

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 22, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The best prayers are often more groans than words.” (John Bunyan)

Much of the Christian world observe today as Ash Wednesday, a day of reflection, repentance and reconciliation. So help us dear Lord to be true to ourselves as we pray this day aware of our shortcomings and in need of Your mercy. Keep us close to You, O Lord, that even our groans and moans are known to You and provide us with hope and guidance as we walk through this day of ashes toward Your promise to be with us always. 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	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 Richard offered Senate Resolution No. 1469, regarding the 2011-2012 state champion Joplin High School Constitution Team, which was adopted.

Senator Richard offered Senate Resolution No. 1470, regarding Sabrina Drackert, Carthage, which was adopted.

Senator Dixon offered Senate Resolution No. 1471, regarding Dorial Green-Beckham, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1472, regarding Craig Wagoner, Springfield, which was adopted.

Senator Pearce offered Senate Resolution No. 1473, regarding Andrew Robert Leo Burgess, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1474, regarding Andre Williams, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 1475, regarding Matthew Ian Barker, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1476, regarding Taylor Black, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1477, regarding Erica Collins, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1478, regarding Myron L. DeBerry, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1479, regarding Mable Stevens, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

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

SB 819—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to state enforcement of certain federal laws, with penalty provisions.

SB 820—By Nieves.

An Act to repeal sections 190.307 and 650.340, RSMo, and to enact in lieu thereof two new sections relating to emergency dispatch operator training.

SB 821—By McKenna.

An Act to repeal section 77.030, RSMo, and to enact in lieu thereof one new section relating to terms for councilmen in third class cities.

SB 822—By Munzlinger.

An Act to repeal section 261.125, RSMo, and to enact in lieu thereof one new section relating to

agriculture.

SB 823—By Munzlinger.

An Act to repeal section 217.670, RSMo, and to enact in lieu thereof one new section relating to videoconferencing of offenders.

SB 824—By Schaefer, Rupp, Ridgeway and Brown.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of motorcycle awareness month.

SB 825—By Justus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to limiting financial contributions to support campaigns for certain public offices.

SB 826—By Crowell.

An Act to repeal sections 105.473, 105.483, 105.485, 105.487, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033, RSMo, and sections 105.456, 105.463, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 115.364, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, 226.033, and 575.021, as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twenty-three new sections relating to ethics, with penalty provisions.

SB 827—By Crowell.

An Act to repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

SB 828—By Crowell.

An Act to repeal sections 287.067, 287.120, and 287.150, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 829—By Crowell.

An Act to repeal section 287.220, RSMo, and to enact in lieu thereof one new section relating to the second injury fund, with an emergency clause.

Senator Pearce assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 719**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 719**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 719

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to the

issuance of temporary boating safety identification cards to nonresidents, with an emergency clause.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 719** be adopted.

Senator Kehoe offered **SS** for **SCS** for **SB 719**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 719

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to the issuance of temporary boating safety identification cards to nonresidents, with an emergency clause.

Senator Kehoe moved that **SS** for **SCS** for **SB 719** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS** for **SCS** for **SB 719** was declared perfected and ordered printed.

Senator Rupp moved that **SB 484**, **SB 477** and **SB 606**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 484**, **477** and **606**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 484, 477 and 606

An Act to repeal sections 130.047, 407.1095, 407.1098, 407.1101, 407.1104, 407.1107, and 407.1110, RSMo, and to enact in lieu thereof nine new sections relating to telephone calls.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 484**, **477** and **606** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 484, 477 and 606, Page 2, Section 407.1095, Line 22, by inserting immediately at the end of said line the following: "**or**"; and further amend line 25, by striking the word "or"; and

Further amend said bill and section, page 3, lines 26-30, by striking all of said lines.

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

Senator Rupp moved that **SCS** for **SBs 484**, **477** and **606**, as amended, be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SBs 484**, **477** and **606**, as amended, was declared perfected and ordered printed.

Senator Crowell moved that **SB 492** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 492**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 492

An Act to repeal sections 104.1084, 104.1091, and 476.521, RSMo, and to enact in lieu thereof four new

sections relating to retirement.

Senator Crowell moved that **SS** for **SB 492** be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Crowell, **SB 492**, with **SS** (pending), was placed on the Informal Calendar.

