

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—TUESDAY, MARCH 27, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I believe in one God, Creator of the Universe. That he governs it by his Providence. That he ought to be worshiped. That the most acceptable Service we can render to him is doing Good to his other Children...” (Benjamin Franklin)

Merciful God, we give You thanks for the blessings of this world You have created and the joy we have in serving those who have elected us. Make us particularly mindful for the opportunities we together may have to help deal with the difficulties of life and this time in our state. Help us help our fellow Missourians face what needs to be done so to ensure justice and care for one another. 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	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Ridgeway—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 1722, regarding Roy O. Francis, which was adopted.

Senator Pearce offered Senate Resolution No. 1723, regarding Phi Theta Kappa's 2012 All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

Senator Wasson offered Senate Resolution No. 1724, regarding the 2011-2012 Class 2 State Champion Billings High School Boys Basketball Team, which was adopted.

Senator Nieves offered Senate Resolution No. 1725, regarding Cole Thomas Bestgen, Wildwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 749**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Justus, **SA 1** was withdrawn.

Senator Lamping offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 749, Page 1, Section 191.724, Lines 4-5 of said page, by striking all of said lines and inserting in lieu thereof the following:

“191.724. 1. The rights guaranteed under this section are in addition to the rights guaranteed under section 376.805, relating to health plan coverage of abortion, and section 376.1199, relating to health plan coverage of certain obstetrical and gynecological benefits and pharmaceutical coverage.”; and further amend line 11 of said page, by striking the semicolon “;” at the end of said line and inserting in lieu thereof the following: **“. When an employee declines or refuses coverage for such items or procedures under this subdivision, any health carrier as defined under section 376.1350, shall make available and the employer shall provide an alternate health plan that excludes coverage for abortion, contraception, or sterilization if the use or provision of such items or procedures are contrary to the religious beliefs or moral convictions of such person or entity.”;** and

Further amend said bill and section, page 2, line 19 of said page, by striking the word “shall” and inserting in lieu thereof the following; **“may”;** and

Further amend said bill and section, page 3, line 7 of said page, by inserting after all of said line the following:

“3. For purposes of this section, “sterilization” shall mean any elective medical procedure for which the sole purpose is to make an individual incapable of reproduction, except that sterilization shall not mean when the procedure is for the purpose of making an individual incapable of reproduction because of such person’s diagnosed hereditary genetic disease or disorder.

4. Nothing in this section shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.”.

Senator Lamping moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

At the request of Senator Lamping, **SB 749**, with **SS** and **SA 2** (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 report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 504**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 2001**—Appropriations.

HCS for **HB 2002**—Appropriations.

HCS for **HB 2003**—Appropriations.

HCS for **HB 2004**—Appropriations.

HCS for **HB 2005**—Appropriations.

HCS for **HB 2006**—Appropriations.

HCS for **HB 2007**—Appropriations.

HCS for **HB 2008**—Appropriations.

HCS for **HB 2009**—Appropriations.

HCS for **HB 2010**—Appropriations.

HCS for **HB 2011**—Appropriations.

HCS for **HB 2012**—Appropriations.

HCS for **HB 2013**—Appropriations.

On motion of Senator Dempsey, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Brown offered Senate Resolution No. 1726, regarding Chloe Myers, which was adopted.

Senator Pearce offered Senate Resolution No. 1727, regarding Dominic Puller, Nevada, which was adopted.

Senator Pearce offered Senate Resolution No. 1728, regarding Casey Barker, Nevada, which was

adopted.

Senator Pearce offered Senate Resolution No. 1729, regarding Taylor Scott, Nevada, which was adopted.

Senator Pearce offered Senate Resolution No. 1730, regarding Anne Wilson, Raymore, which was adopted.

Senator Pearce offered Senate Resolution No. 1731, regarding Hannah Turos, Peculiar, which was adopted.

Senator Pearce offered Senate Resolution No. 1732, regarding Kimberly Sommerkamp, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1733, regarding Nellie Maple, Raymore, which was adopted.

Senator Pearce offered Senate Resolution No. 1734, regarding Kayla Degges, Peculiar, which was adopted.

Senator Pearce offered Senate Resolution No. 1735, regarding Cassie Daldrup, Peculiar, which was adopted.

Senator Pearce offered Senate Resolution No. 1736, regarding Mya Alexis DeBerry, Knob Noster, which was adopted.

Senator Lager offered Senate Resolution No. 1737, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Curtis Matson, Cainsville, which was adopted.

Senator Lager offered Senate Resolution No. 1738, regarding Jacob Lemons, which was adopted.

Senator Lager offered Senate Resolution No. 1739, regarding Chris Holtman, which was adopted.

Senator Lager offered Senate Resolution No. 1740, regarding Fadhili Kegode, which was adopted.

Senator Lager offered Senate Resolution No. 1741, regarding Dakota Luke, which was adopted.

Senator Lager offered Senate Resolution No. 1742, regarding Derek Luke, which was adopted.

