints who have died. And we pray that You will be an abiding presence to Senator Brown and his family at the death of his mother and You will provide comfort and peace to them in their grief. 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 Thursday, March 17, 2011 and Friday, March 25, 2011 were read and approved.

Senator Dempsey announced that photographers from KOMU-TV and Missouri News Horizon 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	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—33

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—None

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Schmitt offered Senate Resolution No. 600, regarding the One Hundredth Birthday of Ruth I. Hendrickson, Fenton, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 601, regarding the death of Patrice Dionne Thimes, St. Louis, which was adopted.

Senator Richard offered Senate Resolution No. 602, regarding Joshua Ryan Fox, which was adopted.

Senator Curls offered Senate Resolution No. 603, regarding Montrai Spikes, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 604, regarding Kimberly Collins, Ellsinore, which was adopted.

Senator Schaefer offered Senate Resolution No. 605, regarding Daniel J. Moser, Columbia, which was adopted.

Senator Nieves offered Senate Resolution No. 606, regarding Nola Ewers, Wildwood, which was adopted.

Senator Dixon offered Senate Resolution No. 607, regarding Ronald Hoover, Casper, Wyoming, which was adopted.

Senator Dixon offered Senate Resolution No. 608, regarding Archie McCourt, Bergholz, Ohio, which was adopted.

Senator Crowell offered Senate Resolution No. 609, regarding the 2010-2011 State Champion Scott County Central High School boys basketball program, which was adopted.

Senator Dixon offered Senate Resolution No. 610, regarding John R. Twitty, Springfield, which was adopted.

Senator Engler offered Senate Resolution No. 611, regarding Kallie Mae Middleton, Vulcan, which was adopted.

Senator Engler offered Senate Resolution No. 612, regarding Wilma Buffington Bedell Ball, which was adopted.

Senator Purgason offered Senate Resolution No. 613, regarding Susan Leslie, which was adopted.

Senator Purgason offered Senate Resolution No. 614, regarding Janice L. Drover, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Schaaf offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, atrial fibrillation (AFib) is the most common serious heart rhythm disorder and causes 15 percent of all strokes in the United States; and

WHEREAS, AFib affects more than 2.3 million Americans and is expected to more than double to 5.6 million Americans by 2050; and  
WHEREAS, one in four people aged 40 years or older develop AFib during their lifetime; and

WHEREAS, AFib causes the heart to beat irregularly or out of rhythm. As a result, people with AFib are nearly five times more likely to have a stroke than someone without the condition. In addition, AFib-related strokes are about twice as likely to be fatal and about twice as likely to be severely disabling than strokes that are not related to AFib; and

WHEREAS, three out of four AFib-related strokes can be prevented, but many patients are not aware of their risk and do not take action to prevent stroke; and

WHEREAS, the estimated direct medical cost of stroke for 2007 was \$25.2 billion. This includes hospital outpatient or office-based provider visits, hospital inpatient stays, emergency room visits, prescribed medicines, and home health; and

WHEREAS, appropriate stroke prevention in AFib can effectively reduce the overall financial burden of the illness within public programs such as Medicaid and Medicare; and

WHEREAS, reducing the risk of stroke related to AFib may maintain self sufficiency on the part of patients cared for within public programs:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the MO HealthNet Division to pursue the feasibility of implementing a program to assess chronic disease management of stroke prevention in atrial fibrillation using available general appropriations and/or private sources of funding in an effort to identify opportunities to reduce the financial and clinical burden of AFib-related strokes upon Missouri, and public programs including Medicare and Medicaid; and

BE IT FURTHER RESOLVED that at the conclusion of such an assessment, a report of findings and recommendations be prepared and provided to the General Assembly by December 31, 2011, so that it can evaluate the effectiveness of the current quality of care within public programs including Medicare and Medicaid and in providing recommendations for improved health and well being of the affected patients; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the director of the MO HealthNet Division.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 213**, entitled:

An Act to repeal sections 188.015, 188.029, and 188.030, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 294, 123, 125, 113, 271** and **215**, entitled:

An Act to repeal sections 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof eleven new sections relating to firearms, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 252**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to business premises safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 731**, entitled:

An Act to repeal section 589.407, RSMo, and to enact in lieu thereof two new sections relating to possible deportation of aliens who are listed in the state sexual offender registry.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 431**, entitled:

An Act to repeal sections 210.112, 210.498, 210.565, and 210.566, RSMo, and to enact in lieu thereof seven new sections relating to foster care and adoption promotion.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 89**, entitled:

An Act to repeal sections 253.090, 644.036, and 644.054, RSMo, and to enact in lieu thereof three new sections relating to funding for the department of natural resources, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 29**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto seven new sections relating to the volunteer health services act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 361**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the Missouri firearms freedom act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
March 25, 2011

To the Senate of the 96th General Assembly for the State of Missouri:

The following addendum should be made to the appointment of Eric Latimer for the Missouri Fire Safety Advisory Board submitted to you on February 16, 2011:

Eric Latimer, 625 E. Loren, Springfield, Greene County, Missouri 65807, as a member of

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Mayer referred the above addendum to the Committee on Gubernatorial Appointments.

