Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—WEDNESDAY, FEBRUARY 27, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Reverend Carl Gauck offered the following prayer:

"Spread snow like a blanket and spread ice like ashes." (Psalm 147:16)

Gracious Lord, we enjoy the beauty of the winter wonderland and very grateful for safe travel. We are thankful for those whose efforts make it possible for us to have cleared streets and work early in the day through the night so our roads are passable and emergency vehicles can assist those needing their service. We are grateful for those who serve us so we may be able to work as we are called to serve here. 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 Lager offered Senate Resolution No. 385, regarding Trenton High School/Adams Park Apartments, Grundy County, which was adopted.

Senator Richard offered Senate Resolution No. 386, regarding Anthony Hendrix, Neosho, which was adopted.

Senator Lager offered Senate Resolution No. 387, regarding Josh Poole, which was adopted.

Senator Brown offered Senate Resolution No. 388, regarding Kayleigh Marie Jones, Cuba, which was adopted.

Senator Kehoe offered Senate Resolution No. 389, regarding Fire Chief Robert F. Rennick, Jefferson City, which was adopted.

Senator Nieves offered Senate Resolution No. 390, regarding Daniel Richard "Dan" Rice, Wildwood, which was adopted.

Senator Nieves offered Senate Resolution No. 391, regarding Donald Paul Stoos, Chesterfield, which was adopted.

Senator Nieves offered Senate Resolution No. 392, regarding Miranda "Andi" Placht, New Haven, which was adopted.

Senator Walsh offered Senate Resolution No. 393, regarding the Sixtieth Birthday of Kim Robert Besserman, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 394, regarding Colleen Hannibal, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 395, regarding Howard A. Nimmons, Florissant, which was adopted.

Senator Schaefer offered Senate Resolution No. 396, regarding Sital Raj Uprety, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 397, regarding Allison Siroky, Rock Island, Illinois, which was adopted.

Senator Schaefer offered Senate Resolution No. 398, regarding Mekka Garcia, Centralia, which was adopted.

Senator Schaefer offered Senate Resolution No. 399, regarding Jordan Bartlebaugh, Waterloo, Illinois, which was adopted.

Senator Schaefer offered Senate Resolution No. 400, regarding Omar Taranissi, Columbia, which was adopted.

Senator Silvey offered Senate Resolution No. 401, regarding Jay Joseph McCune, II, Kansas City, which was adopted.

Senator Sifton offered Senate Resolution No. 402, regarding Lauren Bansbach, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 403, regarding Kamron MacQuarrie Whipple,

Mountain Grove, which was adopted.

Senator Cunningham offered Senate Resolution No. 404, regarding Amber Carr, West Plains, which was adopted.

Senator Lager offered Senate Resolution No. 405, regarding Kevin J. Thompson and Tyler J. Roberts, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 406, regarding Josh Hartzell, Lathrop, which was adopted.

Senator Lager offered Senate Resolution No. 407, regarding the One Hundredth Birthday of Alice Jones McCartney, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 408, regarding Nils Edward Haugen, Kearney, which was adopted.

CONCURRENT RESOLUTIONS

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, Immigration policy is a federal issue between the U.S. government and other countries; and

WHEREAS, Missouri is best served by a free-market philosophy that maximizes individual freedom and opportunity; and

WHEREAS, Missouri residents acknowledge that legal immigrants play an important economic role as workers and taxpayers and, as such, Missouri's policies affecting legal immigrants must reaffirm our global reputation as a welcoming and business-friendly state; and

WHEREAS, strong families are the foundation of successful communities and individuals and, as such, we oppose policies that unnecessarily separate families and champion policies that support families and improve the health, education, and the well-being of all Missouri children; and

WHEREAS, we respect the rule of law, support law enforcement's professional judgment and discretion, and encourage an enforcement strategy that focuses on public safety and targets serious crime; and

WHEREAS, Missourians must adopt an approach that recognizes the critical role legal immigration has played in our nation's history and celebrate the fact that legal immigrants are a large part of our communities; and

WHEREAS, such approach must reflect our history and culture of inclusion and welcome those legal immigrants who become fully participating members of our society:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Missouri congressional delegation to lead efforts to strengthen federal laws and protect our national borders and further urge state leaders to adopt reasonable policies addressing immigrants in Missouri that improves our immigration system and keeps our communities safe; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation and Governor Jay Nixon.

INTRODUCTION OF BILLS

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

SB 393–By Libla and Emery.

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof one new section relating to informed consent for abortions.

SB 394–By Silvey.

