

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 23, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Great peace have those who love your law; nothing can make them stumble.” (Psalm 119:165)

You, O Lord, have given us Your law for living our lives in faithfulness and obedience; to live our lives fully in joy and peace. We give You thanks for Your blessings to us and our people so we may live in harmony with one another. And, we would ask that You watch over our travel this day and bring us safely home to those we love. 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	Justus	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

Green Keaveny—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nieves offered Senate Resolution No. 1480, regarding Ryan Bueckendorf, Wildwood, which was adopted.

Senator Nieves offered Senate Resolution No. 1481, regarding Julie Ronzio, Wildwood, which was adopted.

Senator Lager offered Senate Resolution No. 1482, regarding Nathan Fagerstone, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1483, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Barnett, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1484, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Smith, Weatherby, which was adopted.

Senator Crowell offered Senate Resolution No. 1485, regarding Scott R. Clark, which was adopted.

Senator Crowell offered Senate Resolution No. 1486, regarding Evan Trump, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1487, regarding Bill and Linda Freeman, Oak Ridge, which was adopted.

Senator Pearce offered Senate Resolution No. 1488, regarding Brittany Miller, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1489, regarding Brittany Stevens, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1490, regarding Jaason Levine, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1491, regarding Shaelynn Tamara Alfred, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1492, regarding Dominique Sparks, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1493, regarding Sky Roberson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1494, regarding Jacob Carter, Warrensburg, which was adopted.

Senator Kraus offered Senate Resolution No. 1495, regarding the Class 4 State Champion Blue Springs High School Wrestling Team, which was adopted.

Senator Kraus offered Senate Resolution No. 1496, regarding the Class 6 State Champion Blue Springs South High School Football Team, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1497, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Philip Rash, Sr., Lewistown, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1498, regarding the 2011-2012 Class 2 State

Champion Kirksville High School Tigers wrestling program, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1499, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Robert M. Hayes, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1500, regarding the American patriot James Paris, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1501, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Joe Henry Shelton, Brashear, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1502, regarding Joetta Schmidt, Unionville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1503, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Lowell E. Beeler, Lancaster, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1504, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold Echternacht, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1505, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Goers, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Martin, which was adopted.

On behalf of Senator Keaveny, Senator Callahan offered Senate Resolution No. 1507, regarding Ollie Stewart and the Southside Wellness Center, which was adopted.

Senator Curls offered Senate Resolution No. 1508, regarding the late John “Buck” O’Neil, which was adopted.

Senator Curls offered Senate Resolution No. 1509, regarding the Ninety-second Birthday of Ben Douglas Kynard, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Stouffer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, the trucking industry is a critical component of the United States economy; and

WHEREAS, truck safety is an important public policy concern; and

WHEREAS, on December 16, 2011, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule establishing new Hours of Service (HOS) regulations for commercial motor vehicles; and

WHEREAS, the final rule institutes a new 30-minute rest break requirement for drivers, mandates that the 34-hour restart provision include two off-duty periods between 1:00 a.m. and 5:00 a.m., and revises the definition of on-duty time; and

WHEREAS, FMCSA’s new HOS rule reduces the maximum weekly hours truck drivers may work from an average of 82 hours to 70 hours; and

WHEREAS, the final rule also establishes penalties for egregious violations of the HOS regulations and revises log book requirements for drivers involved in oilfield operations; and

WHEREAS, the FMCSA’s final rule would decrease the overall number of hours a truck driver could work, and require the addition of more trucks and drivers to deliver the nation’s freight; and

WHEREAS, this impact would likely compromise highway safety by generating more exposure to crashes, putting less experienced drivers on the road, exacerbating the shortage of rest area parking spaces and creating long periods of idle time for truck drivers; and

WHEREAS, the increased costs generated by the need for additional trucks and drivers, as well as operational changes, under the proposal would inflate delivery expenses and raise business and consumer costs; and