Senator Lager offered Senate Resolution No. 1743, regarding Ian Macali, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 749**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

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

Senator Lamping moved that **SS** for **SB 749**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS** for **SB 749**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 489** and **SB 637**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 489** and **637**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 489 and 637

An Act to repeal section 571.111, RSMo, and to enact in lieu thereof one new section relating to weapons, with existing penalty provisions and an emergency clause.

Was taken up.

Senator Munzlinger moved that **SCS** for **SBs 489** and **637** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SBs 489** and **637**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 489 and 637

An Act to repeal sections 571.020 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to weapons, with existing penalty provisions and an emergency clause.

Senator Munzlinger moved that **SS** for **SCS** for **SBs 489** and **637** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SBs 489** and **637** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 636** be taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 636** was declared perfected and ordered printed.

Senator Crowell moved that **SB 683**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 683**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 683

An Act to repeal sections 513.430 and 513.440, RSMo, and to enact in lieu thereof two new sections relating to property exempt from attachment or execution.

Was taken up.

Senator Crowell moved that **SCS** for **SB 683** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS** for **SB 683** was declared perfected and ordered printed.

Senator Kraus moved that **SB 789**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 789**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 789

An Act to repeal sections 488.5050, 650.055, and 650.100, RSMo, and to enact in lieu thereof three new sections relating to DNA profiling, with a penalty provision.

Was taken up.

Senator Kraus moved that **SCS** for **SB 789** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SB 789** was declared perfected and ordered printed.

Senator Kraus moved that **SJR 40**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SJR 40**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 SENATE JOINT RESOLUTION NO. 40

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Was taken up.

Senator Kraus moved that **SCS** for **SJR 40** be adopted.

Senator Kraus offered **SS** for **SCS** for **SJR 40**, entitled:

SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE JOINT RESOLUTION NO. 40

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to laws that are retrospective in operation.

Senator Kraus moved that **SS** for **SCS** for **SJR 40** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SCS** for **SJR 40** was declared perfected and ordered printed.

Senator Schaaf moved that **SB 565**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 565**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 565

An Act to repeal section 376.961, RSMo, and to enact in lieu thereof one new section relating to the board of directors of the Missouri health insurance pool.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 565** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 565** was declared perfected and ordered printed.

At the request of Senator Schaefer, **SB 645** was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 806**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **SJR 39** was placed on the Informal Calendar.

Senator Parson moved that **SB 671**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 671**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 671

An Act to repeal sections 52.010, 54.033, 54.330, and 115.342, RSMo, and to enact in lieu thereof four

new sections relating to certain public offices that have statutory bond requirements.

Was taken up.

Senator Pearce assumed the Chair.

Senator Parson moved that **SCS** for **SB 671** be adopted.

President Pro Tem Mayer assumed the Chair.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 671, Page 1, Section 52.010, Lines 13-16, by striking all of said lines; and

Further amend said bill, page 2, section 54.330, lines 6-9, by striking all of said lines and inserting in lieu thereof the following: “**property taxes. A**”; and

Further amend said bill, page 4, section 115.342, lines 38-45, by striking all of said lines.

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

Senator Parson moved that **SCS** for **SB 671**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **SB 671**, as amended, was declared perfected and ordered printed.

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 565**; **SCS** for **SB 789**; **SS** for **SB 749**; **SCS** for **SB 683**; **SB 636**; **SS** for **SCS** for **SBs 489** and **637**; and **SS** for **SCS** for **SJR 40**, 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.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, David Barnhart, Raymore.

Senator Dixon introduced to the Senate, Anne Scott, Springfield.

Senator Schaaf introduced to the Senate, Mike and Terri Abel and their granddaughter, Azure Spears, Kansas City; and Azure was made an honorary page.

Senator Richard introduced to the Senate, Amy and John Bass, Ann Butts, Dwain Mouser, Emily Stanley, Jared Wicklund, Lynda Thompson, Marcia Sadler, Mary Campbell, Randy Richardson, Shawn Pingleton, Stephanie Howard, Travis Jones, Will Endicott, Carol Ramsour and Nate Morris, representatives of Empire District Electric Company, Joplin.

Senator Kraus introduced to the Senate, Steve and Ellen Bishop and their children Ania, Malachi, Hosanna and Nicholas and Jim and Pat Shimel, Independence; and Malachi, Ania, Hosanna and Nicholas were made honorary pages.

Senator Brown introduced to the Senate, his grandchildren, Maya and Rio Sherrill and Brody Ned and Kennedy Brown, Rolla.

Senator McKenna introduced to the Senate, members of Missouri Right to Life from around the state.

Senator McKenna introduced to the Senate, members of Missouri AFL-CIO from across the state.

Senator Schaefer introduced to the Senate, his wife, Stacia and their children, Maximilian, Wolfgang and Magdalena, Columbia; and Wolfgang and Magdalena were made honorary pages.

Senator Green introduced to the Senate, his daughter, Megan, St. Louis; and Joan and Maggie Jasper, St. Charles.

