

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 24, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“A word fitly spoken is like gold.” (Proverbs 25:11)

Gracious God, keep us mindful how people listen closely to what we have to say: some rejoice in what is said and others listen to criticize and disagree. So help us prepare well for what we have to say and write, to be efficient and aware of our audience. And may we be ever mindful of the power of our words and the good and harm they can do. 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.

Senator Dempsey announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

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 Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1298

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

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

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 6, 2012, for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1298** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1298** was adopted.

CONCURRENT RESOLUTIONS

Senator Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, in the year 2011, heavy rainfall and snowmelt along the Missouri River combined with intentional releases of impounded water by the U.S. Army Corps of Engineers caused unprecedented amounts of water flow on the river, which led to breached levees and widespread flooding for the states along the river, including Missouri; and

WHEREAS, the extensive flooding destroyed many homes, farms, and businesses, severely impacting the livelihoods of thousands of Missourians, who, in addition to suffering the emotional toll of the disaster, are also suffering a heavy economic burden to repair the devastated land and infrastructure; and

WHEREAS, the U.S. Army Corps of Engineers is charged with management of the Missouri River for eight congressionally-authorized purposes, one of which is flood control; and

WHEREAS, the Army Corps of Engineers has worked extensively for numerous years to develop the Missouri River Master Manual to guide its management of the river which seeks to balance the competing interests of the eight authorized purposes; and

WHEREAS, it is evident that due to the immediate, large-scale and potentially life-threatening impacts upon public health and safety caused by flooding, the authorized purpose of flood control must have the utmost importance in any planning activities on the part of the Army Corps; and

WHEREAS, as a result of the widespread devastation caused by the flood events of 2011, an independent technical review panel was formed to evaluate the Army Corps' river management performance and, specifically, its performance with regard to its responsibility to protect public health and safety through flood control; and

WHEREAS, the independent technical review panel issued its findings and recommendations in December 2011 and concluded that while the Army Corps may have acted in accordance with the Master Manual, the Master Manual itself may not be appropriately flexible or responsive to adequately protect the public from flooding in the case of extreme weather events such as those experienced in 2011; and

WHEREAS, the panel's report further concluded that the Army Corps' Master Manual should not regard extreme weather events such as the precipitation in 2011 as rare, isolated events, but rather as part of a potential climatic pattern for which the Army Corps must be continuously prepared to address; and

WHEREAS, understanding that the prediction of future weather patterns is not an exact science, the Army Corps must allow greater

flexibility in its management activities of reservoir storage and spring rise to anticipate and respond to higher than expected snow and rainfall in the river basin so as to prevent future catastrophic flooding events like that which occurred in 2011 and to position the Army Corps to be successful in accomplishing its flood control duties and protecting the public from disasters that could have been prevented:

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 urge the Commanding General of the U.S. Army Corps of Engineers to accept the recommendations of the independent technical review panel and modify its Missouri River Master Manual so as to conduct its river management activities in proper accordance with the Corps' mandated responsibility to protect public health and safety through flood control; and

BE IT FURTHER RESOLVED that the U.S. Army Corps of Engineers be urged to continually place the utmost priority on flood control in any future modifications to the Missouri River Master Manual and in its annual planning with the goal of allowing the Army Corps to be able to successfully react and respond to unpredictable weather and extreme weather events so as to prevent future flooding disasters; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commanding General of the U.S. Army Corps of Engineers and the members of the Missouri Congressional delegation.

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, two of this country's greatest waterways, the Mississippi River on Missouri's eastern border and the Missouri River which winds across the state, helped Missouri become a supply center for many of the westward-bound settlers of the nation's early years; and

WHEREAS, from the muddy Missouri to the swift and clear Jacks Fork, the hundreds of rivers and streams in Missouri snake across more than 110,000 miles of the state - more than four times the distance around the earth - providing endless recreational opportunities for Missourians, including boating, fishing, swimming, and bird watching along the bluffs bordering our many rivers and streams; and

WHEREAS, shipping along the navigable rivers boosted Missouri's status as an agriculture supplier, barges and steamboats used the waterways to move goods, river towns boomed, and railroads continued to fuel the growth of Missouri as a large transportation center; and

WHEREAS, the Missouri Territory, and later the State of Missouri, took the name of the Missouri River which was named for the Missouri Indians who lived along the banks. The name "Missouri" means "people of the wood canoe"; and

WHEREAS, the State of Missouri has many nicknames, with the most widely recognized being "The Show-Me State". Missouri is also called the "The Cave State", "The Lead State", "The Bullion State", "The Ozark State", "The Iron Mountain State", and the "Pennsylvania of the West"; and