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 adopted **HCR 12**.

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 1034 was introduced in the 111th Congress designating the Honor and Remember Flag, created by Honor and Remember, Inc., as an official recognition and in honor of fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby designates the Honor and Remember Flag as the State of Missouri's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges the United States Congress to enact a similar resolution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri Veterans Commission and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Herbert Dankert, 1505 North Jefferson, Springfield, Greene County, Missouri 65803, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2015, and until his successor is duly appointed and qualified; vice, Creed Jones, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aliah Holman, 1240 Graham Street, St. Louis City, Missouri 63139, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2012, and until her successor is duly appointed and qualified; vice, Kevin Cahill, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Inglima, 3600 Southwest Harbor Circle, Lee's Summit, Jackson, Missouri 64082, as a member of the Peace Officer Standards and Training, for a term ending October 3, 2013, and until his successor is duly appointed and qualified; vice, Mark Edwards, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin Magnan, 10828 Bailey School Road, Festus, Jefferson County, Missouri 63701, as a student representative of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2014, and until his successor is duly appointed and qualified; vice, Brian Kelly, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ashton Raffety, 33707 Street Route O, Drexel, Bates County, Missouri 64742, as a student representative of the Northwest Missouri State University Board of Regents, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, Joseph Barbosa, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
February 22, 2012

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anthony Wilson, 2336 Massey Lane, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2013, and until his successor is duly appointed and qualified; vice, Laura Evans, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was referred to the Committee indicated:

HCR 8—Rules, Joint Rules, Resolutions and Ethics.

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 **SCS** for **SBs 484, 477 and 606** and **SS** for **SCS** for **SB 719**, 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.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Obbie Willis, Belton.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Nelson Sabates, M.D., Independence.

Senator Richard introduced to the Senate, Stefanie Nentrup, Lockwood.

Senator Schaaf introduced to the Senate, Casey Leslie, St. Joseph.

Senator Schmitt introduced to the Senate, Sandy Stewart, Liz Majino, Kris Denbow, Bill Schiller, Jean Dugan, David Winkler, Deb Wagnon, John M. Thomas, Carrie Rao, Jason Heisserer, Jo Doll, Stephen

Rudolph, Lisa Hilpert, Sheri Evans, Gary Heisel and Sarah Riss, Webster Groves.

Senator Schmitt introduced to the Senate, Chancellor Myrtle Dorsey, St. Louis Community College; President George Wasson, Meramec; President Marcia Pfeiffer, Florissant Valley; President Cindy Hess, Forest Park; President Pam McIntyre, Wildwood; and Melissa Huttman.

Senator Justus introduced to the Senate, Shanita Frazier, Grandview.

Senator Rupp introduced to the Senate, Karen Jones and Victoria Smith, St. Charles Community College.

Senator Rupp introduced to the Senate, Shae Dunnaway, Wentzville.

Senator Wasson introduced to the Senate, Kaleb Killingsworth and his parents, Kenny and Sherry Killingsworth, Walnut Grove.

Senator Dixon introduced to the Senate, students from Missouri State University School of Social Work.

Senator Engler introduced to the Senate, Josh Buckner, Farmington.

Senator Nieves introduced to the Senate, Dr. Ed Jackson, President, Dr. Jon Bauer, President-Elect, Tom Dill, Don Kappelmann, Dot Schowe, Cookie Hays and Shannon Grus, East Central College, Union.

Senator Nieves introduced to the Senate, Angelica Bolzenius, Jon McCarty, J.D. Johnson, Ricky Sang, Justin Ferris, Jessica Somers and Cady Honey, students from East Central College, Union.

Senator Stouffer introduced to the Senate, Whitney Schieni, Salisbury.

Senator Parson introduced to the Senate, Christopher Wood, Humansville.

Senator McKenna introduced to the Senate, Dr. Ray Cumiskey, Jefferson College.

Senator Mayer introduced to the Senate, Maggie Mouhalis, Holcomb.

Senator Kehoe introduced to the Senate, Josey Stephens, Prairie Home.

Senator Lager introduced to the Senate, Dr. Ben Reine, Dr. Chris Paynter and Dr. Bruce Williams.