WHEREAS, the impact of the final rule will result in additional costs for motor carriers, reduced income for truck drivers, reduced productivity, an increase in highway congestion, and an increase in the cost of goods for Missourians; and

WHEREAS, the FMCSA's cost-benefit analysis of the proposal is incomplete, fails to completely account for all trucking-industry and economy-wide costs, and inflates the safety benefits of the proposal; and

WHEREAS, the American Trucking Association recently filed a petition with the U.S. Circuit Court of Appeals for the District of Columbia, asking the court to set aside FMCSA's recently published final rule as arbitrary and capricious and contrary to law; and

WHEREAS, FMCSA advisory panels are looking toward adopting regulations that involve screening and treatment of drivers at risk for obstructive sleep apnea; and

WHEREAS, the FMCSA Advisory Committee and Medical Review Board adopted 11 recommendations, including a requirement that all drivers with a body mass index measurement (BMI) of 35 or higher be tested for sleep apnea; and

WHEREAS, while there is some evidence to indicate that some commercial truck drivers have sleep apnea, there is insufficient evidence that this condition has resulted in the increased likelihood of crashes; and

WHEREAS, the Owner-Operator Independent Drivers Association Foundation calculated that 49 percent of the 3.5 million commercial truck drivers have a BMI of 30 or greater and that if a number of drivers is required to undergo sleep lab exams, such a rule would cost truckers \$5.25 billion; and

WHEREAS, the reach of the proposed sleep apnea testing regulation would even govern school bus drivers; and

WHEREAS, there are valid operational differences between school bus operations and other commercial carrier operations which should be taken into account when considering applying the recommendations to all commercial drivers; and

WHEREAS, FMCSA is considering adopting other rules and regulations, notably regulations concerning electronic stability control for large trucks and speed limits for large trucks, all measures that could have a profound effect on the national economy:

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 Federal Motor Carrier Safety Administration to rescind its newly published rule regarding hours of service and refrain from adopting regulations concerning sleep apnea and other measures affecting the trucking industry; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Administrator of the Federal Motor Carrier Safety Administration, Anne S. Ferro, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

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

SB 830—By Wasson.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 831—By Wasson.

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

SB 832—By Wasson.

An Act to repeal sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, and 115.637,

RSMo, and to enact in lieu thereof nine new sections relating to primary elections, with penalty provisions.

SB 833—By Ridgeway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bicycle and pedestrian bridge.

SB 834—By Mayer and Parson.

An Act to repeal section 57.280, RSMo, and to enact in lieu thereof one new section relating to funds coming into the possession of sheriffs.

SB 835—By Kehoe.

An Act to repeal sections 320.106, 320.131, and 320.136, RSMo, and to enact in lieu thereof three new sections relating to fireworks.

CONCURRENT RESOLUTIONS

President Pro Tem Mayer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, over the course of the spring and summer of 2011, unprecedented releases of water upstream by the U.S. Army Corps of Engineers have caused extensive pressure on the river levees in the state of Missouri that protect many communities, businesses, and prime agricultural lands; and

WHEREAS, in the face of this tremendous pressure some of Missouri's levees have been intentionally and unintentionally breached, resulting in widespread flooding, which has proved devastating to many Missouri homes, farms, families, and livelihoods; and

WHEREAS, last summer, the U.S. Army Corps of Engineers intentionally breached the Birds Point levee in southeast Missouri which resulted in the flooding of 130,000 acres of mostly agricultural land; and

WHEREAS, Missouri families have suffered unprecedented losses as a result of this situation and many Missouri farmers have experienced a complete and total loss of agricultural production, resulting in decimated farm incomes and ravaged local economies; and

WHEREAS, according to a June 2011 report drafted by the Food and Agricultural Policy Research Institute of the University of Missouri, the breach of the levee and subsequent flooding of crop lands in southeast Missouri has resulted in economic losses totaling \$60.6 million, a combination of forgone net returns and incurred production expenses in the affected area; and

