

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2013

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom consists in doing the next thing you have to do; doing it with your whole heart and finding delight in doing it.” (Meister Eckart)

Gracious God, as we rush through this day, may we put our total selves into what must be done so it may not have to be redone. Help us, therefore, to be mindful of the small things, such as small acts of kindness and courtesy, caring and shared joy. Help us embrace all that is about us completely being present with all we encounter. 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.

Senator Richard announced photographers from Missouri News Horizon, Missouri Lawyers Media and KCTV were given permission to take pictures in the Senate Chamber.

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 Holsman offered Senate Resolution No. 227, regarding Fred L. Wilson, Warrensburg, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 261**—By Rupp.

An Act to repeal section 138.431, RSMo, and to enact in lieu thereof one new section relating to the assignment of hearing officers by the state tax commission.

**SB 262**—By Curls.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the reimbursement of covered health care services provided through telemedicine, with an effective date.

**SB 263**—By Curls.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to the creation of the crime of assaulting an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

**SB 264**—By Dempsey.

An Act to repeal section 321.310, RSMo, and to enact in lieu thereof one new section relating to petitions to exclude property from a fire protection district.

**SJR 16**—By Kehoe and McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Senator Lager assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 1**, with **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rupp, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Rupp offered **SS** for **SCS** for **SB 1**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1**

An Act to repeal sections 287.067, 287.120, 287.140, 287.210, 287.220, 287.690, 287.715, and 287.745, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Senator Rupp moved that **SS** for **SCS** for **SB 1** be adopted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 31, Section 287.715, Line 28, by striking “three” and inserting in lieu thereof “**seven**”.

Senator Holsman moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

Senator Sifton offered **SA 1** to **SA 1**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 1, Section 287.715, Line 2, by striking “seven” and inserting in lieu thereof “**four**”.

Senator Sifton moved that the above amendment be adopted, which motion failed.

**SA 1** was again taken up.

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

Senator Pearce assumed the Chair.

Senator Walsh offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Pages 1-3, Section 287.067, by striking all of said section from the bill; and

Further amend said bill, pages 3-7, section 287.120, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**HOUSE BILLS ON SECOND READING**

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

**HCS** for **HB 110**—Financial and Governmental Organizations and Elections.

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

**RECESS**

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

**RESOLUTIONS**

Senator LeVota offered Senate Resolution No. 228, regarding Ashton James “A.J.” Harris, Independence, which was adopted.

Senator Parson offered Senate Resolution No. 229, regarding Jordan Michael Edward Powers, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Rupp moved that **SB 1**, with **SCS**, **SS** for **SCS** 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 Kehoe assumed the Chair.

Senator Walsh moved that **SA 2** be adopted, which motion failed.

Senator Walsh offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1, Page 3, Section 287.067, Line 25, by inserting at the end of said line the following: “**Diseases associated with or caused by asbestos exposure, which shall include malignant mesothelioma, asbestosis, and asbestos related cancers of the lung, colon, and other organs shall not be occupational diseases for the purposes of the chapter. Compensation for such diseases shall not be recoverable nor provided for under this chapter.**”.

Senator Walsh moved that the above amendment be adopted.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

Senator Pearce moved that **SB 7**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 7**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 7

An Act to repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **SB 7** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 7** was declared perfected and ordered printed.

### COMMUNICATIONS

Senator Justus submitted the following:

February 5, 2013

Terry Spieler – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Terry:

Pursuant to the provisions of section 41.1010, I am granted with the authority as Minority Floor Leader to appoint a member of the Senate to

the Missouri Military Preparedness and Enhancement Commission. I hereby appoint Senator Jason Holsman to this commission.

Sincerely,  
/s/ Jolie Justus  
Jolie Justus

President Pro Tem Dempsey submitted the following:

February 5, 2013

Senator Tom Dempsey – President Pro-Tem  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Dempsey:

With this correspondence I hereby resign from the Joint Committee on Capitol Improvements and Leases Oversight. I recommend that you appoint Senator Gina Walsh as my replacement.

Sincerely,  
/s/ Jolie Justus  
Jolie Justus

Also,

February 5, 2013

Ms. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gina Walsh to the Joint Committee on Capitol Improvements and Leases Oversight. Please feel free to contact me should you have any questions.

Sincerely,  
/s/ Tom Dempsey  
Tom Dempsey  
President Pro Tem

### **INTRODUCTIONS OF GUESTS**

Senator Schaaf introduced to the Senate, Jacob Scott and Mary Beth Rosenauer, Savannah; Brian Shewell, Excelsior Springs; Monterio Seewood, Kansas City; Ahmat Shah Salimee, St. Joseph, students from Missouri Western State University.

Senator LeVota introduced to the Senate, Rory Rowland, Independence.

Senator Lamping introduced to the Senate, Julie Blatz, Clayton.

Senator Lager introduced to the Senate, representatives of Great Northwest Days.

On behalf of Senators Kehoe, Parson and himself, Senator Pearce introduced to the Senate, Josh Thompson, Morgan Simpson and John Donnell, representatives of Missouri Athletic Trainers' Association.

Senator Romine introduced to the Senate, Dr. Ray Comiskey, President, Jefferson College, Hillsboro.

Senator Dixon introduced to the Senate, Andy Pruett, Jason Dunn, Jon Howerton and students from the Division of Youth Services Community Learning Center, Springfield.

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

## SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2013

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 241-Lager
SB 212-Cunningham	SB 242-Kehoe
SB 213-Kraus	SB 243-Brown
SB 214-Silvey	SB 244-Schaefer
SB 215-Silvey	SB 245-Justus
SB 216-Silvey	SB 246-Walsh
SB 217-LeVota	SB 247-Walsh
SB 218-LeVota	SB 248-Wasson
SB 219-Sater	SB 249-Nasheed
SB 220-Lamping	SB 250-Schaaf
SB 221-Lamping	SB 251-Kraus and Chappelle-Nadal
SB 222-Lamping	SB 252-Kraus
SB 223-Curls	SB 253-Justus
SB 224-Curls, et al	SB 254-Pearce
SB 225-Curls	SB 255-Schmitt and Schaefer
SB 226-Schaefer	SB 256-Silvey
SB 227-LeVota	SB 257-Silvey
SB 228-Holsman	SB 258-LeVota
SB 229-Brown	SB 259-Schaaf
SB 230-Brown	SB 260-Brown
SB 231-Munzlinger	SB 261-Rupp
SB 232-Wallingford	SB 262-Curls
SB 233-Sater, et al	SB 263-Curls
SB 234-Wasson	SB 264-Dempsey
SB 235-Cunningham	SJR 8-Dixon
SB 236-Parson	SJR 9-Emery
SB 237-Emery	SJR 10-Nasheed and Walsh
SB 238-Emery	SJR 11-Curls
SB 239-Emery	SJR 12-Sater
SB 240-Lager	SJR 13-Chappelle-Nadal

SJR 14-Schaefer, et al  
SJR 15-Schaaf

SJR 16-Kehoe and McKenna

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping

SENATE BILLS FOR PERFECTION

SB 3-Rupp  
SB 21-Dixon

SB 22-Dixon  
SB 33-Lamping, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS &  
SA 3 (pending)

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 16-Munzlinger

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