An Act to amend chapters 67 and 144, RSMo, by adding thereto two new sections relating to tax incentives for data storage centers.

SB 395–By Kraus and LeVota.

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committees.

SB 396–By Holsman and Chappelle-Nadal.

An Act to repeal sections 386.890, 393.1030, and 393.1050, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

SB 397–By Holsman and Curls.

An Act to repeal sections 301.020 and 301.3031, RSMo, and to enact in lieu thereof three new sections relating to donations by motor vehicle registration applications to fund the National World War I Memorial at Liberty Memorial, with existing penalty provisions.

SB 398-By Holsman.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax deduction for energy efficiency projects.

SB 399–By Holsman and Curls.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the Missouri Korean War Veterans Memorial.

SB 400-By Holsman.

An Act to repeal sections 393.1025, 393.1030, and 393.1050, RSMo, and to enact in lieu thereof two new sections relating to the renewable energy standard.

SB 401-By Rupp.

An Act to amend chapter 376, RSMo, by adding thereto eight new sections relating to the regulation and licensure of navigators, with penalty provisions.

SB 402-By Rupp.

An Act to repeal sections 375.037, 375.920, 376.405, 382.010, 382.040, 382.050, 382.060, 382.080, 382.095, 382.110, 382.170, 382.180, 382.190, 382.195, 382.220, and 382.230, RSMo, and to enact in lieu thereof twenty new sections relating to the regulation of insurance business, with a penalty provision.

SB 403-By Rupp.

An Act to repeal sections 354.410, 354.430, 354.603, 376.405, 376.426, 376.446, 376.777, and 376.1363, RSMo, and to enact in lieu thereof sixteen new sections relating to health insurance, with penalty provisions.

SB 404-By Munzlinger.

An Act to repeal sections 304.022 and 304.154, RSMo, and to enact in lieu thereof three new sections relating to emergency vehicles, with a penalty provision.

SB 405-By Sater.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to personal funeral trust accounts.

SB 406-By Wallingford.

An Act to repeal sections 376.1363 and 376.1367, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefit determinations for serious and urgent conditions.

SB 407–By Wallingford.

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to deduction of federal income tax liability.

SB 408–By Emery.

An Act to repeal sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof nine new sections relating to elementary and secondary education.

SB 409-By Keaveny.

An Act to repeal sections 547.035, 547.037, 565.020, and 565.032, RSMo, and to enact in lieu thereof four new sections relating to first degree murder.

SB 410-By Kehoe.

An Act to repeal sections 173.005, 173.1105, 174.020, 176.010, 178.420, 178.530, 178.560, 178.585, 178.631, 178.632, 178.634, 178.635, 178.636, 178.637, 178.638, 178.639, and 178.640, RSMo, and to enact in lieu thereof seventeen new sections relating to the renaming of Linn State Technical College, with an effective date.

SB 411-By Kehoe.

An Act to repeal sections 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and section 302.700 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute for senate substitute for senate substitute for senate bill no. 470 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 470 merged with conference committee substitute for senate substite senate senate senate senate sen

SB 412–By Kehoe.

An Act to repeal section 311.180, RSMo, and to enact in lieu thereof two new sections relating to beer wholesalers.

SB 413-By Wasson.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to services under the MO HealthNet program.

SB 414-By Dixon.

An Act to repeal sections 217.720, 559.036, 600.011, 600.040, 600.042, and 600.048, RSMo, and to enact in lieu thereof eight new sections relating to the legal defense of indigent persons, with existing penalty provisions.

SB 415–By Dixon.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for early childhood education programs.

SB 416-By Dixon.

An Act to repeal sections 60.530, 60.560, 60.590, 60.620, 194.400, 194.408, 194.409, 236.400, 236.405, 236.410, 236.415, 236.420, 236.425, 236.430, 236.435, 236.440, 236.445, 236.465, 236.470, 236.475, 236.480, 236.495, 236.500, 256.603, 256.605, 256.606, 256.614, 256.623, 256.626, 256.630, 256.637, 256.700, 256.705, 256.710, 258.010, 258.020, 258.030, 258.060, 258.070, 258.080, 259.010, 259.020, 259.030, 259.040, 259.050, 259.070, 259.080, 259.090, 259.100, 259.110, 259.120, 259.140, 259.150, 259.160, 259.170, 259.180, 259.190, 259.200, 259.210, 260.235, 260.249, 260.335, 260.345, 621.250, 640.010, 640.012, 640.017, and 640.430, RSMo, and to enact in lieu thereof fifty-five new sections relating to the department of natural resources, with existing penalty provisions.

SB 417-By Lager.