WHEREAS, according to the University of Missouri Extension, the southeast Missouri region produced the following shares of the state's total production of specific agricultural commodities in 2010:

- 1) 100% of total cotton production in Missouri;
- 2) 99.6% of total rice production in Missouri;
- 3) 52.9% of total wheat production in Missouri;
- 4) 21.4% of total grain sorghum production in Missouri;
- 5) 18.1% of total soybean production in Missouri;
- 6) 15.4% of total corn production in Missouri; and

WHEREAS, with the agricultural production of southeast Missouri accounting for approximately one-third of the state's total economy, the catastrophic results of the flooding of agricultural land due to the intentional breach of the Birds Point levee in southeast Missouri has a significant economic impact for the entire state. This complete and total loss of agricultural production at a time when our state's economy is experiencing recession can only exacerbate the state's current economic hardships; and

WHEREAS, the flood waters have not yet receded in some parts of Missouri and continue to disrupt the lives of hard-working Missourians; and

WHEREAS, even after the flood waters recede, much work will need to be done to restore the productivity of the damaged agricultural

land and repair the ruined homes and businesses; and

WHEREAS, the U.S. Army Corps of Engineers has a responsibility to the nation for flood control; and

WHEREAS, the original flood plan was authorized in 1928 in response to severe flooding of the Mississippi River in 1927. The U.S. Army Corps of Engineers is obligated to re-examine the flood plan in light of the devastating losses, both short-term and long-term, suffered in this state as a result of the unprecedented releases of water upstream and the intentional breach of the Birds Point levee by the U.S. Army Corps of Engineers during the spring and summer of 2011:

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 strongly urge the U.S. Army Corps of Engineers to:

- 1) Re-examine the flood plan for the Mississippi River; and
- 2) Conduct its river operations in such a way as to avoid the devastating flooding disasters that occurred in 2011; and
- 3) Rebuild the damaged levees to at least their previous heights as expeditiously as possible; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly encourage communities, families and other stakeholders to work together to restore the prime agricultural lands that have been damaged by the recent flooding so that the productive value of these lands is not irrevocably lost; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly strongly encourage the members of the Missouri Congressional delegation to actively support policies for the management of the Mississippi River that minimize devastating flood events such as those that have been experienced by so many Missourians last summer; 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.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Ridgeway, Chairman of the Committee on Health, Mental Health, Seniors and Families, submitted the following report:

Mr. President: Your Committee on Health, Mental Health, Seniors and Families, to which was referred **SB 727**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 710**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 717**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was

referred **SJR 37**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 699**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **SJR 26**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Stouffer assumed the Chair.

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:

Paige Jenkins, as the student representative of the Missouri State University Board of Governors;

Also,

Robert Wylie, Republican, as a member of the Missouri Fire Safety Education/Advisory Commission;

Also,

Susan Plassmeyer, Democrat, as a member of the Truman State University Board of Governors;

Also,

Phyllis Stayton, as a member of the Missouri Board of Nursing Home Administrators;

Also,

Laura D. Verhulst, Republican, as a member of the Credit Union Commission;

Also,

Jeffrey Nichols, as a member of the Crime Laboratory Review Commission;

Also,

Russell A. Unger and Janis VanMeter, Democrats, as members of the Missouri Community Service Commission;

Also,

David W. Sigars, as the student representative to the Missouri Southern State University Board of Governors.

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.

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

THIRD READING OF SENATE BILLS

SJR 26, introduced by Senator Lager, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for statewide elected officials.

Was taken up.

On motion of Senator Lager, **SJR 26** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	Munzlinger	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

McKenna Nieves—2

Absent—Senators—None

Absent with leave—Senators

Green Keaveny—2

Vacancies—None

The President declared the joint resolution passed.

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

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

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

SB 701, introduced by Senator Mayer, entitled:

An Act to repeal section 142.932, RSMo, and to enact in lieu thereof one new section relating to operating a motor vehicle with dyed motor fuel, with penalty provisions in existing language.

Was taken up.