WHEREAS, roads along or near both banks of the Mississippi River along its entire length have been designated as "The Great River Road" and are marked with a special road sign which depicts a ship's wheel; and

WHEREAS, the Great Rivers Greenway District was established in November 2000 in St. Louis City, St. Louis County, and St. Charles County to eventually develop "The River Ring" as an interconnected system of greenways, parks, and trails in the St. Louis area which will enhance the quality of life for residents and visitors; and

WHEREAS, from confluence of the Big Muddy and the Mighty Mississippi at the eastern portion of the state and looking north, south, or west, the State of Missouri includes the land that Meriwether Lewis and William Clark scanned as they began their journey up the Missouri River on their Voyage of Discovery in 1804, the land that is habitat for deer, turkey, bald eagles, and other wildlife, the land that is farmland abundant with agricultural crops, and the same land that held 260 billion gallons of water during the Great Flood of 1993; and

WHEREAS, with much of Missouri's history tied to the mighty rivers that flow through it, Missouri should also be known as the "The Great Rivers State":

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 encourage the use of the slogan "The Great Rivers State" as a slogan for the State of Missouri and urge the Division of Tourism within the Department of Economic Development to recognize and incorporate the slogan in promoting Missouri tourism; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Kathleen Steele-Danner, the Director of the Division of Tourism.

Senator Pearce assumed the Chair.

INTRODUCTION OF BILLS

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

SB 689—By Engler and Schmitt.

An Act to repeal sections 565.182 and 570.145, RSMo, and to enact in lieu thereof two new sections relating to crimes against certain types of vulnerable persons, with penalty provisions.

SB 690—By Engler.

An Act to repeal sections 43.260 and 43.265, RSMo, and to enact in lieu thereof two new sections relating to surplus highway patrol property.

SB 691—By Engler and Callahan.

An Act to repeal sections 620.478 and 620.1910, RSMo, and to enact in lieu thereof two new sections relating to economic incentives for certain automotive suppliers.

SB 692—By Stouffer.

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

SB 693—By Crowell.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the publication of calendars by state agencies.

SB 694—By Nieves.

An Act to repeal sections 8.172 and 8.460, RSMo, and to enact in lieu thereof two new sections relating to the preferential use of the capitol complex by private entities.

SB 695—By Parson.

An Act to repeal section 578.005, RSMo, and to enact in lieu thereof two new sections relating to suspected abuse of farm animals, with penalty provisions.

SB 696—By Kraus.

An Act to repeal sections 303.025 and 303.042, RSMo, and to enact in lieu thereof four new sections relating to the motor vehicle financial responsibility law, with penalty provisions.

SB 697—By Wasson.

An Act to repeal section 375.993, RSMo, and to enact in lieu thereof two new sections relating to fraudulent insurance acts.

SB 698—By Richard.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to construction contract bidding standards for political subdivisions.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 23, 2012

REORGANIZATION PLAN NO. 1

2012

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2012, by Executive Order 12-2, to transfer all Medicaid Program audit and compliance responsibilities from the Department of Health and Senior Services, and the Department of Mental Health, and assign them to the Department of Social Services.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

EXECUTIVE ORDER

12-2

WHEREAS, the Department of Social Services, established pursuant to Article IV, Section 37 of the Missouri Constitution, is the single state agency responsible for the administration of the Missouri Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs; and

WHEREAS, the Department of Health and Senior Services, established pursuant to Section 192.005, RSMo, is responsible for public health and aging issues, including administration of the Personal Care and Home and Community-Based Medicaid programs for the aged and disabled; and

WHEREAS, the Department of Mental Health, established pursuant to Article IV, Section 37(a) of the Missouri Constitution, is responsible for issues and programs related to mental disorders, developmental disabilities, and substance abuse; and

WHEREAS, the Missouri Medicaid Audit and Compliance Unit (MMAC) was established in January 2011, within the Department of Social Services, to oversee audit and compliance of Missouri Medicaid Program providers and participants; and

WHEREAS, the MMAC is responsible for detecting, investigating, and preventing fraud against the Missouri Medicaid Program; and

WHEREAS, all Medicaid Program audit and compliance appropriations were transferred from the Department of Social Services' MO HealthNet Division, Department of Health and Senior Services, and the Department of Mental Health to the Department of Social Services MMAC unit in Fiscal Year 2012 by the General Assembly; and

WHEREAS, the work of MMAC has already resulted in the doubling of recoupment of provider overpayments in its first reporting quarter compared with the same quarter in previous years; and

WHEREAS, consolidation of Missouri's Medicaid Title XIX, SCHIP Title XXI and Medicaid Waiver programs' provider enrollment, audit and compliance responsibilities will promote consistent guidance to providers participating in these programs; and

WHEREAS, I am committed to prudently consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Department of Health and Senior Services and the Department of Mental Health to the Department of Social Services, by Type I transfer, as defined under the Reorganization Act of 1974.