An Act to repeal sections 43.543, 260.200, 260.205, 260.262, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 444.772, 643.079, and 644.054, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources, with an emergency clause for a certain section.

SB 418–By Lager.

An Act to amend chapter 389, RSMo, by adding thereto six new sections relating to the crossing of railroad right-of-ways by certain utilities.

SB 419–By Lager.

An Act to authorize the conveyance of certain property owned by the state to the state highways and transportation commission.

SB 420-By Lager.

An Act to repeal sections 386.890 and 393.1030, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

SB 421–By Walsh.

An Act to repeal sections 167.181 and 174.335, RSMo, and to enact in lieu thereof two new sections relating to the meningococcal conjugate vaccine.

SB 422–By Curls and LeVota.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of highways.

SB 423–By Nasheed.

An Act to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

SB 424-By Nasheed.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to reporting requirements for employees of jails, with a penalty provision.

SB 425-By Nasheed.

An Act to amend chapter 443, RSMo, by adding thereto twenty-four new sections relating to real estate foreclosure, with penalty provisions.

SB 426-By Nasheed.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to mathematics and science tutoring centers.

SB 427-By Sifton.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the reporting of data and scores of neglected children and delinquent children.

SB 428-By Sifton.

An Act to repeal sections 213.010, 213.040, 213.045, and 557.035, RSMo, and to enact in lieu thereof five new sections relating to homelessness, with existing penalty provisions.

SB 429–By Chappelle-Nadal.

An Act to repeal section 67.1003, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 430–By Chappelle-Nadal.

An Act to repeal sections 660.411 and 660.414, RSMo, and to enact in lieu thereof three new sections relating to adult day care programs.

SB 431-By Cunningham.

An Act to repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

SB 432–By Cunningham.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

SB 433–By Lamping, Lager, Schaaf and Kraus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to campaign contribution limits.

SB 434–By Lamping, Lager, Schaaf and Kraus.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to campaign contribution limits.

SB 435–By McKenna.

An Act to repeal sections 115.305, 115.346, 115.350, and 561.021, RSMo, and to enact in lieu thereof four new sections relating to disqualification from public office.

SJR 22-By Parson, Brown, Kraus, Sater, Libla, Munzlinger, Cunningham, Lamping and Wallingford.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the

Constitution of Missouri, and adopting one new section relating to the right to farm.

Senator Schmitt assumed the Chair.

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

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SS** for **SCS** for **SB 120**, 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.

REFERRALS

President Pro Tem Dempsey referred SS for SCS for SB 120 to the Committee on Governmental Accountability and Fiscal Oversight.

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 House has taken up and passed **HCS** for **HB 158**, entitled:

An Act to repeal sections 99.805, 99.835, 99.845, 99.865, 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.850, and 184.865, RSMo, and to enact in lieu thereof seventeen new sections relating to disaster areas, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Sater moved that **SB 127** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Sater, SB 127 was declared perfected and ordered printed.

Senator Brown moved that **SB 29**, with **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 LeVota requested a roll call vote be taken on the adoption of SA 2 and was joined in his request by Senators Curls, Holsman, Nasheed and Sifton.

At the request of Senator Brown, SB 29, with SCS and SA 2 (pending), was placed on the Informal Calendar.

Senator Pearce assumed the Chair.

Senator Kraus moved that **SB 26**, **SB 11** and **SB 31**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 26, 11 and 31, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 26, 11 and 31

An Act to repeal sections 143.011, 143.021 and 143.071, RSMo, and to enact in lieu thereof four new sections relating to taxation, with an effective date for certain sections.

Was taken up.

Senator Kraus moved that SCS for SBs 26, 11 and 31 be adopted.

Senator Kraus offered SS for SCS for SBs 26, 11 and 31, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 26, 11 and 31

An Act to repeal sections 143.011, 143.021 and 143.071, RSMo, and to enact in lieu thereof four new sections relating to taxation.

Senator Kraus moved that SS for SCS for SBs 26, 11 and 31 be adopted.

Senator LeVota offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 26, 11 and 31, Page 12, Section 143.071, Line 5, by inserting immediately after all of said line the following:

"Section 1. Prior to the final passage of any bill that increases expenditures or decreases revenues of the state, the sponsor of such bill shall transmit a statement to the director of the oversight division within the committee of legislative research. Such statement shall detail what existing state programs will be impacted by such bill. Such statement shall be included in the fiscal note prepared by the oversight division for such bill."; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Dempsey assumed the Chair.

At the request of Senator Kraus, SB 26, SB 11 and SB 31, with SCS and SS for SCS (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 127**, 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 Schaaf assumed the Chair.