On motion of Senator Mayer, **SB 701** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
-------	----------	-----------------	---------	------------	-------	---------	-------

Engler	Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Green Keaveny—2

Vacancies—None

The President declared the bill passed.

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

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

Senator Dempsey moved that motion lay on the table, 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 by Senator Rupp.

On motion of Senator Rupp, **SCS for SBs 484, 477 and 606** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Green Keaveny—2

Vacancies—None

The President declared the bill passed.

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

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

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

SS for **SCS** for **SB 719**, introduced by Senator Kehoe, 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.

Was taken up.

On motion of Senator Kehoe, **SS** for **SCS** for **SB 719** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Kehoe	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senator Kraus—1

Absent—Senators—None

Absent with leave—Senators

Green Keaveny—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators

Green Keaveny—2

Vacancies—None

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

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

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

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 adopted **HCR 41**.

HOUSE CONCURRENT RESOLUTION NO. 41

WHEREAS, under Section 2713 of the federal Patient Protection and Affordable Care Act of 2010 health insurers must cover “preventive services” for women without charging a co-pay beginning August 1, 2012; and

WHEREAS, Health and Human Services Secretary Kathleen Sebelius defined these preventive services to include “all FDA-approved forms of contraception, sterilization procedures and patient education and counseling”; and

WHEREAS, regulations announced last year (Interim Final Rule 76 FR 46621, August 3, 2011) provided an exemption for certain religious employers regarding contraception. At that time, it was unclear if the religious exemption applied to entities operated by religious organizations that employed or served people from a variety of faiths or had no religious affiliation at all; and

WHEREAS, on January 20, 2012, Secretary Sebelius said this mandate would take effect in August for most employers. Churches would be exempted from the rule, but not religious affiliated hospitals, colleges, or charities, though they would be given an extra year to comply; and

WHEREAS, Obama administration officials said that 28 states, including California and New York, already have similar rules for health insurance; and

WHEREAS, on Friday, February 10, 2012, President Obama announced a compromise that would exempt churches, other houses of worship, and similar organizations from covering contraception on the basis of their religious objections, and would provide a one-year transition period for religious organizations while this policy is being implemented; and

WHEREAS, the Obama administration also announced that sometime in the upcoming year it will propose and finalize a new regulation to address the religious objections of the non-exempted religious organizations. The new regulation will require insurance companies to cover contraception if the non-exempted religious organization chooses not to. Under the compromise:

(1) Religious organizations would not have to provide contraception coverage or refer their employees to organizations that provide contraception;

(2) Religious organizations would not be required to subsidize the cost of contraception;

(3) Contraception coverage would be offered to women by their employers’ insurance companies directly, with no role for religious employers who oppose contraception;

(4) Insurance companies would be required to provide contraception coverage to these women free of charge; and

WHEREAS, the Missouri General Assembly has a solemn duty and obligation to uphold the laws of the State of Missouri, and to take all steps necessary and legal to stop any infringement upon the protected rights of Missouri citizens; and

WHEREAS, the people of the State of Missouri adopted Section 1.330, RSMo, by referendum, Proposition C, on August 3, 2010, which states in part:

“1.330. 1. No law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system.”; and

WHEREAS, in accordance with Section 1.330:

(1) No employee, self-employed person, or any other person should be compelled to obtain coverage for, or be discriminated against or penalized for declining or refusing coverage for, abortion, contraception, or sterilization in a health plan if such items or procedures are contrary to the religious beliefs or moral convictions of such employee or person; and

(2) No employer, health plan provider, health plan sponsor, health care provider, or any other entity should be compelled to provide coverage for, or be discriminated against or penalized for declining or refusing coverage for, abortion, contraception, or sterilization in a health plan if such items or procedures are contrary to the religious beliefs or moral convictions of such employer, health plan provider, health plan sponsor, health care provider, or entity; and

