

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 4, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (1 Peter 4:10)

Gracious God, You have shown us what a servant’s heart reveals to the world. We need to keep our service to You in mind today not as a way of elevating ourselves but in a way that our gifts assist one another here in this chamber, so our burdens are lightened and work moves more smoothly. 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 ABC-17 News 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	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1805, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Gragg, Bolckow, which was adopted.

Senator Kraus offered Senate Resolution No. 1806, regarding Kyle Ray Walker, which was adopted.

Senator Keaveny offered Senate Resolution No. 1807, regarding the Fiftieth Anniversary of St. Louis Community College (STLCC), Bridgeton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mayer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, the State of Missouri first adopted the Missouri Criminal Code in 1977 to create a cohesive body of criminal law to be published in one portion of the Revised Statutes of Missouri; and

WHEREAS, the Code now lacks the cohesiveness it was created to embody after more than three decades of criminal statutes being enacted outside of the Missouri Criminal Code and non-criminal statutes being added to the Code; and

WHEREAS, the statutes enacted over the years include duplicative and conflicting criminal laws and inconsistent penalties; and

WHEREAS, some of these laws, in practice, have not had the intended effect of serving practitioners of criminal law and victims of crimes; and

WHEREAS, the Missouri Bar Association has spent four years developing recommendations for improving the Missouri Criminal Code, making the Code more cohesive and consistent, and repealing duplicative and conflicting provisions; and

WHEREAS, the recommendations of the Missouri Bar Association encompass more than 700 sections of law; and

WHEREAS, the General Assembly understands the importance and immensity of reviewing the recommendations and developing a plan to revise the Missouri Criminal Code:

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 establish the Joint Committee on the Missouri Criminal Code; and

BE IT FURTHER RESOLVED that the Committee shall be composed of two majority party members to be appointed by the President Pro Tempore of the Senate and one minority party member to be appointed by the Minority Leader of the Senate, and two majority party members to be appointed by the Speaker of the House of Representatives, and one minority party member to be appointed by the Minority Leader of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive review of the Missouri Criminal Code and the Missouri Bar Associations recommendations, examine any other issues that the Committee deems relevant, and make any recommendations for improving the cohesiveness, consistency, and effectiveness of the state's criminal laws; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingency Fund; and

BE IT FURTHER RESOLVED that the Joint Committee is authorized to begin its work beginning on the adoption of this resolution and continue during the legislative interim between the Second Regular Session of the Ninety-sixth General Assembly and the First Regular Session of the Ninety-seventh General Assembly through December 31, 2012, as authorized by State v. Atterbury, 300 S.W. 2d 806 (Mo. 1957); and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by

November 15, 2012, and the authority of such Committee shall terminate on November 14, 2012.

Senator Mayer requested unanimous consent of the Senate to suspend Senate Rule 71 for the purpose of taking **SCR 28** up for adoption, which request was granted.

On motion of Senator Mayer, **SCR 28** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Goodman Ridgeway—2

Absent with leave—Senator Kehoe—1

Vacancies—None

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 631**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 631

An Act to repeal section 276.401, RSMo, and to enact in lieu thereof one new section relating to grain purchases.

Was taken up.

Senator Parson moved that **SCS** for **SB 631** be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **SB 631** was declared perfected and ordered printed.

At the request of Senator Purgason, **SB 548**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lamping, **SB 842**, with **SCS**, was placed on the Informal Calendar.

SB 625, with **SCS**, was placed on the Informal Calendar.

Senator Kraus moved that **SB 715**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 715**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 715

An Act to repeal sections 40.435 and 41.050, RSMo, and to enact in lieu thereof one new section

relating to the state militia.

Was taken up.

Senator Kraus moved that **SCS** for **SB 715** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SB 715** was declared perfected and ordered printed.

Senator Brown moved that **SB 673**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 673**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 673

An Act to repeal sections 302.130 and 302.132, RSMo, and to enact in lieu thereof two new sections relating to temporary motor vehicle instruction permits, with an effective date.

Was taken up.

Senator Schmitt assumed the Chair.

Senator Brown moved that **SCS** for **SB 673** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 673** was declared perfected and ordered printed.

Senator Rupp moved that **SB 856**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 856**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 856

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to the Missouri Employers Mutual Insurance Company.

Was taken up.

President Pro Tem Mayer assumed the Chair.

Senator Schaaf assumed the Chair.

Senator Kraus assumed the Chair.

Senator Rupp moved that **SCS** for **SB 856** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 856** was declared perfected and ordered printed.

Senator Lamping moved that **SB 842**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 842**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 842

An Act to repeal sections 169.030, 169.070, 169.620, and 169.670, RSMo, and to enact in lieu thereof four new sections relating to teacher and school employee retirement systems, with existing penalty provisions and an emergency clause.