2. Develop mechanisms and processes necessary to effectively transfer these duties and functions to the Department of Social Services.
3. Transfer the responsibility for staff support for these duties and functions to the Department of Social Services.
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective August 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of January, 2012.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 467**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 467**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 467

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to the transparency and accountability of public funds, with an emergency clause.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 467** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 467**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 467

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to the transparency and accountability of public funds, with an emergency clause.

Senator Munzlinger moved that **SS** for **SCS** for **SB 467** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 3, Section 37.850, Line 18, by inserting after all of said line, the following:

“536.087. 1. A party who prevails in an agency proceeding or civil action arising therefrom, brought by or against the state, shall be awarded those reasonable fees and expenses incurred by that party in the civil action or agency proceeding, unless the court or agency finds that the position of the state was substantially justified or that special circumstances make an award unjust.

2. In awarding reasonable fees and expenses under this section to a party who prevails in any action for judicial review of an agency proceeding, the court shall include in that award reasonable fees and expenses incurred during such agency proceeding unless the court finds that during such agency proceeding the position of the state was substantially justified, or that special circumstances make an award unjust.

3. A party seeking an award of fees and other expenses shall, within thirty days of a final disposition in an agency proceeding or final judgment in a civil action, submit to the court, agency or commission which rendered the final disposition or judgment an application which shows that the party is a prevailing party and is eligible to receive an award under this section, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed. The party shall also allege that the position of the state was not substantially justified. The fact that the state has lost the agency proceeding or civil action creates no legal presumption that its position was not substantially justified. Whether or not the position of the state was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by an agency upon which a civil action is based) which is made in the agency proceeding or civil action for which fees and other expenses are sought, and on the basis of the record of any hearing the court or agency deems appropriate to determine whether an award of reasonable fees and expenses should be made, provided that any such hearing shall be limited to consideration of matters which affected the agency's decision leading to the position at issue in the fee application.

4. A prevailing party in an agency proceeding shall submit an application for fees and expenses to the administrative body before which the party prevailed. A prevailing party in a civil action on appeal from an agency proceeding shall submit an application for fees and expenses to the court. The filing of an application shall not stay the time for appealing the merits of a case. When the state appeals the underlying merits of an adversary proceeding, no decision on the application for fees and other expenses in connection with that adversary proceeding shall be made under this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.

5. The court or agency may either reduce the amount to be awarded or deny any award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.

6. The decision of a court or an agency on the application for reasonable fees and expenses shall be in writing, separate from the judgment or order of the court or the administrative decision which determined the prevailing party, and shall include written findings and conclusions and the reason or basis therefor. The decision of a court or an agency on the application for fees and other expenses shall be final, subject respectively to appeal or judicial review.

7. If a party or the state is dissatisfied with a determination of fees and other expenses made in an agency proceeding, that party or the state may within thirty days after the determination is made, seek judicial review of that determination from the court having jurisdiction to review the merits of the underlying decision of the agency adversary proceeding. If a party or the state is dissatisfied with a determination of fees and other expenses made in a civil action arising from an agency proceeding, that party or the state may, within the time permitted by law, appeal that order or judgment to the appellate court having jurisdiction to review the merits of that order or judgment. The reviewing or appellate court's

determination on any judicial review or appeal heard under this subsection shall be based solely on the record made before the agency or court below. The court may modify, reverse or reverse and remand the determination of fees and other expenses if the court finds that the award or failure to make an award of fees and other expenses, or the calculation of the amount of the award, was arbitrary and capricious, was unreasonable, was unsupported by competent and substantial evidence, or was made contrary to law or in excess of the court's or agency's jurisdiction. Awards made pursuant to this act shall be payable from amounts appropriated therefor. [The state agency against which the award was made shall request an appropriation to pay the award.] **No agency shall request, or be granted, an additional appropriation of money in order to satisfy an award made under this section. Within thirty days of the judgement awarding fees and other expenses becoming final, including the exhaustion of any appeals, the agency shall forward notification of the amount of awarded fees and other expenses to the chair of the house budget committee and the chair of the senate appropriations committee.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Lager offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 3, Section 37.850, Line 5, by inserting after "programs" the following: "**, and all bonds issued by political subdivisions of the state or its designated authority, and any obligation issued pursuant to section 99.820, and the revenue stream pledged to repay the bond or obligation**"; and further amend line 18 of said page, by inserting after all of said line the following:

"5. Every political subdivision of the state shall supply information to the office of administration documenting any bond issuance or obligation incurred as described in subsection 2 of this section, within seven days of such issuance. For all such bonds or obligations issued or incurred prior to August 28, 2012, every political subdivision shall have ninety days to supply such information to the office of administration."