(3) No governmental entity, public official, or entity acting in a governmental capacity should be permitted to discriminate against or penalize a health plan, plan sponsor, health care provider, employer, employee, or other entity or person because of such plan's, sponsor's, provider's, employer's, employee's, entity's, or person's unwillingness, based on religious beliefs or moral convictions, to provide or obtain coverage for, participate in, or refer for, abortion, contraception, or sterilization in a health plan; and

WHEREAS, the most recent regulation under the federal Patient Protection and Affordable Care Act (PPACA) will require religious hospitals and institutions to choose between offering insurance coverage to their employees which provide birth control, sterilization procedures, and abortifacients, such as the "morning after pill", services which are contrary to the religious tenets and beliefs of the Catholic Church, other churches, and religious organizations who operate such hospitals and institutions, or decide not to provide health insurance coverage to their employees and pay the penalty imposed under PPACA; and

WHEREAS, the compromise announced by President Barack Obama on February 10, 2012, does not resolve the issue for the Catholic Church, other churches, and many religious organizations because it failed to address several important issues, such as self insurers, conscience objections of individuals, and states' rights; and

WHEREAS, in many religious hospitals and institutions, the Catholic Church, other churches, or religious organizations are self insured, which once again forces them to make an unnecessary choice in violation of their religious liberties; and

WHEREAS, even if the Catholic Church, other churches, or religious organizations do not self insure, the transfer of responsibility to the insurer of providing these services free of charge under the announced compromise will likely be passed on to employers in the form of higher premiums to cover the cost to the insurer, which forces these churches and institutions to indirectly pay for these mandates through their premiums in violation of their religious liberties; and

WHEREAS, religious liberty is a fundamental principle in our nation and state that must be protected. The intrusion of the federal government into our health care choices by creating a health care mandate which forces not only the Catholic Church, other churches, and religious organizations, but also any person with deeply held religious beliefs to violate their conscience or be subject to a penalty is unacceptable in a free society; and

WHEREAS, under the Tenth Amendment to the United States Constitution, the State of Missouri and every other state in the nation has the right to enact laws which prohibit the infringement of the federal government into the lives and affairs of its citizens in areas which are not expressly provided to the federal government under the United States Constitution; and

WHEREAS, Missouri has enacted legislation which directly contradicts the mandates contained in the federal Patient Protection and Affordable Care Act of 2010; and

WHEREAS, the Missouri General Assembly takes a firm and unwavering stand against an unconstitutional infringement on the right of the State of Missouri and its citizens not to be forced to participate in any health care system which is contrary to the laws of the State of Missouri:

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 declare the firm and unwavering stand of the Missouri General Assembly to strongly oppose the federal health care mandates contained in the Patient Protection and Affordable Care Act of 2010, including the most recent regulation requiring the provision of preventive services, as an infringement of the rights of the State of Missouri and a violation of state law; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly affirms the right of each state under the Tenth Amendment of the United States Constitution to enact laws which prohibit the unconstitutional infringement of the federal government into the lives and affairs of the states in areas which are not expressly provided to the federal government; and

BE IT FURTHER RESOLVED that the Missouri General Assembly strongly urges and encourages the members of the Missouri Congressional delegation to write letters to Secretary Sebelius to express opposition to this new regulation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Kathleen Sebelius, Secretary of the Department of Health and Human Services, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1059**, entitled:

An Act to repeal section 115.601, RSMo, and to enact in lieu thereof one new section relating to recounts of votes.

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 1107**, entitled:

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

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 1112**, entitled:

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 insurance companies.

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 1128**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to military honors.

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 1188**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the administration of asthma related rescue medication by school nurses.

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 1347**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to preferences for state contracts.

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 **HCS** for **HB 1457**, entitled:

An Act to repeal section 54.040, RSMo, and to enact in lieu thereof one new section relating to county treasurer candidate qualifications.

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 1517**, entitled:

An Act to repeal sections 42.170, 42.200, and 42.220, RSMo, and to enact in lieu thereof three new sections relating to military medallions, medals, and certificates.

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 **HCS** for **HJR 41**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the term limit reform act.

