

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 18, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But surely God is my helper; the Lord is the upholder of my life.” (Psalm 54:4)

Gracious God, You have given us much to do and we are grateful for the work but time is diminishing as the calendar marks the end of this session in four short weeks. Grant us wisdom to work together, to ask for help and to be the Senate You have called together to serve our people. Help us to pass bills that are helpful and effective. 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	Pearce	Purgason
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1918, regarding Shanna Jelinek, which was adopted.

Senator McKenna offered Senate Resolution No. 1919, regarding Antonia Middle School, Fox C-6 School District, Barnhart, which was adopted.

Senator McKenna offered Senate Resolution No. 1920, regarding Fox High School, Fox C-6 School District, Arnold, which was adopted.

Senator Curls offered Senate Resolution No. 1921, regarding Center High School, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 1922, regarding Paula McKinney, Bellview, which was adopted.

Senator Engler offered Senate Resolution No. 1923, regarding James L. Klaus, DeSoto, which was adopted.

Senator Engler offered Senate Resolution No. 1924, regarding Sister Patricia Gunn, SSND, DeSoto, which was adopted.

Senator Engler offered Senate Resolution No. 1925, regarding Neila A. Crane, Ironton, which was adopted.

Senator Engler offered Senate Resolution No. 1926, regarding Mary G. Kennon, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 1927, regarding Janet M. Layne, Park Hills, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Munzlinger, **SB 491**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 448**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 739** was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 758**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 854** was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 803**, with **SCS**, was placed on the Informal Calendar.

SB 817 and **SB 774**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Kraus, **SB 906**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 893** was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 816**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 905** was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 657**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nieves, **SJR 45** was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 834**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 865**, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 454** be taken up for perfection, which motion prevailed.

Senator Engler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 454, Page 8, Section 163.011, Line 252, by inserting immediately after all of said line the following:

“163.024. All moneys received in the Iron County School Fund, Reynolds County School Fund, Jefferson County School Fund, and Washington County School Fund from the payment of a civil penalty pursuant to a consent decree filed in the United States district court for the eastern district of Missouri in December 2012 in the case of United States of America and State of Missouri v. the Doe Run Resources Corporation d/b/a “The Doe Run Company,” and the Buick Resource Recycling Facility, LLC, because of environmental violations shall not be included in any district’s “local effort” figure, as such term is defined in section 163.011. The provisions of this section shall terminate on July 1, 2016.”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Pearce, **SB 454**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Keaveny moved that **SB 739** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Keaveny, **SB 739** was declared perfected and ordered printed.

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 Pearce.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 18, 2012

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

The following addendum should be made to the appointment of Eric S. Latimer for the Missouri Fire Safety Education/Advisory Commission, submitted to you on February 9, 2012. Line 1 should be amended to read:

Eric S. Latimer, Independent, 625 East Loren, Springfield, Greene County, Missouri

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 18, 2012

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

The following addendum should be made to the appointment of Robert Shotts for the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects submitted to you on April 12, 2012. Line 2 should be amended to read:

member of the Missouri Board for Architects, Professional Engineers, Professional Land

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 448**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 448**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 448

An Act to repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof four new sections relating to child care, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 448** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 448**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 448

An Act to repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof three new sections relating to child care providers, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **SB 448** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 448**, was declared perfected and ordered printed.

President Pro Tem Mayer assumed the Chair.

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 739**, 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.

Senator Cunningham, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 706**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, 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 Appropriations, to which was referred **HCS** for **HB 2003**, 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 Appropriations, to which was referred **HCS** for **HB 2004**, 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 Appropriations, to which was referred **HCS** for **HB 2005**, 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 Appropriations, to which was referred **HCS** for **HB 2006**, 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 Appropriations, to which was referred **HCS** for **HB 2007**, 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 Appropriations, to which was referred **HCS** for **HB 2008**, 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 Appropriations, to which was referred **HCS** for **HB 2009**, 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 Appropriations, to which was referred **HCS** for **HB 2010**, 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 Appropriations, to which was referred **HCS** for **HB 2011**, 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 Appropriations, to which was referred **HCS** for **HB 2012**, 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 Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 625**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 625**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 625

An Act to repeal sections 104.603, 104.1084, and 104.1091, RSMo, and to enact in lieu thereof three new sections relating to retirement.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 625** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS** for **SB 625** was declared perfected and ordered printed.

Senator Wasson moved that **SB 758**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 758**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 758

An Act to repeal sections 210.135 and 210.145, RSMo, and to enact in lieu thereof two new sections

relating to child abuse and neglect.

Was taken up.

Senator Wasson moved that **SCS** for **SB 758** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 758** was declared perfected and ordered printed.

Senator Mayer moved that **SB 854** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Mayer offered **SS** for **SB 854**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 854

An Act to repeal section 660.315, RSMo, and to enact in lieu thereof one new section relating to the employment disqualification list for home care employees.