Senator Lager moved that the above amendment be adopted.

Senator Schmitt assumed the Chair.

Senator Crowell offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 1, Line 3, by inserting after "**by**", the following: "**any public institution of higher education**"; and further amended line 8, by inserting immediately after "**Every**", the following: "**public institution of higher education and**"; and further amend line 13, by inserting immediately after "**every**", the following: "**public institution of higher education and**".

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

SA 2, as amended, was again taken up.

Senator Lager moved that **SA 2**, as amended, be adopted, which motion prevailed.

Senator Munzlinger moved that **SS** for **SCS** for **SB 467**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 467**, as amended, was declared perfected and ordered printed.

Senator Schaaf moved that **SB 464** be taken up for perfection, which motion prevailed.

Senator Schaaf offered **SS** for **SB 464**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 464

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

Senator Schaaf moved that **SS** for **SB 464** be adopted.

At the request of Senator Schaaf, **SB 464**, with **SS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Mayer referred **SCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Schmitt.

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 **SCS** for **SB 467**, 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.

CONCURRENT RESOLUTIONS

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the Missouri General Assembly, acting with the best of intentions, applied to the Congress of the United States by resolution in accordance with Article V, Constitution of the United States, for a constitutional convention for the purpose of amending the Constitution of the United States; and

WHEREAS, Senate Concurrent Resolution No. 3, was passed by the Eighty-second General Assembly of the State of Missouri in 1983 specifically proposing a constitutional convention for the sole purpose of adopting an amendment requiring a balanced federal budget; and

WHEREAS, over the course of time, the will of the people of the State of Missouri has changed with regards to Missouri's previous call for a constitutional convention to amend the Constitution of the United States; and

WHEREAS, certain persons or states have called for a constitutional convention on issues that may be directly in opposition to the will of the people of this state; and

WHEREAS, the people of this state do not want their previous applications for a constitutional convention to be aggregated with those calls for a convention from other states; and

WHEREAS, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other leading constitutional scholars are in general agreement that a convention, notwithstanding whatever limitation might be placed on it by the call for a convention, may propose sweeping constitutional changes or, by virtue of the authority of a constitutional convention, redraft the Constitution of the United States creating an imminent peril to the well established rights of citizens and to the duties of various levels of government; and

WHEREAS, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and found to be a sound document that protects the lives and liberties of citizens; and

WHEREAS, there is no need for, and in fact there is great danger in, a new constitution or in opening the Constitution of the United States to radical changes, the adoption of which could create legal chaos in this nation and begin the process of another two centuries of litigation over its meaning and interpretation; and

WHEREAS, changes or amendments that may be needed in the present Constitution of the United States may be proposed and enacted without resorting to a constitutional convention by using the process provided in the Constitution and previously used throughout the history of this nation:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders null and void and supersedes any and all existing applications to the Congress of the United States for a constitutional convention under Article V of the Constitution of the United States for any purpose, whether limited or general; and

BE IT FURTHER RESOLVED that the Missouri General Assembly urges the legislature of each and every state that has applied to Congress for either a general or limited constitutional convention to repeal and rescind their applications; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, the Administrator of General Services in Washington, D.C., each member of Missouri's Congressional delegation, and the Secretaries of State and presiding officers of both houses of the legislatures of each state in the Union.

INTRODUCTION OF BILLS

SB 699—By Goodman, Justus and Parson.

An Act to repeal sections 221.105, 559.016, 559.036, and 559.100, RSMo, and to enact in lieu thereof seven new sections relating to criminal offenders under the supervision of the department of corrections, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Schaaf moved that **SB 464**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 464** was again taken up.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 464, Page 2, Section 376.1186, Lines 21-22 of said page, by striking “or a federally-facilitated health benefit exchange”; and further amend lines 25-28, by striking all of said lines; and

Further amend said bill and section, page 3, lines 1-13 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 4, line 19 of said page, by striking the word “The”; and further amend lines 20-24 of said page, by striking all of said lines.