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 **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and

for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2012.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 794—Jobs, Economic Development and Local Government.

SB 795—Financial and Governmental Organizations and Elections.

SB 796—Jobs, Economic Development and Local Government.

SB 797—Education.

SB 798—Progress and Development.

SB 799—Education.

SB 800—Education.

SB 801—Education.

SB 802—Judiciary and Civil and Criminal Jurisprudence.

SB 803—Financial and Governmental Organizations and Elections.

SB 804—Judiciary and Civil and Criminal Jurisprudence.

SB 805—Transportation.

SB 806—General Laws.

SB 807—Small Business, Insurance and Industry.

SB 808—Governmental Accountability.

SB 809—Health, Mental Health, Seniors and Families.

SB 810—Health, Mental Health, Seniors and Families.

SB 811—General Laws.

SB 812—Financial and Governmental Organizations and Elections.

SB 813—General Laws.

SB 814—Commerce, Consumer Protection, Energy and the Environment.

SB 815—Jobs, Economic Development and Local Government.

SB 816—Small Business, Insurance and Industry.

SB 817—Financial and Governmental Organizations and Elections.

SB 818—Transportation.

SB 819—General Laws.

SB 820—Jobs, Economic Development and Local Government.

SB 821—Jobs, Economic Development and Local Government.

SB 822—Agriculture, Food Production and Outdoor Resources.

SB 823—Judiciary and Civil and Criminal Jurisprudence.

SB 824—General Laws.

SB 825—Rules, Joint Rules, Resolutions and Ethics.

SB 826—Rules, Joint Rules, Resolutions and Ethics.

SB 827—Judiciary and Civil and Criminal Jurisprudence.

SB 828—Judiciary and Civil and Criminal Jurisprudence.

SB 829—Small Business, Insurance and Industry.

REFERRALS

President Pro Tem Mayer referred **HCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Dempsey, the Senate recessed until 1:00 p.m.

RECESS

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

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 **HCS** for **HBs 1186** and **1147**, entitled:

An Act to repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to drivers' examinations.

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 **HCS** for **HB 1308**, entitled:

An Act to repeal section 30.270, RSMo, and to enact in lieu thereof one new section relating to pledged securities for safekeeping.

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 **HCS** for **HB 1442**, entitled:

An Act to repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo, and to enact in lieu thereof ten new sections relating to vacancies in certain statewide offices, with a referendum clause.

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 1131**, entitled:

An Act to repeal section 285.304, RSMo, and to enact in lieu thereof one new section relating to contents of a withholding form.

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 **SCS** for **SB 773**.

With House Amendment Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 773, Page 2, Section 115.349, Line 39, by deleting the date, "**March 27, 2012**" and inserting in lieu thereof the date, "**March 19, 2012**"; and

Further amend said page and section, Line 40, by deleting the date, "**April 24, 2012**" and inserting in lieu thereof the date, "**March 30, 2012**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 773, Section 115.345, Page 1, Lines 8 to 11, by deleting all of said subsection 3 and Lines and inserting in lieu thereof the following:

"3. Notwithstanding the provisions of subsection 2 of this section to the contrary, for the primary occurring on August 7, 2012, upon notification by the Secretary of State that Subsection 4 of section 115.349 has become effective, each election authority shall publish the notice and date by which candidates shall file as required under subsection 2 of this section and subsection 4 of section 115.349. The state shall reimburse each election authority for the cost of publishing such notice and the legislature shall appropriate funds for that purpose."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Parson moved that **SCS** for **SB 773**, with **HA 2** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 2 was taken up.

Senator Parson moved that the above amendment be adopted.

