

# Journal of the Senate

SECOND REGULAR SESSION

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**NINTH DAY—THURSDAY, JANUARY 19, 2012**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I declare that your steadfast love is established forever: your faithfulness is as firm as the heavens.” (Psalm 89:2)

We bring another week to a close and pray that we have made good use of our time here. Those things we have done according to Your will please bless O Lord. Watch over our “going out and coming in” and bless those You have given us to love and who love us. 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 of the previous day was read and approved.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senators

Crowell            Green—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1242, regarding Jeannie L. Cato, Dexter, which was

adopted.

Senator Mayer offered Senate Resolution No. 1243, regarding Allen Christian Buick GMC, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1244, regarding LeGrand's Communications, Inc., Dexter, which was adopted.

Senator Lager offered Senate Resolution No. 1245, regarding the 2011-2012 National Champion Northwest Missouri State University Bearcats cheerleading squad, which was adopted.

Senator Schaaf offered Senate Resolution No. 1246, regarding Betty Burch, Kansas City, which was adopted.

Senator McKenna offered Senate Resolution No. 1247, regarding Alexander Arensmeier, which was adopted.

Senator McKenna offered Senate Resolution No. 1248, regarding Billyo O'Donnell, which was adopted.

Senator Schmitt offered Senate Resolution No. 1249, regarding Seth and Nicole Russell, which was adopted.

Senator Schmitt offered Senate Resolution No. 1250, regarding Alvin and Romona Miller, which was adopted.

Senator Schmitt offered Senate Resolution No. 1251, regarding Bill Burckhalter, which was adopted.

Senator Schmitt offered Senate Resolution No. 1252, regarding Colleen Schulter, which was adopted.

Senator Dempsey offered Senate Resolution No. 1253, regarding Joe Daues, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1254, regarding Mary Reese, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1255, regarding Loretta MacCallum, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1256, regarding Michael E. "Mike" Sommer, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 1257, regarding Cort Schneider, St. Charles, which was adopted.

Senator Wright-Jones offered the following resolution:

SENATE RESOLUTION NO. 1258

WHEREAS, the Missouri General Assembly has a long tradition of rendering assistance to those programs aimed at developing qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2012, the American Legion Auxiliary, Department of Missouri, is conducting the Seventy-first annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event is the conducting of a mock legislative session in the Senate Chamber at the State Capitol where participants will gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, hereby grant the adult leaders and participants of the Seventy-first Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 27, 2012, from 9:00 a.m. to 12:30 p.m.

Senator Wright-Jones requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1258** up for adoption, which request was granted.

On motion of Senator Wright-Jones, **SR 1258** was adopted.

Senator Schmitt offered the following resolution:

SENATE RESOLUTION NO. 1259

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2012 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-sixth General Assembly, hereby grant the 2012 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 24, 2012, from 12:30 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Schmitt requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1259** up for adoption, which request was granted.

On motion of Senator Schmitt, **SR 1259** was adopted.

Senator Pearce offered Senate Resolution No. 1260, regarding Renee Carter, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the states of Missouri and Israel share a deep and abiding friendship based on a shared commitment to democratic values; and

WHEREAS, Missouri's own President Harry S Truman announced on May 14, 1948, that the United States would become the first country to recognize the new Nation of Israel; and

WHEREAS, since its establishment, Israel has fulfilled the dreams of its founders who evidence a vigorous, open, and stable democracy; and

WHEREAS, on February 10, 2009, the people of Israel elected Israel's 18th Knesset, or Parliament, following the resignation of then Prime Minister Ehud Olmert; and

WHEREAS, on February 20, 2009, President Shimon Peres nominated Benjamin Netanyahu to become the next Prime Minister and was given the task of forming a government; and

WHEREAS, in accordance with the Israeli Basic Law, on March 31, 2009, the 18th Knesset convened in order to vote on the Prime Minister and the government platform in a "Vote of Confidence". On that date, the 32nd government of Israel was approved and Benjamin Netanyahu became the Prime Minister of Israel; and

WHEREAS, the election on February 10, 2009, and subsequent approval of the government of Israel on March 31, 2009, is the most

recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States:

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:

- (1) Express their respect and admiration for the people of Israel;
- (2) Commend the people of Israel for reaffirming their dedication to democratic ideals as expressed in their most recent election; and
- (3) Restate the mission of the Missouri-Israel Cooperative Agreement, signed by the Missouri Department of Economic Development and the Israeli Ministry of Industry and Trade in 1988, which calls for projects of mutual economic benefit through improved trade, technology development, science, agriculture, and tourism; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Prime Minister of Israel, Benjamin Netanyahu, and the Missouri Department of Economic Development.