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

Senator Schaaf moved that **SS** for **SB 464** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SS** for **SB 464** was declared perfected and ordered printed.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 1299, regarding Jacob Anthony Gass, Wildwood, which was adopted.

Senator Brown offered Senate Resolution No. 1300, regarding Patricia Hofherr, Saint James, which was adopted.

Senator Wasson offered Senate Resolution No. 1301, regarding Alison Bos, Billings, which was adopted.

Senator Wasson offered Senate Resolution No. 1302, regarding Lindsay Kittrell, Republic, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Michael Butler, Kaylan Holloway and Roshaunda O'Neal.

Senator Nieves introduced to the Senate, Tim Hays, Beaufort; Jim Faupel, New Haven; and Frank Rice and Mike Pate, Union.

Senator Lamping introduced to the Senate, Holly Neill, Jaime Bodden and Jess Favre.

Senator Stouffer introduced to the Senate, David and Sarah Bentley, Marshall.

On behalf of Senator Pearce, the President introduced to the Senate, President Chuck Ambrose, University of Central Missouri, Warrensburg.

Senator Pearce introduced to the Senate, Larry Isaak, Pam Schutt and Ann Grindland, Minneapolis, Minnesota.

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

SENATE CALENDAR

TWELFTH DAY—WEDNESDAY, JANUARY 25, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 597-Dempsey
SB 598-Dempsey
SB 599-Schaefer
SB 600-Lembke
SB 601-Lembke

SB 602-Green
SB 603-Green
SB 604-Green
SB 605-Green
SB 606-Schmitt

SB 607-Stouffer	SB 650-Ridgeway
SB 608-Wasson and Richard	SB 651-Schaefer
SB 609-Lembke	SB 652-Lager
SB 610-Lembke	SB 653-Lager
SB 611-Lembke	SB 654-Lager
SB 612-Lembke	SB 655-Green, et al
SB 613-Kehoe, et al	SB 656-Lager and Dixon
SB 614-Kehoe and Lamping	SB 657-Rupp
SB 615-McKenna	SB 658-Rupp
SB 616-Wasson	SB 659-Dempsey and Rupp
SB 617-Schaaf	SB 660-Schmitt
SB 618-Schaaf	SB 661-Schmitt
SB 619-Richard	SB 662-Schmitt
SB 620-Rupp	SB 663-Chappelle-Nadal
SB 621-Brown	SB 664-Chappelle-Nadal
SB 622-Cunningham	SB 665-Stouffer
SB 623-Cunningham	SB 666-Keaveny
SB 624-Lembke	SB 667-Wasson
SB 625-Kehoe	SB 668-Lembke
SB 626-Kehoe	SB 669-Lembke
SB 627-Schaefer	SB 670-Green
SB 628-Schaefer	SB 671-Parson
SB 629-Schaefer	SB 672-Brown
SB 630-Parson	SB 673-Brown
SB 631-Parson	SB 674-Schaaf
SB 632-Stouffer	SB 675-Crowell
SB 633-Engler	SB 676-Nieves
SB 634-Pearce	SB 677-Pearce
SB 635-Pearce	SB 678-Schaaf
SB 636-Keaveny	SB 679-Dixon
SB 637-Brown	SB 680-Nieves
SB 638-Lamping	SB 681-Lager
SB 639-Schaaf	SB 682-Dempsey, et al
SB 640-Schaaf	SB 683-Crowell
SB 641-Pearce	SB 684-Crowell
SB 642-Wasson	SB 685-Crowell
SB 643-Keaveny	SB 686-Schaaf
SB 644-Schaefer	SB 687-Schmitt
SB 645-Schaefer	SB 688-Schmitt
SB 646-Engler	SB 689-Engler and Schmitt
SB 647-Richard	SB 690-Engler
SB 648-Dempsey	SB 691-Engler and Callahan
SB 649-Ridgeway	SB 692-Stouffer

SB 693-Crowell
SB 694-Nieves
SB 695-Parson
SB 696-Kraus
SB 697-Wasson
SB 698-Richard

SB 699-Goodman, et al
SJR 43-Green
SJR 44-Green
SJR 45-Nieves
SJR 46-Lager
SJR 47-Rupp

HOUSE BILLS ON SECOND READING

HCS for HJR 43

THIRD READING OF SENATE BILLS

SS for SCS for SB 443-Stouffer
(In Fiscal Oversight)

SS for SCS for SB 467-Munzlinger

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 592-Lager, with SCS & SA 1 (pending)

RESOLUTIONS

To be Referred

SCR 16-Stouffer
SCR 17-Lamping

SCR 18-Rupp

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