

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If any of you is lacking wisdom, ask God, who gives to all generously and ungrudgingly, and it will be given to you.” (James 1:5)

Heavenly Father, we pray that You speak through us every day so we let Your words speak volumes to those who depend on us to meet the various needs within this state. Grant to us wisdom to follow You faithfully and use this wisdom to help those we meet each day. 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	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 87, regarding Kenneth Perkins, Boonville, which was adopted.

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 Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Elmer, Cornejo, McGaugh, Lichtenegger, Marshall, Gardner, Colona, Ellinger, Smith (85) and Englund.

On motion of Senator Richard, the Senate recessed to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Richard B. Teitelman, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford

Walsh—33

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Allen	Anders	Anderson	Austin	Bahr	Bernskoetter	Berry	Black
Brattin	Brown	Burlison	Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Cornejo	Cox	Crawford	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Franklin	Frederick	Funderburk	Gannon	Gardner	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton	Hummel	Hurst	Johnson
Justus	Keeney	Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer	Lichtenegger	Love	Lynch

Marshall	May	Mayfield	McCaherty	McCann Beatty McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller	Mims	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely	Neth	Newman
Norr	Otto	Pace	Parkinson	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads	Richardson	Riddle
Roorda	Ross	Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Shumake	Smith 85	Smith 120	Solon
Spencer	Stream	Swan	Swearingen	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood	Wright	Zerr
						Mr. Speaker—152

Absent and Absent with Leave— Representatives

Barnes	Cross	Fraker	Frame	Hubbard	Jones (50)	Leara	Pfautsch
Webb—9							

Vacancies—2

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Richard B. Teitelman, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2013 State of the Judiciary**Chief Justice Richard B. Teitelman**

Mr. Speaker, Mr. President, Mr. President Pro Tem, members of the General Assembly: Thank you for welcoming me here again this morning. I am humbled to stand before you today to deliver this 40th state of the judiciary address.

Before I begin, let's take a moment of silence to remember the great Stan "the Man" Musial, who not only was a great baseball player but also a humanitarian who treated everyone with graciousness and dignity.

I congratulate all of you – and especially the new legislators coming to Jefferson City for their first session – for your commitment to serving your fellow citizens. I want to offer particular congratulations to your new leaders: in the House, Speaker Tim Jones; Speaker Pro Tem Jason Smith; and Majority Floor Leader John Diehl; and in the Senate, President Pro Tem Tom Dempsey; and Majority Floor Leader Ron Richard.

I was struck by something President Pro Tem Dempsey said on the opening day of the legislative session. He observed that this remarkable state truly has been "the land of opportunity for so many." Like Sen. Dempsey, I too see Missouri as a land of opportunity, where people reach out to others and help them succeed.

I know my colleagues on the Supreme Court share my sentiments. Let me introduce success stories in their own right: Judges Mary Russell, Patty Breckenridge and Zel Fischer, all of whom practiced law in small firms in rural Missouri communities; Judge George Draper III, whose father – while serving as an assistant attorney general in the 1960s under Tom Eagleton – was refused service at restaurants here in Jefferson City; and Judge Laura Denvir Stith and our newest addition, Jefferson City native Judge Paul Wilson, both of whom learned the importance of public service at an early age from parents who were community leaders.

I remain grateful to have the opportunity to serve with such wonderful people who are so dedicated to serving the constitution and the people of Missouri.

Monday, as we celebrated the birth of Dr. Martin Luther King Jr., I thought of success stories here in Missouri. Stories like those beginning in 1920 with the election of Republican Rep. Walthall Moore and continuing through the 1960s with Sen. Theodore McNeal, Rep. DeVerne Calloway, Rep. Leon Jordan and Rep. Harold Holiday Sr.; through the 1970s with Rep. Orchid Jordan and Sen. Gwen Giles; and into the 1980s with Sen. Lee Vertis Swinton – men and women who, across generations, cast their votes in this great institution as Missouri's first black

legislators.

I also thought about Lloyd Gaines and Lucile Bluford, both of whom sought in the 1930s to become students at the University of Missouri. Their struggles helped lead to opportunities. In just the past decade, the university's enrollment of African-Americans alone has increased by more than 80 percent, and now, nearly 20 percent of the university's freshmen are minorities.

Truly, opportunities for success abound in Missouri. One more recent success story is that of Alice Conway, assistant general counsel at Monsanto.

