

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 8, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Do not deceive yourselves. If you think that you are wise in this age, you should become fools so that you may become wise.” (I Corinthians 3:18)

Gracious and omniscient God, You look beyond our foolishness and self-pride and show us pathways to walk that can help us understand our place in Your kingdom so that we might better serve in this place and share the load of responsibilities that fall to each of us individually and collectively. Bless us this day, therefore, with Your presence and strengthen us so we may be faithful. 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.

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 | 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 Crowell—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 1367, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Dewaine Nelson, St. Joseph, which was adopted.

Senator Nieves offered Senate Resolution No. 1368, regarding Marc S. Perez, Wildwood, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1369, regarding Michael Gaines, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1370, regarding Emily Duncan, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1371, regarding Susanna Grubbs, Liberty, which was adopted.

Senator Nieves offered Senate Resolution No. 1372, regarding Evan E. Searcy, Washington, which was adopted.

Senator Schaaf offered Senate Resolution No. 1373, regarding Richard Lucas “Luke” Lanning, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1374, regarding Kevin Luton, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1375, regarding Ryan Lee Thomas, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1376, regarding Saxton Watson, Parkville, which was adopted.

Senator Goodman offered Senate Resolution No. 1377, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gilbert Ross, Mt. Vernon, which was adopted.

CONCURRENT RESOLUTIONS

Senators Rupp, Schmitt, Parson, Richard, Wright-Jones and McKenna offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

Relating to granting authority to the department of economic development to approve qualified equity investments.

WHEREAS, section 135.680 provides for granting authority to the Department of Economic Development to approve qualified equity investments for the Missouri New Markets Development Program by concurrent resolution; and

WHEREAS, section 135.680 further requires a description of the amount of credits available for the next fiscal year in that concurrent resolution; and

WHEREAS, the current fiscal year cap on the Missouri New Markets Development Program is set at twenty-five million dollars; and

WHEREAS, for every ten million dollars in annual credits claimed under the cap, one hundred twenty-five million dollars of qualified equity investment is made; and

WHEREAS, the Missouri New Markets Development Program has resulted in significant job creation and new tax revenue for the State of Missouri and its political subdivisions; and

WHEREAS, without further action by the General Assembly by concurrent resolution the Missouri New Markets Development Program cannot continue to attract new private investment:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, the House concurring therein, grant authority to the Department of Economic Development to approve qualified equity investments in the Missouri New Markets Development Program to the greatest extent possible without exceeding, now or in any future year, the limitation on tax credits found in subsection 2 of section 135.680; and

BE IT FURTHER RESOLVED that the authority to approve qualified equity investments shall apply in the next fiscal year and the partial fiscal year that follows until such time as the sunset in subsection 7 of section 135.680 applies; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Jay Nixon.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 764—By Schaefer.

An Act to repeal sections 610.010, 610.020, 610.021, 610.022, 610.023, 610.024, 610.025, 610.026, 610.027, 610.029, and 610.100, RSMo, and to enact in lieu thereof eleven new sections relating to public records and meetings, with existing penalty provisions.

SB 765—By Schaefer.

An Act to repeal section 488.305, RSMo, and to enact in lieu thereof one new section relating to fees for garnishments.

SB 766—By Schaefer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof one new section relating to the residential treatment agency tax credit.

SB 767—By Goodman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to Navy Cross special license plates.

SB 768—By Kraus.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

SB 769—By Kraus.

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to anemometer towers, with penalty provisions.

SB 770—By Wright-Jones.

An Act to repeal section 660.057, RSMo, and to enact in lieu thereof one new section relating to the reporting requirements for area agencies on aging.

SB 771—By Nieves and Cunningham.

An Act to amend chapter 537, RSMo, by adding thereto three new sections relating to the duties and liabilities of ski area operators and skiers.

SB 772—By Brown.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to the abortion-inducing drugs safety act, with penalty provisions.

SB 773—By Parson.

An Act to repeal section 115.349, RSMo, and to enact in lieu thereof one new section relating to the time period for filing declarations for candidacy, with an emergency clause.

Senator Rupp assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Ways and Means and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Ways and Means and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 592**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 455** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Pearce, **SB 455** was declared perfected and ordered printed.

SB 442, with **SCS**, was placed on the Informal Calendar.

Senator Brown moved that **SB 564** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 564** was declared perfected and ordered printed.

SB 470, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dempsey, **SB 572**, with **SCS**, was placed on the Informal Calendar.

Senator Kraus moved that **SB 589**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 589**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 589

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic enforcement systems.

Was taken up.

Senator Kraus moved that **SCS** for **SB 589** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Kraus, **SB 589**, with **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 592**, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 592

An Act to repeal sections 213.010, and 213.111, RSMo, and to enact in lieu thereof three new sections relating to unlawful discriminatory practices.

Was taken up.