At the request of Senator Parson, the motion to adopt **HA 2** was withdrawn which placed the bill back on the Calendar.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 1510, regarding Alex Bistline, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1511, regarding Cameron Jacob Courtwright, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1512, regarding Skyler Ray Titsworth, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1513, regarding Zaxxon Kent Tickemyer, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1514, regarding Nolan Garrett Chapman, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1515, regarding Conner Elliot LeBaige, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1516, regarding Liam Harrison Shaw, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1517, regarding Ryan Matthew Swainston, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1518, regarding Trevor James Reynolds, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1519, regarding Joshua Russell Petree, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1520, regarding Dylan Mark Godfrey, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1521, regarding Christian Andrew Ford, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1522, regarding August Frederick Dietz, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1523, regarding Benjamin Xavier Cook, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Commanding General Yenter, Fort Leonard Wood.

Senator Lager introduced to the Senate, the Student Senate from Northwest Missouri State University, Maryville.

Senator Lembke introduced to the Senate, Don and Joan Schmidt, Stephen and Carmen Schmidt and their children, Helena, Elijah, Noah, Joshua, John Paul and Benjamin, 1st Senatorial District.

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. James Wolf, M.D., Battlefield.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 27, 2012.

SENATE CALENDAR

THIRTIETH DAY—MONDAY, FEBRUARY 27, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 830-Wasson
SB 831-Wasson
SB 832-Wasson

SB 833-Ridgeway
SB 834-Mayer and Parson
SB 835-Kehoe

HOUSE BILLS ON SECOND READING

HCS for HJR 43
HB 1135-Smith (150), et al
HCS for HB 1140
HB 1036-Dugger
HB 1039-Leara
HB 1099-Fitzwater, et al
HB 1100-Fitzwater, et al
HB 1105-Day
HCS for HB 1311
HCS for HB 1329
HB 1219-Elmer, et al
HB 1104-Schoeller and Smith (150)
HB 1075-Sater

HB 1093-Elmer, et al
HB 1141-Gatschenberger, et al
HB 1156-Rowland, et al
HB 1179-Hampton, et al
HB 1185-Parkinson and Kelley (126)
HB 1250-Ruzicka, et al
HB 1251-Ruzicka
HB 1269-Brattin, et al
HB 1103-Crawford and Wyatt
HB 1192-Koenig, et al
HB 1041-Thomson
HCS for HB 1059
HB 1107-Dugger, et al

HB 1112-Gosen	HCS for HJR 41
HB 1128-Largent	HCS for HB 2014
HB 1188-Allen, et al	HCS for HBs 1186 & 1147
HB 1347-Franz	HCS for HB 1308
HCS for HB 1457	HCS for HB 1442
HB 1517-Nolte, et al	HB 1131-Fisher

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|-------------------------------------|
| 1. SB 474-Kraus, with SCS | 9. SB 736-Engler |
| 2. SB 655-Green, et al, with SCS | 10. SB 727-Schaaf |
| 3. SB 648-Dempsey, with SCS | 11. SB 710-Engler, et al, with SCS |
| 4. SB 568-Parson, with SCS | 12. SB 635-Pearce, with SCS |
| 5. SB 690-Engler | 13. SB 717-Stouffer |
| 6. SB 578-Parson | 14. SJR 37-Crowell |
| 7. SB 562-Dixon, et al, with SCS | 15. SB 699-Goodman, et al, with SCS |
| 8. SB 563-Dixon, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)
SB 439-Mayer, with SCS	SB 577-Goodman and Rupp, with SCS
SB 442-Stouffer, with SCS	SB 589-Kraus, with SCS (pending)
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 591-Parson, with SCS & SA 1 (pending)
SB 465-Schaaf	SB 596-Brown, with SCS
SB 470-Dixon, with SCS	SB 621-Brown, with SCS & SS for SCS (pending)
SB 479-Crowell	SB 749-Lamping, with SS & SA 1 (pending)
SB 480-Stouffer, with SCS	SJR 29-Lamping, with SS & SA 1 (pending)
SB 492-Crowell, with SS (pending)	
SB 547-Purgason	

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 773-Parson, with HA 2 & HA 3

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer

To be Referred

SCR 24-Stouffer
SCR 25-Mayer

HCR 41-Curtman, et al

✓