REFERRALS

President Pro Tem Dempsey referred **SB 127** to the Committee on Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Lamping introduced to the Senate, Dr. Charles Willey, St. Louis.

Senator Walsh introduced to the Senate, her daughter and son-in-law, Michaela and Joe Friederich, and her granddaughter, Prudence Jane, Wentzville.

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

SENATE CALENDAR

TWENTY-EIGHTH DAY-THURSDAY, FEBRUARY 28, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 301-McKenna, et al SB 302-Wasson SB 303-Wasson SB 304-Wasson SB 305-Wasson SB 306-Wasson SB 307-Schaaf SB 308-Schaaf SB 309-Schaaf SB 310-Nasheed SB 311-Nasheed SB 312-LeVota SB 313-LeVota SB 314-Wallingford SB 315-Pearce SB 316-Parson and Justus SB 317-Romine

SB 318-Rupp SB 319-Rupp SB 320-Schaefer SB 321-Schaefer SB 322-Dixon SB 323-Dixon SB 324-Wallingford SB 325-Nieves SB 326-McKenna SB 327-Dixon SB 328-Brown SB 329-Brown SB 330-Wasson SB 331-Schmitt SB 332-Libla SB 333-Silvey SB 334-Sifton

SB 335-Sifton SB 336-Walsh SB 337-Sater SB 338-Romine SB 339-Romine SB 340-Schmitt SB 341-Schmitt SB 342-Parson, et al SB 343-Parson SB 344-Parson SB 346 Curls SB 347-Nasheed SB 348-LeVota SB 349-LeVota SB 350-Dempsey SB 351-Lager SB 352-Lager SB 353-Lager SB 354-Schmitt SB 355-Munzlinger SB 356-Kehoe SB 357-Romine SB 358-Holsman SB 359-LeVota SB 360-Rupp SB 361-Rupp SB 362-Chappelle-Nadal SB 363-Chappelle-Nadal SB 364-Parson SB 365-Parson, et al SB 366-Lamping, et al SB 367-Walsh SB 368-Holsman SB 369-LeVota SB 370-Wasson SB 371-Munzlinger SB 372-Munzlinger SB 373-Munzlinger SB 374-Nieves SB 375-Nieves

SB 376-Sater SB 377-Dixon SB 378-Pearce SB 379-Keaveny, et al SB 380-Kraus SB 381-Kraus SB 382-Kraus SB 383-Wallingford SB 384-Rupp SB 385-Rupp SB 386-LeVota SB 387-Nasheed SB 388-Curls SB 389-Curls SB 390-Chappelle-Nadal SB 391-Dixon SB 392-Dixon SB 393-Libla and Emery SB 394-Silvey SB 395-Kraus and LeVota SB 396-Holsman and Chappelle-Nadal SB 397-Holsman and Curls SB 398-Holsman SB 399-Holsman and Curls SB 400-Holsman SB 401-Rupp SB 402-Rupp SB 403-Rupp SB 404-Munzlinger SB 405-Sater SB 406-Wallingford SB 407-Wallingford SB 408-Emery SB 409-Keaveny SB 410-Kehoe SB 411-Kehoe SB 412-Kehoe SB 413-Wasson SB 414-Dixon SB 415-Dixon

SB 416-Dixon SB 417-Lager SB 418-Lager SB 419-Lager SB 420-Lager SB 420-Lager SB 421-Walsh SB 422-Curls and LeVota SB 423-Nasheed SB 424-Nasheed SB 425-Nasheed SB 426-Nasheed SB 427-Sifton SB 428-Sifton

SB 429-Chappelle-Nadal SB 430-Chappelle-Nadal SB 431-Cunningham SB 432-Cunningham SB 433-Lamping, et al SB 434-Lamping, et al SB 435-McKenna SJR 17-Nieves SJR 17-Nieves SJR 18-Schmitt SJR 19-Lager SJR 20-Curls SJR 21-LeVota SJR 22-Parson, et al

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen HCS for HB 202

HCS for HB 158

THIRD READING OF SENATE BILLS

SB 60-Rupp SB 23-Parson SS for SCS for SB 120-Schmitt (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending) SB 13-Schaefer, with SCS SB 21-Dixon SB 22-Dixon SBs 26, 11 & 31-Kraus, with SCS & SS for SCS (pending) SB 29-Brown, with SCS & SA 2 (pending) SB 41-Munzlinger SB 48-Lamping

SB 127-Sater (In Fiscal Oversight)

RESOLUTIONS

To be Referred

SCR 12-Lamping

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