Was taken up.

Senator Lamping moved that **SCS** for **SB 842** be adopted.

At the request of Senator Lamping, **SB 842**, 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 856**; **SCS** for **SB 715**; **SCS** for **SB 673**; and **SCS** for **SB 631**, 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.

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.

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

RESOLUTIONS

Senator Schaaf offered Senate Resolution No. 1808, regarding Diane Simpson, Agency, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 842**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 842** was again taken up.

Senator Lamping moved that **SCS** for **SB 842** be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 842** was declared perfected and ordered printed.

SB 837, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 451**, with **SCS**, was placed on the Informal Calendar.

Senator Richard moved that **SB 813** be taken up for perfection, which motion prevailed.

Senator Kehoe assumed the Chair.

On motion of Senator Richard, **SB 813** was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 911** be taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SB 911** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 576**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 576**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 576

An Act to repeal sections 29.205, 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof nine new sections relating to charter schools.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 576** be adopted.

At the request of Senator Stouffer, **SB 576**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Schmitt moved that **SB 661**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 661**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 661

An Act to repeal section 143.071, RSMo, and to enact in lieu thereof two new sections relating to the taxation of business income.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 661** be adopted.

At the request of Senator Schmitt, **SB 661**, with **SCS** (pending), was placed on the Informal Calendar.

SB 475 was placed on the Informal Calendar.

Senator Dempsey moved that **SB 837**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 837**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 837

An Act to repeal section 407.400, RSMo, and to enact in lieu thereof one new section relating to franchises.

Was taken up.

Senator Dempsey moved that **SCS** for **SB 837** be adopted.

At the request of Senator Dempsey, **SB 837**, 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 **SB 911**; **SCS** for **SB 842**; and **SB 813**, 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.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SCR 20, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Brian Shewell, St. Joseph.

Senator Dixon introduced to the Senate, Pat Gartland, Sean McGinnis and Randy Bachus, Springfield.

Senator Munzlinger introduced to the Senate, Keith Tonnies, La Belle; Shelby Tonnies, La Grange; and Doug Mayer, Edina.

Senator Richard introduced to the Senate, Bill Lee, Carthage.

Senator Richard introduced to the Senate, Dr. Stephen Bazanno and Dr. Henry Petry, Joplin.

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

Senator Dempsey introduced to the Senate, thirteen students nominated for Boys and Girls Clubs Missouri State Youth of the Year.

Senator Wright-Jones introduced to the Senate, Marsha Walls, Herbert Hoover Boys and Girls Clubs Youth of the Year, St. Louis.

Senator Pearce introduced to the Senate, the Physician of the Day, Dr. Curtis Long, Butler.

Senator Pearce introduced to the Senate, Kenneth and Lois Zeller, Peculiar; John and Sheila Oliver, Lake Winnebago; Susanne and Amy Garlett, Lee and Ira Garlett, and Zac Pollock, Harrisonville; and Mary Cockman, Pleasant Hill.

Senator Lembke introduced to the Senate, Charlie Bonney, 1st Senatorial District.

Senator Green introduced to the Senate, Principal Mary Ann Kauffman, Theresa Kremer and thirty seventh grade students from St. Angela Merici, Florissant; and Christian Augsburg, Ellen Cain, Matthew Newton and Emma Wulf were made honorary pages.

On behalf of Senator Lembke and himself, Senator Schmitt introduced to the Senate, fourth grade students from Crestwood Elementary.

Senator Schaaf introduced to the Senate, Janice Tilman, Theresa and Cara Emerson, Tom Welliver and Carolyn Strode, representatives of Platte County Board of Services for the Developmentally Disabled.

Senator Pearce introduced to the Senate, Deliah R. Nichols and Charles Lynn Lowder and his grandson, Justice Lowder-Cole, from the University of Central Missouri, Warrensburg.

