

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Being involved in my faith allowed me to really appreciate life...My faith also reminded me that I have a purpose here.” (Beverley Mitchell)

Gracious God, we give You thanks for this day, and the faith that teaches us that we each have a purpose to which You have called us. So we are grateful for the role You have given us who serve here and the opportunity to assist the people who elected us. We are appreciative of all You do and give thanks for every blessing You provide that makes life a joy. 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	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	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Schmitt—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Pearce offered Senate Resolution No. 1596, regarding Morris L. Collins, Warrensburg, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SJR 37** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer assumed the Chair.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 37, Page 1, In the Title, Line 4, by striking the words “meetings of”; and

Further amend said resolution, page 2, section 2, line 22 by striking the word “four” and inserting in lieu thereof the following: “**ten**”; and further amend line 23 by inserting after the word “apportionment” the following: “**or the date by which the commission stands discharged because of its failure to file a final statement with the secretary of state**”; and

Further amend said resolution, page 4, section 7, line 15 by striking the word “four” and inserting in lieu thereof the following: “**ten**”; and further amend line 16 by inserting after the word “apportionment” the following: “**or the date by which the commission stands discharged because of its failure to file a final statement with the secretary of state**”.

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

On motion of Senator Crowell, **SJR 37**, as amended, was declared perfected and ordered printed.

Senator Lamping moved that **SB 711**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Lamping moved that **SCS** for **SB 711** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 711** was declared perfected and ordered printed.

At the request of Senator Lamping, **SB 722**, with **SCS**, was placed on the Informal Calendar.

Senator Parson moved that **SB 726**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Parson moved that **SCS** for **SB 726** be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **SB 726** was declared perfected and ordered printed.

SB 623 was placed on the Informal Calendar.

Senator Kraus moved that **SB 569**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Kraus moved that **SCS** for **SB 569** be adopted.

Senator Crowell assumed the Chair.

At the request of Senator Kraus, **SB 569**, with **SCS** (pending), was placed on the Informal Calendar.

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 SB 591; SS No. 2 for SB 492; SCS for SB 480; and SS for SCS for SB 470**, 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.

REFERRALS

President Pro Tem Mayer referred **SS No. 2 for SB 492** to the Committee on Ways and Means and Fiscal Oversight.

On motion of Senator Dempsey, the Senate recessed until 5:00 p.m.

RECESS

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

MESSAGES FROM THE HOUSE

The following 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 **HCS for HCR 32**.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 32

WHEREAS, the Land and Water Conservation Fund (LWCF) was established by the United States Congress in 1965 to preserve, develop, and assure accessibility to quality outdoor recreation resources "to strengthen the health and vitality of the citizens of the United States"; and

WHEREAS, the LWCF is principally funded by revenue received from offshore energy extraction and is authorized to receive \$900 million annually through the annual appropriations process; and

WHEREAS, the LWCF funds a federal land acquisition program and provides matching grants to states and localities for capital projects through the State Assistance program; and

WHEREAS, investments from the LWCF State Assistance program support the creation of public parks in rural and urban communities throughout America, protect green space and local water supplies, guarantee outdoor recreation opportunities, spur economic development, create jobs, and significantly aid national efforts to promote health, connect youth to nature and the outdoors, combat childhood obesity, and protect the environment; and

WHEREAS, in the original authorizing legislation, Congress recognized the important role of state and local parks in achieving its intended purpose by requiring the allocation of 60% of LWCF annual funding to the State Assistance program and 40% to the federal program; and

WHEREAS, the language protecting the State Assistance program was removed in the mid 1970s resulting in a disproportional amount (84%) of LWCF funding going to the federal side of the program over the past 25 years; and

WHEREAS, no language exists to protect the State Assistance funding allocations, and Congress appropriated a total of approximately \$304 million to LWCF in FY 2009 but allocated only \$19 million (6%) to the State Assistance program, and in FY 2010 appropriated a total of approximately \$479 million to LWCF with a mere \$40 million (8%) going to the State Assistance program; and

WHEREAS, Missouri received only \$509,599 in FY 2009 and \$699,429 in FY 2010 based on Missouri's portion (.017%) of the 16% that is currently allocated to the states; and

WHEREAS, the disproportional allocation of LWCF funding between the two programs has severely limited state and local governments

in their capacity to develop parks and open spaces and protect green space and local water supplies in light of rapidly increasing populations; and

WHEREAS, LWCF provides one-time funding for state and local capital projects and state and local governments equally match the federal dollars, then assume all costs of management and maintenance; and

WHEREAS, the State of Missouri has approximately \$7 million in unmet need for LWDF State Assistance projects; and

WHEREAS, requiring 40% of LWCF funds to be annually allocated to the State Assistance program would not increase the national debt, but would ensure a more balanced allocation of resources between federal land acquisition and state and local community conservation efforts, as intended by the authorizing legislation:

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 call on the United States Congress to implement legislation specifying an annual allocation of at least 40% of Land and Water Conservation Fund (LWCF) moneys to the State Assistance program; 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 President Barack Obama, the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 439**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 439**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 439

An Act to repeal sections 290.210, 290.250, 290.262, 290.290, and 290.340, RSMo, and to enact in lieu thereof six new sections relating to the prevailing wage, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SB 439** be adopted.