The Senate observed a moment of silence in memory of Mrs. Thelma Brown and former Speaker Pro Tem Mark Abel.

### **SENATE BILLS FOR PERFECTION**

Senator Engler moved that **SB 226** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Engler offered **SS** for **SB 226**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 226

An Act to repeal sections 190.035 and 190.040, RSMo, and to enact in lieu thereof three new sections relating to ambulance districts.

Senator Engler moved that **SS** for **SB 226** be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SB 226** was declared perfected and ordered printed.

Senator Pearce moved that **SB 247** be taken up for perfection, which motion prevailed.

Senator Pearce offered **SS** for **SB 247**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 247

An Act to repeal sections 163.011, 163.031, 163.036, and 163.037, RSMo, and to enact in lieu thereof three new sections relating to state funding for elementary and secondary education, with an emergency clause for certain sections and an effective date for certain sections.

Senator Pearce moved that **SS** for **SB 247** be adopted.

At the request of Senator Pearce, **SB 247**, with **SS** (pending), was placed on the Informal Calendar.

**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 **SB 226**, 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.

**INTRODUCTIONS OF GUESTS**

Senator Munzlinger introduced to the Senate, former Florida Attorney General Bill McCollum.

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

SENATE CALENDAR

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FORTY-SECOND DAY—TUESDAY, MARCH 29, 2011

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 83  
HB 109-Wells, et al  
HB 137-Thomson, et al  
HB 142-Gatschenberger  
HB 149-Day, et al  
HB 151-Kelly (24) and Mollendorp  
HB 153-Black, et al  
HB 171-Ruzicka, et al  
HB 184-Dugger  
HB 186-Entlicher, et al  
HB 189-Ruzicka  
HB 190-Ruzicka  
HB 204-Hoskins, et al

HCS for HB 250  
HB 217-Dugger and Entlicher  
HCS for HB 338  
HCS for HB 363  
HB 415-Richardson, et al  
HB 442-Franz  
HB 229-Curls and Leara  
HB 282-Franz  
HCS for HB 315  
HB 358-Leara and Colona  
HB 360-Leara  
HCS for HB 459  
HCS for HB 465

HB 127-Barnes	HB 731-Parkinson, et al
HJR 6-Cierpiot, et al	HCS for HB 431
HJR 29-Solon, et al	HCS for HB 89
HCS for HB 213	HCS for HB 29
HCS for HBs 294, 123, 125, 113, 271 & 215	HB 361-Leara
HB 252-Cox, et al	

### THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna (In Fiscal Oversight)	SB 282-Engler
SS#2 for SCS for SB 62-Schaaf	SS for SB 226-Engler

### SENATE BILLS FOR PERFECTION

1. SB 81-Pearce, with SCS	17. SB 116-Justus
2. SB 54-Cunningham, with SCS	18. SB 10-Rupp
3. SB 200-Crowell	19. SB 9-Rupp
4. SB 72-Kraus	20. SB 208-Lager
5. SB 36-Lembke	21. SB 209-Lager
6. SB 322-Schaefer	22. SJR 15-Nieves, et al
7. SB 29-Brown, with SCS	23. SB 147-Schaefer
8. SJR 11-Munzlinger, with SCS	24. SJR 10-Lembke and Green
9. SB 118-Stouffer	25. SB 390-Schmitt, et al
10. SB 177-Brown, with SCS	26. SBs 189, 217, 246, 252 & 79-Schmitt, with SCS
11. SB 241-Brown and Wasson	27. SB 231-Lager, et al
12. SB 323-Schaefer, with SCS	28. SB 25-Schaaf, with SCS
13. SB 59-Keaveny	29. SB 356-Munzlinger, with SCS
14. SB 60-Keaveny, with SCS	30. SB 368-Stouffer, with SCS
15. SB 70-Schaefer, with SCS	
16. SB 165-Goodman, with SCS	

### HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)	HB 15-Silvey (Schaefer)
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### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

## SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1 (pending)	SB 175-Munzlinger, et al
SBs 7, 5, 74 & 169-Goodman, with SCS	SB 176-Munzlinger, et al
SB 23-Keaveny, with SCS & SS for SCS (pending)	SB 202-Crowell
SB 28-Brown	SB 203-Schmitt, et al
SB 37-Lembke, with SCS	SB 204-Dempsey, et al
SB 65-Mayer, et al, with SCS	SB 242-Cunningham, with SCS
SB 120-Stouffer	SB 247-Pearce, with SS (pending)
SB 130-Rupp, with SCS & SS for SCS (pending)	SB 254-Stouffer, with SCS
	SB 278-Munzlinger, et al
	SB 280-Purgason, et al, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 163, with SCS, SS for SCS &  
SA 1 (pending) (Pearce)

## CONSENT CALENDAR

Senate Bills

Reported 2/17

SB 57-Callahan, with SCS	SB 96-Engler
SB 97-Engler	

## RESOLUTIONS

Reported from Committee

SR 179-Purgason	SCR 8-Rupp
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To be Referred

SCR 12-Schaaf

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