

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 9, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Humanity, potential with God, all great knowledge is this, for a man to know that he himself by himself is nothing; and that, whenever he is, he is from God and on account of God.” (Augustine of Hippo)

Gracious God, we do acknowledge that we are here by Your Grace and if we open ourselves to Your prompting we can accomplish great things that will benefit our state and its people. So be with us and hear our prayers for with You all things are possible. 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 5, 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 Wright-Jones offered Senate Resolution No. 1156, regarding the death of Henry Charles Webster, Chicago, Illinois, which was adopted.

Senator Stouffer offered Senate Resolution No. 1157, regarding Zachary James Toole, which was adopted.

Senator Stouffer offered Senate Resolution No. 1158, regarding David Scott Hemme, which was adopted.

Senator Stouffer offered Senate Resolution No. 1159, regarding Theodore John Mehl, which was adopted.

Senator Stouffer offered Senate Resolution No. 1160, regarding Jonathan Tanner Theodore “Jon” Meed, Warrensburg, which was adopted.

Senator Stouffer offered Senate Resolution No. 1161, regarding William Joseph Steven Kirchhoff, Concordia, which was adopted.

Senator Kehoe offered Senate Resolution No. 1162, regarding the Sixtieth Birthday of Kas Jacquot, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1163, regarding Spenser Aaron Hackmann, Jefferson City, which was adopted.

Senator Parson offered Senate Resolution No. 1164, regarding Brenden Michael Dockery, Warsaw, which was adopted.

Senator Brown offered Senate Resolution No. 1165, regarding Osage County R-III Fatima High School Boys Cross Country Team, which was adopted.

Senator Brown offered Senate Resolution No. 1166, regarding Osage County R-III Fatima High School Softball Team, which was adopted.

Senator Brown offered Senate Resolution No. 1167, regarding Osage County R-III Fatima High School Volleyball Team, which was adopted.

Senator Brown offered Senate Resolution No. 1168, regarding Osage County R-III Fatima High School Boys Soccer Team, which was adopted.

Senator Pearce offered Senate Resolution No. 1169, regarding Shane Andrew Ewing, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1170, regarding Cody Reed, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1171, regarding Dustin Wayne Nevels, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1172, regarding Jonathon Dandurand, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1173, regarding Timothy T. Spindle, Holden, which was adopted.

Senator Pearce offered Senate Resolution No. 1174, regarding Alexander Kalan “Alex” Harris, Belton, which was adopted.

Senator Pearce offered Senate Resolution No. 1175, regarding Nathan David Kreher, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1176, regarding Mitch F. Lawson, Warrensburg, which was adopted.

Senator Keaveny offered Senate Resolution No. 1177, regarding the Honorable James F. Conway, which was adopted.

Senator Engler offered Senate Resolution No. 1178, regarding Pam Pfaff, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1179, regarding Ree Rogers, Farmington, which was adopted.

INTRODUCTION OF BILLS

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

SB 616—By Wasson.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to the mandatory offering of sinkhole insurance coverage for property damage caused by sinkhole activity.

SB 617—By Schaaf.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the MO HealthNet spenddown program, with an emergency clause.

SB 618—By Schaaf.

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to auctioning real estate.

SB 619—By Richard.

An Act to repeal section 379.140, RSMo, and to enact in lieu thereof one new section relating to insurance payments for covered loss or damage.

SB 620—By Rupp.

An Act to repeal sections 376.010, 376.015, and 376.307, RSMo, and to enact in lieu thereof three new sections relating to life, health, and accident insurance.

SB 621—By Brown.

An Act to repeal sections 197.080 and 197.100, RSMo, and to enact in lieu thereof two new sections relating to hospital licensure.

SB 622—By Cunningham.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

SB 623–By Cunningham.

An Act to repeal sections 362.332 and 362.333, RSMo, and to enact in lieu thereof two new sections relating to the authority of banks and trust companies to transfer fiduciary obligations.

SB 624–By Lembke.

An Act to repeal sections 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, and 287.920, RSMo, and to enact in lieu thereof one new section relating to the privatization of the Missouri employers mutual insurance company, with an effective date for certain sections.

SB 625–By Kehoe.