Senator Lager introduced to the Senate, Marci Luke, Stanberry.

Senator Goodman introduced to the Senate, BreeAnna Damron, McDonald County.

Senator Crowell introduced to the Senate, Andrea Cook, Jackson.

Senator Green introduced to the Senate, Darrell Hamilton, Black Jack.

Senator Chappelle-Nadal introduced to the Senate, her mother Cecilia Nadal, St. Louis; and representatives of the 11th Annual Hispanic Day at the Capitol.

Senator Richard introduced to the Senate, President Alan D. Marble and Karen Fink, Isabel Olvera, Amanda Girdler, Kendra Buchele and Jenna Diehl, representatives of Crowder College, Neosho.

Senator Brown introduced to the Senate, nursing students from East Central College, Rolla.

Senator Goodman introduced to the Senate, his sister-in-law, Jenna Hood, and students from Cox School of Nursing, Springfield.

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

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 23, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 794-Schmitt	SB 812-Schaefer, et al
SB 795-Callahan, et al	SB 813-Richard
SB 796-Justus	SB 814-Brown
SB 797-Justus	SB 815-McKenna
SB 798-Justus, et al	SB 816-Kraus
SB 799-Justus, et al	SB 817-Parson
SB 800-Justus	SB 818-Parson
SB 801-Justus	SB 819-Nieves
SB 802-Justus	SB 820-Nieves
SB 803-Rupp	SB 821-McKenna
SB 804-Engler	SB 822-Munzlinger
SB 805-Engler	SB 823-Munzlinger
SB 806-Cunningham	SB 824-Schaefer, et al
SB 807-Dempsey	SB 825-Justus
SB 808-Lembke	SB 826-Crowell
SB 809-Lamping	SB 827-Crowell
SB 810-Lamping	SB 828-Crowell
SB 811-Dixon	SB 829-Crowell

HOUSE BILLS ON SECOND READING

HCS for HJR 43	HB 1219-Elmer, et al
HB 1135-Smith (150), et al	HB 1104-Schoeller and Smith (150)
HCS for HB 1140	HB 1075-Sater
HB 1036-Dugger	HB 1093-Elmer, et al
HB 1039-Leara	HB 1141-Gatschenberger, et al
HB 1099-Fitzwater, et al	HB 1156-Rowland, et al
HB 1100-Fitzwater, et al	HB 1179-Hampton, et al
HB 1105-Day	HB 1185-Parkinson and Kelley (126)
HCS for HB 1311	HB 1250-Ruzicka, et al
HCS for HB 1329	HB 1251-Ruzicka

HB 1269-Brattin, et al
 HB 1103-Crawford and Wyatt

HB 1192-Koenig, et al
 HB 1041-Thomson

THIRD READING OF SENATE BILLS

SJR 26-Lager (In Fiscal Oversight)
 SB 701-Mayer

SCS for SBs 484, 477 & 606-Rupp
 SS for SCS for SB 719-Kehoe

SENATE BILLS FOR PERFECTION

SB 474-Kraus, with SCS
 SB 655-Green, et al, with SCS
 SB 648-Dempsey, with SCS
 SB 568-Parson, with SCS
 SB 690-Engler

SB 578-Parson
 SB 562-Dixon, et al, with SCS
 SB 563-Dixon, with SCS
 SB 736-Engler

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer
 SB 439-Mayer, with SCS
 SB 442-Stouffer, with SCS
 SB 457-Schmitt, with SCS & SS for SCS
 (pending)
 SB 465-Schaaf
 SB 470-Dixon, with SCS
 SB 479-Crowell
 SB 480-Stouffer, with SCS
 SB 492-Crowell, with SS (pending)
 SB 547-Purgason

SBs 553 & 435-Brown, with SCS, SS for
 SCS & SA 1 (pending)
 SB 577-Goodman and Rupp, with SCS
 SB 589-Kraus, with SCS (pending)
 SB 591-Parson, with SCS & SA 1 (pending)
 SB 596-Brown, with SCS
 SB 621-Brown, with SCS & SS for SCS
 (pending)
 SB 749-Lamping, with SS & SA 1 (pending)
 SJR 29-Lamping, with SS & SA 1 (pending)

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer

To be Referred

HCR 12-Davis, et al