Senator Mayer moved that **SS** for **SB 854** be adopted, which motion prevailed.

On motion of Senator Mayer, **SS** for **SB 854** was declared perfected and ordered printed.

Senator Rupp moved that **SB 803**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 803**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 803

An Act to repeal sections 337.300, 337.305, 337.310, 337.315, 337.325, and 337.345, RSMo, and to enact in lieu thereof six new sections relating to behavior analysis.

Was taken up.

Senator Rupp moved that **SCS** for **SB 803** be adopted.

Senator Rupp offered **SS** for **SCS** for **SB 803**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 803

An Act to repeal sections 337.300, 337.305, 337.310, 337.315, 337.325, and 337.345, RSMo, and to enact in lieu thereof six new sections relating to behavior analysis.

Senator Rupp moved that **SS** for **SCS** for **SB 803** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SB 803** was declared perfected and ordered printed.

Senator Rupp moved that **SB 657**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 657

An Act to amend chapter 191, RSMo, by adding thereto seven new sections relating to the conscience

rights of all individuals who provide medical services.

Was taken up.

Senator Rupp moved that **SCS** for **SB 657** be adopted.

Senator Stouffer assumed the Chair.

At the request of Senator Rupp, **SB 657**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Kraus moved that **SB 893** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Kraus, **SB 893** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 18, 2012

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

The following addendum should be made to the appointment of Eric Latimer for the Missouri Fire Safety Education/Advisory Commission, submitted to you on February 9, 2012. Line 2 should be amended to read:

65807, as a member of the Missouri Fire Safety Education/Advisory Commission, for a

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

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 758**; **SCS** for **SB 625**; and **SS** for **SCS** for **SB 448**, 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 **SCS** for **SB 625** to the Committee on Ways and Means and Fiscal Oversight.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1928, regarding Dr. Robert C. Scanlon, II, Springfield, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1929, regarding Elvis Thomas, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 1930, regarding Gary E. Metzger, Ozark, which was adopted.

Senator Dixon offered Senate Resolution No. 1931, regarding James P. Webb, MD, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Munzlinger introduced to the Senate, Victoria Damba, D.O., Bruce Williams, D.O., H. Danny Weaver, D.O., Darin Haug, D.O., Jeff Suzewits, D.O., Jason Haxton, and osteopathic physicians, residents, students, faculty and staff, from around the state.

Senator Brown introduced to the Senate, Gary Young and Tim Belshe and thirty students from Waynesville High School.

Senator Kehoe introduced to the Senate, Adelaide “Lolli” Decker, Jefferson City.

Senator Nieves introduced to the Senate, his wife, Julie, and Sue Bailey, Washington.

Senator Richard introduced to the Senate, Jessica Johnson and Chase Tise, Newton and McDonald County FFA; and Zachary Aldrich, Jared Ball, Megan Jones and Maddie Garren, Neosho High School FFA.

Senator Dixon introduced to the Senate, Tammy Ames, chaperones and eleven eighth grade students from St. Joseph Catholic Academy, Springfield.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Randy Mueller, Columbia.

Senator Dixon introduced to the Senate, Kim Bush, Stalena Snyder, Jonathan Hughes, Beth Brewer, Gaye Sands and Ella Stratton and sixty-seven fourth and fifth grade students from Holland Elementary, Springfield.

Senator Schmitt introduced to the Senate, Jeanne Marshall and her son, Logan, Wildwood; and Logan was made an honorary page.

Senator Green introduced to the Senate, his brother, John, his sons, Thomas and Johnny; his brother, Kevin, his wife, Michele and their children Katie and Michael; his brother, Mark; his brother, Tom, his wife, Sheila and their daughters, Christina and Sarah; his brother, Eddie, his wife, Amy and their children, Olivia and Ben; his sister Bernice Herweck, her husband, Tom and their children Jack, Patricia, Bridget and Anna; his daughter, Megan; and his father, John “Jack”.

Senator Kehoe introduced to the Senate, Reverend Greg Morrow, First Baptist Church, California; and Yaroslav Pyzh and Vasil Tsiupko, Ukraine.

On behalf of Senator Pearce and Senator Parson, the President introduced to the Senate, Mayor Elaine Horn, Sedalia.

Senator Schmitt introduced to the Senate, eighty fifth grade students from Barretts Elementary, Manchester; and Sydney Welcher, Dawson Lackey, Jacob Backer, Reed Parrish, Ethan Wang, Mario Haro, Nick Holt and Paige Gifford were made honorary pages.