Senator Lembke introduced to the Senate, Marisa Jacobson, Kathi Jantz, Dakota Huse, Stephen Couture, Kayla Stout, Caleb Couture, Kyle Perkins, Tyler Tipton, Joshua Lucas, Dave Miller, Gabriel Gage, Steve Aubuchon, Gene Rugh, Randy Fuller, Dennis Pearson, Dave Aubuchon, Caleb Skinner, Ethan Vicario, Kagen Wyler, Megan Crosby, Brooke Maynard, Max Miller, Christopher Miller, Benjamin Brown, Cody Sivcovih and David Daubach, members of the Civil Air Patrol.

Senator Schmitt introduced to the Senate, Angie Echele and her children, Jacob and Kathryn; and Charley and Patricia Snyder, Fenton; and Jacob and Kathryn were made honorary pages.

Senator Schmitt introduced to the Senate, fourth grade students from Bristol Elementary, Webster Groves.

Senator Pearce introduced to the Senate, Shari Bax, Beth Rutt, and students from University of Central Missouri Student Government Association, Warrensburg.

Senator Schaaf introduced to the Senate, Katherine Thompson, Kansas City; and Rebecca Rooney, Weston.

Senator Justus introduced to the Senate, Theresa Garza Ruiz and Michelle Newby, Kansas City.

Senator Kehoe introduced to the Senate, Bishop John R. Gaydos, Dr. John L. Yeats and his wife Sharon and Dr. Monte Shinkle, Jefferson City; Darrin Rodgers, Springfield; Maggie Karner, Bristol, Connecticut; and Archbishop Robert J. Carlson, St. Louis.

Senator Dempsey introduced to the Senate, Mayor Len Pagano and Julie Smith, St. Peters.

Senator Lembke introduced to the Senate, former State Senator Irene Treppler, her husband Walter, former State Representative Earlene Judd, Lisa Foster and Anita Zolman, St. Louis.

Senator Schmitt introduced to the Senate, Bill and Delores Priesmeyer, St. Louis County.

Senator Curls introduced to the Senate, Bonnaye Mims and Dwon LittleJohn, Kansas City.

Senator Kraus introduced to the Senate, the Physician of the Day, Sean Clinefelter, M.D., Grain Valley.

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

SENATE CALENDAR

FORTY-FIFTH DAY—WEDNESDAY, MARCH 28, 2012

FORMAL CALENDAR

VETOED BILLS

SS for SCS for SB 572-Dempsey

HOUSE BILLS ON SECOND READING

HB 1504-Richardson

HCS for HB 1042

HCS for HBs 1319, 1045 & 1369

HB 1466-Jones (63), et al

HCS for HB 1449

HB 1326-Cox, et al

HCS for HB 1324

HB 1191-Ruzicka

HCS for HB 1300

HCS for HB 1400

HCS for HB 1644

HB 1051-Allen, et al

THIRD READING OF SENATE BILLS

1. SS#2 for SJR 48-Dixon (In Fiscal Oversight)

2. SS for SB 781-Goodman

3. SB 760-Dempsey

4. SB 504-Wright-Jones

5. SCS for SB 565-Schaaf

6. SCS for SB 789-Kraus

7. SS for SB 749-Lamping

8. SCS for SB 683-Crowell

9. SB 636-Keaveny

10. SS for SCS for SBs 489 & 637-Munzlinger

11. SS for SCS for SJR 40-Kraus

SENATE BILLS FOR PERFECTION

1. SB 811-Dixon

2. SB 599-Schaefer

3. SB 482-Stouffer

4. SB 595-Kraus, with SCS

5. SB 877-Mayer

6. SJR 25-Crowell

7. SBs 588 & 585-Schmitt, with SCS

8. SB 692-Stouffer, with SCS

9. SB 729-Schaefer, with SCS

10. SB 584-Richard and Kehoe, with SCS

11. SB 566-Brown, with SCS

12. SB 631-Parson, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 652-Lager
SB 439-Mayer, with SCS (pending)	SB 656-Lager and Dixon, with SCS
SB 442-Stouffer, with SCS	SB 665-Stouffer
SB 449-Rupp	SB 666-Keaveny, with SCS & SS for SCS (pending)
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 676-Nieves, with SCA 1 (pending)
SB 465-Schaaf	SB 677-Pearce, with SCS
SB 474-Kraus, with SCS & SA 1 (pending)	SB 693-Crowell
SB 479-Crowell	SB 695-Parson
SB 490-Munzlinger, with SCS	SB 710-Engler, et al, with SCS, SS for SCS & SA 1 (pending)
SB 516-Schaaf, with SCS (pending)	SB 717-Stouffer
SB 547-Purgason	SS for SB 727-Schaaf
SB 549-Lembke	SB 743-Brown
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SB 577-Goodman and Rupp, with SCS	SB 788-Keaveny, with SCS (pending)
SB 589-Kraus, with SCS (pending)	SB 795-Callahan, et al, with SCS
SB 596-Brown, with SCS	SB 806-Cunningham, with SCS
SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)	SJR 29-Lamping, with SS & SA 1 (pending)
SB 623-Cunningham, with SCS	SJR 39-Cunningham
SB 645-Schaefer	SJR 47-Rupp, with SCS
SB 650-Ridgeway, with SS & SA 2 (pending)	SJR 50-Curls

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 17-Lamping, with SCS

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