An Act to repeal section 104.603, RSMo, and to enact in lieu thereof one new section relating to transfers between retirement systems.

SB 626–By Kehoe.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to products liability.

SB 627–By Schaefer.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to waste management services for state agencies.

SB 628–By Schaefer.

An Act to repeal section 488.5026, RSMo, and to enact in lieu thereof one new section relating to a surcharge in certain criminal cases.

SB 629–By Schaefer.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof one new section relating to the tobacco master settlement agreement, with an emergency clause.

SB 630–By Parson.

An Act to repeal section 137.1018, RSMo, and to enact in lieu thereof one new section relating to the extension of the sunset on the rolling stock tax credit.

SB 631–By Parson.

An Act to repeal section 276.401, RSMo, and to enact in lieu thereof one new section relating to grain purchases.

SB 632–By Stouffer.

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

SJR 45–By Nieves.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

CONCURRENT RESOLUTIONS

Senator Dempsey moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **HCR 1** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal Purgason—2

Absent with leave—Senators—None

Vacancies—None

Senator Dempsey moved **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **HCR 2** was adopted by the following vote:

YEAS—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
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 6, 2012

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

The following addendum should be made to the appointment of Curtis Chick to the Labor and Industrial Relations Commission, submitted to you on January 4, 2012. Line 3 should be amended to read:

July 27, 2014, and until his successor is duly appointed and qualified; vice, Curtis Chick, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 6, 2012

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

The following addendum should be made to the appointment of Ryan S. Cook to the Missouri State Board of Accountancy, submitted to you on January 4, 2012. Line 1 should be amended to read:

Ryan S. Cook, 239 Northwest 58th Road, Clinton, Henry County, Missouri 64735, as a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 6, 2012

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

The following addendum should be made to the appointment of Bradley G. Gregory to the Missouri Development Finance Board, submitted to you on January 4, 2012. Line 1 should be amended to read:

Bradley G. Gregory, Republican, 1800 W. Northwood, Bolivar, Polk County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 6, 2012

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

The following addendum should be made to the appointment of Donald L. Yost Jr. to the Missouri Board of Nursing Home Administrators, submitted to you on January 4, 2012. Line 2 should be amended to read:

member of the Missouri Board of Nursing Home Administrators, for a term ending November 21, 2014, and until his successor is duly appointed and qualified; vice, RSMo 344.060.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 6, 2012

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

The following addendum should be made to the appointment of James F. Shrewsbury to the Regional Convention and Sports Complex

Authority, submitted to you on January 4, 2012. Line 2 should be amended to read:

a member of the Regional Convention and Sports Complex Authority, for a term

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 6, 2012

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

The following addendum should be made to the appointment of Melanie R. Rippetoe to the Higher Education Loan Authority submitted to you on January 4, 2012. Line 2 should be amended to read:

63114, as a member of the Higher Education Loan Authority, for a term ending

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 592—Commerce, Consumer Protection, Energy and the Environment.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Dr. Mark Curtis and Dr. Tom Hobbs, Warrensburg; and Jennifer Ross, Sedalia.

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

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 10, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 593-Parson
SB 594-Kraus
SB 595-Kraus
SB 596-Brown

SB 597-Dempsey
SB 598-Dempsey
SB 599-Schaefer
SB 600-Lembke

SB 601-Lembke	SB 620-Rupp
SB 602-Green	SB 621-Brown
SB 603-Green	SB 622-Cunningham
SB 604-Green	SB 623-Cunningham
SB 605-Green	SB 624-Lembke
SB 606-Schmitt	SB 625-Kehoe
SB 607-Stouffer	SB 626-Kehoe
SB 608-Wasson and Richard	SB 627-Schaefer
SB 609-Lembke	SB 628-Schaefer
SB 610-Lembke	SB 629-Schaefer
SB 611-Lembke	SB 630-Parson
SB 612-Lembke	SB 631-Parson
SB 613-Kehoe, et al	SB 632-Stouffer
SB 614-Kehoe and Lamping	SJR 41-Lembke
SB 615-McKenna	SJR 42-Lembke
SB 616-Wasson	SJR 43-Green
SB 617-Schaaf	SJR 44-Green
SB 618-Schaaf	SJR 45-Nieves
SB 619-Richard	

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