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

SENATE CALENDAR

 FIFTY-SEVENTH DAY—THURSDAY, APRIL 19, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1134
 HCS for HB 1256
 HCS for HB 1383
 HCS for HB 1444
 HCS for HB 1458

HCS for HB 1549
 HCS for HJR 47
 HJR 49-Brattin, et al
 HJR 71-Elmer, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 576-Stouffer
 (In Fiscal Oversight)
 SCS for SB 510-Cunningham
 SS for SCS for SB 682-Dempsey
 SB 739-Keaveny

SCS for SB 758-Wasson
 SCS for SB 625-Kehoe
 (In Fiscal Oversight)
 SS for SCS for SB 448-Rupp

SENATE BILLS FOR PERFECTION

SB 706-Cunningham, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1104-Schoeller and Smith (150),
 with SCS (Engler)
 (In Fiscal Oversight)
2. HB 1188-Allen, et al, with SCA 1
 (Schmitt)
3. HCS for HB 2014 (Schaefer)
4. HB 1179-Hampton, et al (Mayer)
5. HCS for HB 2001 (Schaefer)

6. HCS for HB 2002, with SCS (Schaefer)
7. HCS for HB 2003, with SCS (Schaefer)
8. HCS for HB 2004, with SCS (Schaefer)
9. HCS for HB 2005, with SCS (Schaefer)
10. HCS for HB 2006, with SCS (Schaefer)
11. HCS for HB 2007, with SCS (Schaefer)
12. HCS for HB 2008, with SCS (Schaefer)
13. HCS for HB 2009, with SCS (Schaefer)

14. HCS for HB 2010, with SCS (Schaefer)
15. HCS for HB 2011, with SCS (Schaefer)

16. HCS for HB 2012, with SCS (Schaefer)
17. HCS for HB 2013, with SCS (Schaefer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 677-Pearce
SS#2 for SCS for SB 806-Cunningham

SCS for SB 842-Lamping

SENATE BILLS FOR PERFECTION

SB 438-Mayer
SB 439-Mayer, with SCS, SA 1, SSA 1
for SA 1 & SA 1 to SSA 1 for SA 1
(pending)
SB 442-Stouffer, with SCS
SB 449-Rupp
SB 451-Cunningham, with SCS
SB 454-Pearce, with SA 1 (pending)
SB 457-Schmitt, with SCS & SS for SCS
(pending)
SB 465-Schaaf
SB 474-Kraus, with SCS & SA 1 (pending)
SB 475-Lamping
SB 479-Crowell
SB 490-Munzlinger, with SCS
SB 491-Munzlinger, with SCS
SB 516-Schaaf, with SCS (pending)
SB 547-Purgason
SB 548-Purgason, with SCS
SB 549-Lembke
SBs 553 & 435-Brown, with SCS, SS for SCS
& SA 1 (pending)
SB 577-Goodman and Rupp, with SCS
SB 584-Richard and Kehoe, with SCS
SBs 588 & 585-Schmitt, with SCS (pending)
SB 589-Kraus, with SCS (pending)
SB 596-Brown, with SCS

SB 621-Brown, with SCS, SS for SCS & SA 1
(pending)
SB 623-Cunningham, with SCS
SB 645-Schaefer
SB 650-Ridgeway, with SS & SA 2 (pending)
SB 652-Lager
SB 656-Lager and Dixon, with SCS
SB 657-Rupp, with SCS (pending)
SB 659-Dempsey and Rupp
SB 661-Schmitt, with SCS (pending)
SB 666-Keaveny, with SCS & SS for SCS
(pending)
SB 675-Crowell, with SCS (pending)
SB 676-Nieves, with SCA 1 (pending)
SB 693-Crowell
SB 695-Parson
SB 710-Engler, et al, with SCS &
SS#2 for SCS (pending)
SB 717-Stouffer
SB 743-Brown
SB 744-Wright-Jones, with SCS & SA 2
(pending)
SB 788-Keaveny, with SCS (pending)
SB 795-Callahan, et al, with SCS
SB 807-Dempsey
SB 816-Kraus, with SCS
SBs 817 & 774-Parson, with SCS

SB 818-Parson, with SCS	SB 909-Cunningham, et al
SB 834-Mayer and Parson, with SCS	SJR 25-Crowell
SB 843-Lamping, with SCS & SS for SCS (pending)	SJR 29-Lamping, with SS & SA 1 (pending)
SB 865-Pearce, with SCS	SJR 30-Lamping
SB 903-Lamping	SJR 39-Cunningham
SB 905-Mayer	SJR 45-Nieves
SB 906-Kraus, with SCS	SJR 47-Rupp, with SCS
	SJR 50-Curls

HOUSE BILLS ON THIRD READING

HCS for HB 1174, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending) (Pearce)	HCS for HB 1193, with SCS (Engler)
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SENATE BILLS WITH HOUSE AMENDMENTS

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

RESOLUTIONS

Reported from Committee

SCR 20-Rupp	SCR 21-Pearce, et al
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