Senator Pearce assumed the Chair.

### **INTRODUCTION OF BILLS**

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

**SB 686**—By Schaaf.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the resale or lease of returned electronic devices or appliances.

**SJR 47**—By Rupp.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the prohibition of public aid for religious purposes and institutions.

### **REPORTS OF STANDING COMMITTEES**

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Shirley Patterson, as a member of the Coordinating Board for Early Childhood;

Also,

Kelly Schultz, as The Missouri Child Advocate in the Office of Child Advocate for Children's Protection and Services;

Also,

Le Greta Hudson, Democrat, as a member of the State Committee of Dietitians;

Also,

Stephen B. Hoven, Republican, and Peter W. Hofherr, Democrat, as members of the Missouri State University Board of Governors;

Also,

James T. Seigfreid, as a member of the Missouri Task Force on Prematurity and Infant Mortality;

Also,

Timothy Dorsey, Republican, as a member of the Missouri Fire Safety Education/Advisory Commission;

Also,

Linda S. Luebbering, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Julie Molendorp, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Joyce E. Massey, as a member of the Child Abuse and Neglect Review Board.

Senator Mayer requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mayer moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Mayer assumed the Chair.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 464**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

Senator Stouffer moved that **SB 443**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 443**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 443**

An Act to repeal sections 302.309, 302.341, 302.700, and 577.023, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with penalty provisions in existing language and a contingent effective date for certain sections.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 443** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 443**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 443

An Act to repeal sections 302.309, 302.341, 302.700, and 577.023, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles, with penalty provisions in existing language and a contingent effective date for certain sections.

Senator Stouffer moved that **SS** for **SCS** for **SB 443** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 443, Page 17, Section 302.700, Line 8 of said page, by inserting immediately after the word “outside” the following: “**the fifty states of**”.

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

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 443, Page 18, Section 302.700, Line 12, by striking “**but is not limited to,**” from such line.

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Stouffer moved that **SS** for **SCS** for **SB 443**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 443**, as amended, was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following message was 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 **HJR 43**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**INTRODUCTIONS OF GUESTS**

Senator Pearce introduced to the Senate, Rebecca Glawe.

Senator Schaefer introduced to the Senate, 2011 State Champion Rock Bridge High School Boys Cross Country Team; Girls Golf Team; Girls Tennis Team; and Cheerleading Squad, Columbia.

Senator Lembke introduced to the Senate, Benjamin Guzdial, D.D.S., St. Louis.

Senator Nieves introduced to the Senate, the Physician of the Day, John Moore, M.D., Washington.

Senator Dempsey introduced to the Senate, James H. Orr, D.D.S., St. Charles.

Senator Mayer introduced to the Senate, former State Representative Randall Relford, Cameron; and Wade R. Watts, D.D.S., St. Louis.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, January 23, 2012.

SENATE CALENDAR

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TENTH DAY—MONDAY, JANUARY 23, 2012

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

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

SB 653-Lager	SB 673-Brown
SB 654-Lager	SB 674-Schaaf
SB 655-Green, et al	SB 675-Crowell
SB 656-Lager and Dixon	SB 676-Nieves
SB 657-Rupp	SB 677-Pearce
SB 658-Rupp	SB 678-Schaaf
SB 659-Dempsey and Rupp	SB 679-Dixon
SB 660-Schmitt	SB 680-Nieves
SB 661-Schmitt	SB 681-Lager
SB 662-Schmitt	SB 682-Dempsey, et al
SB 663-Chappelle-Nadal	SB 683-Crowell
SB 664-Chappelle-Nadal	SB 684-Crowell
SB 665-Stouffer	SB 685-Crowell
SB 666-Keaveny	SB 686-Schaaf
SB 667-Wasson	SJR 43-Green
SB 668-Lembke	SJR 44-Green
SB 669-Lembke	SJR 45-Nieves
SB 670-Green	SJR 46-Lager
SB 671-Parson	SJR 47-Rupp
SB 672-Brown	

#### HOUSE BILLS ON SECOND READING

HCS for HJR 43

#### SENATE BILLS FOR PERFECTION

SB 592-Lager, with SCS	SB 464-Schaaf and Rupp
SB 467-Munzlinger, with SCS	

#### INFORMAL CALENDAR

#### RESOLUTIONS

To be Referred

SCR 14-Stouffer

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