Senator Kraus assumed the Chair.

At the request of Senator Mayer, **SB 439**, with **SCS**, was placed on the Informal Calendar.

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 **SB 726**; **SCS** for **SB 711**; and **SJR 37**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Mayer assumed the Chair.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1219**, begs leave to report that it has considered the same and recommends that the

bill do pass.

Senator Kraus assumed the Chair.

REFERRALS

President Pro Tem Mayer referred **SJR 37** to the Committee on Ways and Means and Fiscal Oversight.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 6, 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:

Eva Danner Horton, 1220 Elm Street, Chillicothe, Livingston County, Missouri 64601, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2016, and until her successor is duly appointed and qualified; vice, Dennis Kempker, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 6, 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:

Michael Pantleo, 21257 Coon Branch Road, Lawson, Ray County, Missouri 64062, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2016, and until his successor is duly appointed and qualified; vice, Zelema Harris, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 6, 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:

Alexis B. Roam, 24200 Redding Lane, Richland, Pulaski County, Missouri 65556, as a member of the Missouri Board of Nursing Home Administrators, for a term ending November 21, 2013, and until her successor is duly appointed and qualified; vice, RSMo 344.060.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 6, 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:

Brian Shewell, 1221 Milwaukee Street, Excelsior Springs, Clay County, Missouri 64024, as a student representative of the Missouri Western State University Board of Governors, for a term ending December 31, 2013, and until his successor is duly appointed and qualified; vice, Peter Gregory, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 6, 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:

Melissa Turner, 691 Compton Hollow Road, Rogersville, Webster County, Missouri 65742, as a member of the Missouri Workforce Investment Board, for a term ending March 3, 2016, and until her successor is duly appointed and qualified; vice, Byron Hill, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 1597, regarding Evan Jonathan Linard, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1598, regarding Stephen Dean Nolting, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1599, regarding Connie Rastberger, Ms. Missouri Nursing Home Queen, which was adopted.

Senator Mayer offered Senate Resolution No. 1600, regarding the Butler County Community Resource Council, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1601, regarding Lee Moss, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1602, regarding Charlie and Carolyn Downs, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1603, regarding Peter Sepe, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1604, regarding Rich Haas, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1605, regarding Jerry Pinkner, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1606, regarding Llwelyn's Pub, which was adopted.

On behalf of Senator Schmitt, Senator Dempsey offered Senate Resolution No. 1607, regarding Sylva Neubauer, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Homeschoolers from Macon County.

Senator Kehoe introduced to the Senate, Zach Knipp, Tipton.

Senator Rupp introduced to the Senate, Jenny Espenshied and her children, Cole, Trevor and Haley, Homeschoolers from Lake St. Louis; and Cole, Trevor and Haley were made honorary pages.

Senator Kehoe introduced to the Senate, Mrs. Laney Clemens, Mr. Brian Underwood and ninth grade students from Simonsen Ninth Grade Center, Jefferson City.

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. George Hubbell, M.D., Lake Ozark.

Senator Ridgeway introduced to the Senate, Sharon Barnes and eight Missouri Federation of Republican Women Joanne Breckenridge Scholars.

Senator Ridgeway introduced to the Senate, Nola Wood and Pat Lehman, representatives of Federation of Republican Women, Kansas City.

Senator Mayer introduced to the Senate, Mary Howell, Audi Guined, Devin Grant, Mitchell Nelson, Lonicia Walker and Ashton Howell from Malden High School.

Senator Justus introduced to the Senate, Robyn Holsman and fourth grade students from Red Bridge Elementary School.

Senator Schaefer introduced to the Senate, representatives of Leadership Columbia Program.

Senator Engler introduced to the Senate, Col. Wenninger and members of Farmington High School ROTC.

Senator Ridgeway introduced to the Senate, students from Liberty High School.

Senator Pearce introduced to the Senate, Coach Dan Plott and Assistant Coach Brittney Slifer and members of the 2011 Class 3 State Champion Warrensburg High School Tigers Cross Country Team: Creighton Collier, Andrew Nordyke, Jean-Pierre Espinoza, Albert Fleeer, Alex Burson, Max Burson, Trent Classen, Ethan Holland, Nick Forsythe and Ryan Dyer.

Senator Dempsey introduced to the Senate, Hope Homeschool Co-op, St. Charles County.