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

SENATE CALENDAR

FIFTIETH-DAY-THURSDAY, APRIL 5, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1073-Sater	HB 1063-Conway (27)
HB 1096-Wieland	HB 1460-Jones (117), et al
HB 1190-Allen, et al	HB 1424-Marshall, et al
HB 1231-Cauthorn, et al	HCS#2 for HB 1462
HB 1337-Stream	HCS for HB 1477
HCS for HB 1373	HCS for HBs 1518 & 1522
HB 1492-Molendorp and Brattin	HCS for HB 1563
HB 1577-Largent, et al	HB 1545-Kirkton, et al
HB 1634-Ruzicka	HB 1615-Oxford, et al
HB 1641-Pollock, et al	HB 1820-Asbury and Shively
HB 1668-Denison, et al	HCS for HB 1623
HB 1341-Dugger, et al	HB 1630-Franz
HCS for HB 1524	HB 1636-Fuhr, et al
HB 1484-McCaherty and Nolte	HB 1651-McGeoghegan, et al
HB 1880-Pollock, et al	HB 1652-McGeoghegan, et al
HB 1048-Schneider	HB 1662-Weter
HB 1062-Dieckhaus and Lampe	HB 1665-Jones (163), et al
HB 1170-Franz	HB 1680-Davis, et al
HCS for HB 1171	HB 1687-Schieffer, et al
HB 1221-Black, et al	HB 1692-Entlicher, et al
HB 1261-Swearingen, et al	HB 1737-Gatschenberger
HB 1264-Fallert, et al	HB 1744-Kelley (126), et al
HB 1267-Denison, et al	HB 1782-Fitzwater, et al
HB 1315-McCaherty, et al	HB 1804-Molendorp, et al
HCS for HB 1325	HCS for HB 1827
HB 1345-Cauthorn, et al	HB 1807-Marshall, et al
HCS for HB 1363	HB 1266-Denison, et al
HCS for HB 1407	HCS for HB 1841
HB 1408-Walton Gray, et al	HB 1864-Johnson, et al

HB 1868-Cauthorn	HCS for HB 1541
HCS for HB 1875	HCS for HBs 1278 & 1152
HB 1878-Riddle	HCS for HB 1700
HCS for HB 1738	HCS for HB 1402
HB 1560-Diehl, et al	HJR 52-Ruzicka
HCS for HB 1527	HB 1909-Hoskins
HB 1165-Diehl	HCS for HB 1169
HB 1811-Carter	HB 1046-Rowland
HB 1296-Davis, et al	HCS for HB 1722
HCS for HB 1094	HCS for HB 1126
HCS for HB 1647	HB 1172-Franz
HCS for HB 1395	HCS for HB 1498
HB 1512-Curtman, et al	HB 1593-Jones (89), et al

THIRD READING OF SENATE BILLS

- | | |
|---|----------------------------|
| 1. SS for SCS for SB 677-Pearce | 8. SCS for SB 715-Kraus |
| 2. SS for SB 727-Schaaf (In Fiscal Oversight) | 9. SCS for SB 673-Brown |
| 3. SB 721-Rupp | 10. SCS for SB 631-Parson |
| 4. SCS for SB 692-Stouffer | 11. SB 911-Ridgeway |
| 5. SCS for SB 566-Brown | 12. SCS for SB 842-Lamping |
| 6. SCS for SB 729-Schaefer | 13. SB 813-Richard |
| 7. SCS for SB 856-Rupp | |

SENATE BILLS FOR PERFECTION

SJR 30-Lamping

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 465-Schaaf
SB 439-Mayer, with SCS & SA 1 (pending)	SB 474-Kraus, with SCS & SA 1 (pending)
SB 442-Stouffer, with SCS	SB 475-Lamping
SB 449-Rupp	SB 479-Crowell
SB 451-Cunningham, with SCS	SB 490-Munzlinger, with SCS
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 510-Cunningham, with SCS
	SB 516-Schaaf, with SCS (pending)

SB 547-Purgason	SB 675-Crowell, with SCS (pending)
SB 548-Purgason, with SCS	SB 676-Nieves, with SCA 1 (pending)
SB 549-Lembke	SB 682-Dempsey, with SCS
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 693-Crowell
SB 576-Stouffer, with SCS (pending)	SB 695-Parson
SB 577-Goodman and Rupp, with SCS	SB 710-Engler, et al, with SCS & SS#2 for SCS (pending)
SB 584-Richard and Kehoe, with SCS	SB 717-Stouffer
SBs 588 & 585-Schmitt, with SCS (pending)	SB 743-Brown
SB 589-Kraus, with SCS (pending)	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SB 596-Brown, with SCS	SB 788-Keaveny, with SCS (pending)
SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 795-Callahan, et al, with SCS
SB 623-Cunningham, with SCS	SB 806-Cunningham, with SCS & SS for SCS (pending)
SB 625-Kehoe, with SCS	SB 837-Dempsey, with SCS (pending)
SB 645-Schaefer	SJR 25-Crowell
SB 650-Ridgeway, with SS & SA 2 (pending)	SJR 29-Lamping, with SS & SA 1 (pending)
SB 652-Lager	SJR 39-Cunningham
SB 656-Lager and Dixon, with SCS	SJR 47-Rupp, with SCS
SB 661-Schmitt, with SCS (pending)	SJR 50-Curls
SB 666-Keaveny, with SCS & SS for SCS (pending)	

SENATE BILLS WITH HOUSE AMENDMENTS

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

RESOLUTIONS

Reported from Committee

SCR 16-Stouffer
SCR 20-Rupp
SCR 21-Pearce, et al

SCR 25-Mayer
HCR 37-Barnes, et al

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