On motion of Senator Lager, **SS** for **SCS** for **SB 592** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|------------|----------|-------|------------|----------|---------|----------|
| Brown | Cunningham | Dempsey | Dixon | Engler | Goodman | Kehoe | Kraus |
| Lager | Lamping | Lembke | Mayer | Munzlinger | Nieves | Parson | Pearce |
| Purgason | Richard | Ridgeway | Rupp | Schaaf | Schaefer | Schmitt | Stouffer |

Wasson—25

NAYS—Senators

| | | | | | | | |
|----------|-----------------|-------|-------|--------|---------|---------|----------------|
| Callahan | Chappelle-Nadal | Curls | Green | Justus | Keaveny | McKenna | Wright-Jones—8 |
|----------|-----------------|-------|-------|--------|---------|---------|----------------|

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Rupp moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Dempsey, 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 455** and **SB 564**, 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.

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 **HB 1036**, entitled:

An Act to repeal section 115.241, RSMo, relating to political party emblems on ballots.

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 1039**, entitled:

An Act to repeal section 70.695, RSMo, and to enact in lieu thereof one new section relating to the Missouri local government employees' retirement system.

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 1099**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of veterans of operation Iraq/enduring freedom day.

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 1100**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Vietnam veterans day.

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 1105**, entitled:

An Act to repeal section 41.050, RSMo, and to enact in lieu thereof one new section relating to the state militia.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Mayer referred **SB 455** to the Committee on Ways and Means and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Bob and Susan Engelhart and their children, Callie and Case, Jackson; and Case was made an honorary page.

Senator Stouffer introduced to the Senate, representatives of Missouri Association of Nurse Anesthetists from around the state.

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Lent Johnson, M.D., Hannibal.

Senator Munzlinger introduced to the Senate, Dr. Jeff Davis, Memphis; and Dr. Ken Jones, Clinton.

Senator Dixon introduced to the Senate, representatives of the Junior League and representatives of the Multiple Sclerosis Society, Springfield.

Senator Nieves introduced to the Senate, SGT Cameron Carney and SSG Ryan Gardner, Washington; SFC Sherry J. Foxx, St. Charles; 1SG Ben W. Gibbins and Capt. Amy Cory, Ft. Leonard Wood; and Col. Michael Pate, Union.

Senator Brown introduced to the Senate, Teddy Byler and representatives of the Missouri Dental Hygienist Association, Rolla.

Senator Purgason introduced to the Senate, Wyatt Thomas, West Plains.

Senator Mayer introduced to the Senate, Josh Hale, Puxico.

Senator Munzlinger introduced to the Senate, Head Coach Joe Brandenburg, Assistant Coach Mindy Ray, Managers Lauren Seago and Katie Danforth and members of the Class 2 State Champion Palmyra High School softball team: Alexis Van Nostrand, Katie Serbin, Kelsey Martin, Kindra Henze, Brianne Caldwell, Jamie Martin, Katee Hinkle, Liz Stansberry, Evie Miles, Jenna O'Leary, Bowen Juette, Bailey Leftwich, Lexi Lossen and Madison Ragar.

Senator Richard introduced to the Senate, Dental Hygienist students from Missouri Southern State University, Joplin.

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

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 9, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 738-Stouffer
SB 739-Keaveny
SB 740-Pearce

SB 741-Parson
SB 742-Brown
SB 743-Brown

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|-----------------------|------------------------------|
| SB 744-Wright-Jones | SB 760-Dempsey |
| SB 745-Lembke | SB 761-Keaveny |
| SB 746-Schaefer | SB 762-Keaveny |
| SB 747-Schaefer | SB 763-Kehoe |
| SB 748-Brown | SB 764-Schaefer |
| SB 749-Lamping, et al | SB 765-Schaefer |
| SB 750-Schmitt | SB 766-Schaefer |
| SB 751-Schaaf | SB 767-Goodman |
| SB 752-Kehoe, et al | SB 768-Kraus |
| SB 753-Green | SB 769-Kraus |
| SB 754-Mayer | SB 770-Wright-Jones |
| SB 755-Mayer | SB 771-Nieves and Cunningham |
| SB 756-Engler | SB 772-Brown |
| SB 757-Wasson | SB 773-Parson |
| SB 758-Wasson | SJR 49-Rupp |
| SB 759-Lager | |

HOUSE BILLS ON SECOND READING

| | |
|----------------------------|--------------------------|
| HCS for HJR 43 | HB 1039-Leara |
| HB 1135-Smith (150), et al | HB 1099-Fitzwater, et al |
| HCS for HB 1140 | HB 1100-Fitzwater, et al |
| HB 1036-Dugger | HB 1105-Day |

THIRD READING OF SENATE BILLS

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|-------------------------------------|--------------|
| SB 455-Pearce (In Fiscal Oversight) | SB 564-Brown |
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SENATE BILLS FOR PERFECTION

SB 498-Munzlinger, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

| | |
|--------------------------------------|---------------------------------------|
| SB 438-Mayer | SB 470-Dixon, with SCS |
| SB 439-Mayer, with SCS | SB 547-Purgason |
| SB 442-Stouffer, with SCS | SBs 553 & 435-Brown, with SCS, SS for |
| SB 469-Dixon, with SCS, SS for SCS & | SCS & SA 1 (pending) |
| SA 2 (pending) | SB 572-Dempsey, with SCS |

SB 589-Kraus, with SCS (pending)
SB 596-Brown, with SCS

SJR 29-Lamping, with SS & SA 1 (pending)

RESOLUTIONS

To be Referred

SCR 20-Rupp, et al

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