Senator Wright-Jones introduced to the Senate, former State Senator Maida Coleman, St. Louis.

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

SENATE CALENDAR

 THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2012

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 857-Brown	SB 885-Engler
SB 858-Schaaf	SB 886-Engler
SB 859-Nieves	SB 887-Ridgeway
SB 860-Nieves	SB 888-Ridgeway
SB 861-Purgason	SB 889-Lager
SB 862-Engler	SB 890-Lager
SB 863-Wright-Jones	SB 891-Lager
SB 864-Wright-Jones	SB 892-Kraus
SB 865-Pearce	SB 893-Kraus
SB 866-Lembke	SB 894-Curls
SB 867-Lembke	SB 895-Curls
SB 868-Kehoe	SB 896-Schaefer
SB 869-Kehoe, et al	SB 897-Schaefer
SB 870-Lamping	SB 898-Schaefer
SB 871-Lamping	SB 899-Green
SB 872-Justus	SB 900-Munzlinger
SB 873-Lembke	SB 901-Lembke
SB 874-McKenna	SB 902-Lamping
SB 875-Goodman	SB 903-Lamping
SB 876-Kehoe and Parson	SB 904-Mayer
SB 877-Mayer	SB 905-Mayer
SB 878-Mayer	SB 906-Kraus
SB 879-Wasson	SB 907-Schaaf
SB 880-Wasson	SB 908-Kehoe
SB 881-Pearce	SB 909-Cunningham, et al
SB 882-Pearce	SB 910-Ridgeway
SB 883-Richard	SB 911-Ridgeway
SB 884-Nieves	SB 912-McKenna and Green

HOUSE BILLS ON SECOND READING

HB 1104-Schoeller and Smith (150)	HB 1093-Elmer, et al
HB 1075-Sater	HB 1141-Gatschenberger, et al

HB 1156-Rowland, et al	HCS for HJR 41
HB 1179-Hampton, et al	HCS for HBs 1186 & 1147
HB 1185-Parkinson and Kelley (126)	HCS for HB 1308
HB 1250-Ruzicka, et al	HCS for HB 1442
HB 1251-Ruzicka	HB 1131-Fisher
HB 1269-Brattin, et al	HB 1441-Fisher
HB 1103-Crawford and Wyatt	HJR 45-Solon, et al
HB 1192-Koenig, et al	HB 1318-Riddle, et al
HB 1041-Thomson	HCS for HB 1731
HCS for HB 1059	HCS for HB 1030
HB 1107-Dugger, et al	HCS for HB 1139
HB 1112-Gosen	HCS for HB 1106
HB 1128-Largent	HCS for HB 1174
HB 1188-Allen, et al	HB 1349-Jones (117), et al
HB 1347-Franz	HB 1114-Weter
HCS for HB 1457	HB 1037-Dugger
HB 1517-Nolte, et al	HCS for HB 1072

THIRD READING OF SENATE BILLS

SS for SCS for SB 699-Goodman (In Fiscal Oversight)	SCS for SB 480-Stouffer
SCS for SB 591-Parson	SS for SCS for SB 470-Dixon
SS#2 for SB 492-Crowell (In Fiscal Oversight)	SCS for SB 726-Parson
	SCS for SB 711-Lamping
	SJR 37-Crowell (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------------|----------------------------------|
| 1. SB 607-Stouffer | 6. SB 744-Wright-Jones, with SCS |
| 2. SB 714-Lager, with SCS | 7. SB 693-Crowell |
| 3. SB 743-Brown | 8. SB 650-Ridgeway |
| 4. SB 689-Engler and Schmitt, with SCS | 9. SJR 48-Dixon |
| 5. SB 620-Rupp | 10. SJR 50-Curls |

HOUSE BILLS ON THIRD READING

HB 1219-Elmer, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer

SB 439-Mayer, with SCS (pending)

SB 442-Stouffer, with SCS	SB 596-Brown, with SCS
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 621-Brown, with SCS & SS for SCS (pending)
SB 465-Schaaf	SB 623-Cunningham, with SCS
SB 474-Kraus, with SCS & SA 1 (pending)	SB 635-Pearce, with SCS
SB 479-Crowell	SB 710-Engler, et al, with SCS, SS for SCS & SA 1 (pending)
SB 547-Purgason	SB 717-Stouffer
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 722-Lamping, with SCS
SB 569-Kraus, with SCS (pending)	SB 727-Schaaf, with SS (pending)
SB 577-Goodman and Rupp, with SCS	SB 749-Lamping, with SS & SA 1 (pending)
SB 589-Kraus, with SCS (pending)	SJR 29-Lamping, with SS & SA 1 (pending)

SENATE BILLS WITH HOUSE AMENDMENTS

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

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer
SCR 21-Pearce, et al

SCR 24-Stouffer

To be Referred

HCS for HCR 32

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