She is remarkable for her educational achievements – she earned her Ph.D. in comparative literature at the same time as she earned her law degree from Washington University in St. Louis, she is a mezzosoprano who has studied at Julliard; and she has studied not only English but also French, German, Latin and Spanish literature.

She is all the more remarkable because she did all this reading in Braille, as she has been blind since infancy. Her mother translated many of her reading materials into Braille by hand. Alice now manages commercial and employment law issues for Monsanto.

We in the judiciary are doing what we can to create more opportunities for people in Missouri to gain access to our courts. Thanks largely to grant funding, we are providing interpreters as needed in all criminal, family, domestic and juvenile cases, and we now have a dedicated language-access point of contact for every county in the state.

At the Supreme Court, we are working to provide closed-captioning services for the oral arguments we stream online, and we will be providing informational brochures in Braille and audio files for the blind.

The judiciary's educational efforts are expanding statewide. We continue to welcome thousands of your constituents as visitors touring our beautiful Supreme Court Building. And we now have more than 125 individuals – business and civic leaders, teachers, lawyers, court staff, judges and others – volunteering their time to help educate our citizens about the role Missouri's courts serve in our outstanding system of government as well as the importance of the constitution and the laws.

One example of a local community coming together to get young people excited about these important issues is Houston, Texas – Missouri, that is. Former legislator and now Associate Circuit Judge Doug Gaston has engaged local leaders and high school students together in a "Constitution Project."

Much like we all have to work together, he has worked with the local police department, sheriff's office, newspapers, radio stations, lawyers, and, of course, school administrators and teachers to provide legal experience.

During this constitution project, students from four Texas County high schools spent part of their fall semester participating in a mock criminal case. Some students investigated the crime scene and analyzed the evidence, others reported in the local newspaper and radio stations about the progress of the investigation and case, and the rest served as prosecution and defense attorneys. The project helped them see first-hand how so many facets of our constitutional system of government work together.

Winners were chosen at the school and county level and awarded scholarships. Along with Judge Gaston and some of the local leaders who made the constitution project possible, we have several of the winners here with us today: county winners Brittany Scott and Nathan Poynter, both of Houston High School; and Houston High School winner Dusti Turner. Let's recognize them for their wonderful efforts.

This constitution project has been such a success that the members of the Supreme Court Committee on Civic Education – in partnership with the Missouri Highway Patrol, the Missouri Press Association, the Missouri Broadcasters Association and The Missouri Bar – hope to bring it to other local communities, eventually having a statewide competition.

As another statewide effort, the courts continue to try to make it easier and more affordable for people to file cases. The Supreme Court, all three districts of the court of appeals, and the circuit courts in Callaway and St. Charles counties are up and running in the Missouri eFiling System, and an additional 25 county circuit courts plan to join the eFiling System this year.

Although Judge Ray Price Jr. left the Court last summer to return to private practice, his legacy remains. Thanks largely to his commitment to being "smart," and not just "tough," about the way we deal with those in the criminal justice system, we now have treatment court divisions serving all but two of our 45 judicial circuits.

With a graduation rate exceeding 50 percent, Missouri now has more than 12,000 graduates who successfully have completed treatment court programs. In addition, nearly 600 drug-free babies have been born to treatment court participants.

One drug court graduate has received national recognition: Josh Palmer of Malden was featured in a nationwide meth-prevention media campaign sponsored by the Office of National Drug Control Policy. Josh's first encounter with meth at 17 spiraled into a full-blown addiction that eventually cost him his job, his house and the trust of his family. Through the drug court program in Dunklin County, Josh was able to beat his addiction and turn his life around. He now lives with his wife and children and works as a substance abuse counselor for youth in Hayti. Josh, will you please stand and be recognized?

Missouri's treatment courts are celebrating their 20th anniversary this year. One of the reasons we have drug courts in Missouri is because of the leadership of Albert Riederer – a former court of appeals judge and three-term Jackson County prosecutor – who died Dec. 27 after a courageous battle with cancer. While he was prosecutor, Albert spearheaded the effort to fund a drug court in Kansas City that was just the second in the country. One of his partners in this effort – Jim Nunnally, former administrator of the Jackson County "COMBAT" program to help fight drug abuse and drug-related crime – was honored earlier this month for his contribution to the development of the Jackson County drug court.

We appreciate everything that people like Albert and Jim have done for their community, their state and, indeed, the nation – as Missouri has become a national leader in drug courts. It has three "mentor courts" established as educational training sites for other drug courts throughout the country. And last fall, Jackson County's family drug court received a national award of excellence for being one of just five peer learning courts.

Because it brings positive change to Missourians and their communities, this model of providing treatment to certain nonviolent criminal offenders has moved beyond just drug courts. In 2010, your legislation made Missouri one of the first states in the nation to establish DWI courts.

And we now have three regional treatment courts serving the unique needs of our military veterans. One success story is Kennedy, who served in the Army in the 1980s and who, a decade later, fell into drug and alcohol abuse, leading to multiple arrests. Kennedy graduated from the St. Louis veterans treatment court this past September and now coordinates a computer clinic to help others in that program learn basic computer skills. The treatment court was his key to freedom from addiction and crime. Let's salute Kennedy, who is here with us today.

We also want to thank you in the legislative branch and those in the executive branch for working with the judiciary during the last year to implement meaningful reforms that make sentencing for nonviolent offenders more effective and our state safer.

We too can create amazing opportunities when we strive to follow the example of cooperation among the branches of government set by civic leaders such as Albert Riederer and our own longtime Supreme Court clerk, Tom Simon, who also died late last year.

These leaders, and so many more like them in Missouri, embody Dr. Martin Luther King's belief, drawn from the words of the prophet Amos, that we should not be satisfied until "justice rolls down like water and righteousness like a mighty stream." And with students like those in Texas County embracing the ideals of justice laid out in our constitution, Missouri will be in good hands in the years to come.

I know all of us on the Court – and all of you here today – firmly believe in our state's motto – carved into the dais in this beautiful chamber – "Let the welfare of the people be the supreme law." I am humbled to serve with you.

I know you all are very busy, but if you have the opportunity, please join us now for lunch, graciously provided by The Missouri Bar, downstairs in Hearing Room 3. For those who enjoyed the knishes last year, we are bringing more this year, and it also will give you a great opportunity to meet the Bar's new executive director, Sebrina Barrett.

Thank you. And God Bless America!

On motion of Senator Richard, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Lager.

RESOLUTIONS

Senator Dempsey moved that **SR 82** be taken up for adoption, which motion prevailed.

On motion of Senator Dempsey, **SR 82** was adopted by the following vote:

YEAS—Senators

Brown Chappelle-Nadal Cunningham Curls Dempsey Dixon Emery Holsman

Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators

Rupp Sifton—2

Absent with leave—Senators—None

Vacancies—None

INTRODUCTION OF BILLS

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

SB 194—By Schaaf.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.315, 197.318, 197.325, 197.326, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, and 197.367, RSMo, and to enact in lieu thereof fifteen new sections relating to certificate of need for long-term care facilities, with existing penalty provisions.

SB 195—By Keaveny.

An Act to repeal section 168.400, RSMo, and to enact in lieu thereof one new section relating to professional development programs for public schools.

SB 196—By Keaveny.

An Act to repeal section 361.160, RSMo, and to enact in lieu thereof two new sections relating to the examination of private trust companies and alternative dispute resolution for trust agreements.

SB 197—By Sater, Schaaf, Lamping and Brown.

An Act to repeal sections 199.170, 199.180, 199.190, 199.200, 199.210, 199.240, 199.250, 199.260, and 199.270, RSMo, and to enact in lieu thereof twelve new sections relating to tuberculosis testing, with penalty provisions.

SB 198—By Chappelle-Nadal.

An Act to repeal section 191.807, RSMo, and to enact in lieu thereof one new section relating to the women, infants and children special supplemental food program.

SB 199—By Chappelle-Nadal.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

SB 200—By Chappelle-Nadal.

An Act to amend chapter 170, RSMo, by adding thereto four new sections relating to violence prevention education in elementary and secondary schools.

SB 201—By Chappelle-Nadal.

An Act to repeal sections 191.765, 191.767, 191.769, 191.771, 191.775, and 191.776, RSMo, and to enact in lieu thereof six new sections relating to the Missouri indoor clean air act.

SB 202—By Chappelle-Nadal.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to workplace violence, with a penalty provision.

SB 203—By Chappelle-Nadal.

An Act to repeal sections 43.032, 67.307, 208.009, 285.309, 285.500, 285.503, 285.506, 285.512, 285.515, 285.525, 285.530, 285.535, 285.540, 285.543, 285.550, 285.555, 302.063, 302.720, 544.470, 577.675, 577.680, 578.570, and 650.475, RSMo, and to enact in lieu thereof two new sections relating to unauthorized and unlawfully present aliens.

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 Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Swan, Pfautsch, Hansen, Burlison, Gosen, McKenna, Frame, Morgan, Newman and Runions.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 3—Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Schaefer offered Senate Resolution No. 88, regarding Mark Hall Cabinetry, Inc., Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 89, regarding Logboat Brewing Company, LLC, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 90, regarding Kemper Redevelopment Project, Boonville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kraus introduced to the Senate, Brett and Jackie Euritt and their children, Ashley and Abbey, Lee's Summit; and Ashley and Abbey were made honorary pages.

Senator Sater introduced to the Senate, representatives of Missouri Nurses Association from around the state.

Senator Richard introduced to the Senate, Kathy Meyer, Overland; Janice Klimek, Warrensburg; Laura Osborn, St. Joseph; Sondra De Priest, Savannah; John Everst, Springfield; Bob Letterman, Lee's Summit; Nick Myers, Joplin; Linus Barnfield, Farmington; Christy Cabbage, Kansas City; and Jay Decker, Poplar Bluff, representatives of the Missouri Society of Certified Public Accountants.

Senator Dixon introduced to the Senate, Mary Byrne, Springfield.

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

SENATE CALENDAR

NINTH DAY—THURSDAY, JANUARY 24, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 130-Schaefer
SB 102-Kraus	SB 131-Nasheed
SB 103-Kraus	SB 132-Keaveny and Holsman
SB 104-Kraus	SB 133-Keaveny and Holsman
SB 105-Brown	SB 134-Sater
SB 106-Brown	SB 135-Sater
SB 107-Lamping	SB 136-Sater
SB 108-Kraus	SB 137-Sater
SB 109-Brown	SB 138-Kraus
SB 110-Brown	SB 139-Kehoe
SB 111-Emery	SB 140-Brown
SB 112-Rupp and Richard	SB 141-Dempsey
SB 113-Schmitt	SB 142-Sifton
SB 114-Schmitt	SB 143-Walsh
SB 115-Schmitt	SB 144-Walsh
SB 116-Kraus	SB 145-Walsh
SB 117-Kraus	SB 146-Schaaf
SB 118-Kraus	SB 147-Wasson
SB 119-Emery	SB 148-Wasson
SB 120-Schmitt	SB 149-Keaveny
SB 121-Schaefer	SB 150-Munzlinger, et al
SB 122-Schaefer	SB 151-Curls
SB 123-Chappelle-Nadal	SB 152-Curls
SB 124-Chappelle-Nadal	SB 153-Curls
SB 125-Nasheed	SB 154-Richard
SB 126-Sater	SB 155-Nasheed
SB 127-Sater	SB 156-Sater
SB 128-Sater	SB 157-Sater
SB 129-Sater	SB 158-Sater

SB 159-Schmitt, et al	SB 188-Romine
SB 160-Pearce	SB 189-Romine
SB 161-Pearce	SB 190-Walsh
SB 162-Keaveny	SB 191-Lamping
SB 163-Kraus	SB 192-Lamping, et al
SB 164-Walsh	SB 193-Schaefer
SB 165-Walsh	SB 194-Schaaf
SB 166-Schaaf	SB 195-Keaveny
SB 167-Sater and Wallingford	SB 196-Keaveny
SB 168-Chappelle-Nadal	SB 197-Sater, et al
SB 169-Chappelle-Nadal	SB 198-Chappelle-Nadal
SB 170-Chappelle-Nadal	SB 199-Chappelle-Nadal
SB 171-Chappelle-Nadal	SB 200-Chappelle-Nadal
SB 172-Chappelle-Nadal	SB 201-Chappelle-Nadal
SB 173-Nasheed	SB 202-Chappelle-Nadal
SB 174-Parson	SB 203-Chappelle-Nadal
SB 175-Wallingford	SJR 3-Schaefer
SB 176-Schmitt, et al	SJR 4-Lamping
SB 177-Schmitt	SJR 5-Lamping
SB 178-Schaaf	SJR 6-Kraus
SB 179-Parson, et al	SJR 7-Dixon
SB 180-Kraus	SJR 8-Dixon
SB 181-Kraus	SJR 9-Emery
SB 182-Kehoe, et al	SJR 10-Nasheed and Walsh
SB 183-Sater	SJR 11-Curls
SB 184-Sater	SJR 12-Sater
SB 185-Sater	SJR 13-Chappelle-Nadal
SB 186-Brown	SJR 14-Schaefer, et al
SB 187-Brown	

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