

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—THURSDAY, APRIL 18, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rest. Rest. Rest in God’s love. The only work you are required now to do is to give your most intense attention to His still, small voice within.” (Madame Jeanne Guyon)

Gracious God, as we finish a full week and travel to loved ones, be with us so we arrive safely home. Help us to be mindful that our minds and bodies do need rest so that we may be capable to lead healthy and full lives; with sharp minds and energized bodies, rested in You so we can hear Your voice and be obedient. 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. 750, regarding the Sixtieth Anniversary of Sullivan County Memorial Hospital, Milan, which was adopted.

Senator Nieves offered Senate Resolution No. 751, regarding Mary Kleekamp, which was adopted.

Senator Nieves offered Senate Resolution No. 752, regarding James Allen Eagan, Union, which was adopted.

Senator Kehoe offered Senate Resolution No. 753, regarding Sally Hartman, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 754, regarding Kenneth Hartman, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 256** and **SS** for **SB 366**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SB 282**, introduced by Senator Wasson, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 282**

An Act to repeal sections 174.700, 174.703, 174.706, 302.302, and 544.157, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of motor vehicles, with penalty provisions.

Was taken up.

On motion of Senator Wasson, **SS** for **SB 282** was read the 3rd time and passed 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
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 226, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to repeal sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, and to enact in lieu thereof sixteen new sections relating to mental health services.

Was taken up by Senator Schaefer.

On motion of Senator Schaefer, **SCS for SB 226** was read the 3rd time and passed 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
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SCS for SB 256, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 256

An Act to repeal sections 160.2110, 174.335, 210.861, 210.950, 211.447, and 595.220, RSMo, and to enact in lieu thereof eight new sections relating to child abuse and neglect.

Was taken up by Senator Silvey.

On motion of Senator Silvey, **SCS for SB 256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed
Parson	Pearce	Richard	Romine	Rupp	Sater	Schaaf	Schmitt
Sifton	Silvey	Walsh	Wasson—28				

NAYS—Senators

Emery	Kraus	Lager	Nieves	Wallingford—5
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Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Silvey, title to the bill was agreed to.

Senator Silvey moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Pearce assumed the Chair.

SB 205, introduced by Senator Sater, entitled:

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof two new sections relating to foster children.

Was taken up.

On motion of Senator Sater, **SB 205** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Parson	Pearce	Richard	Romine	Rupp	Sater	Schmitt
Sifton	Silvey	Walsh	Wasson—28				

NAYS—Senators

Kraus	Lager	Nieves	Schaaf	Wallingford—5
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Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SS for SB 366, introduced by Senator Lamping, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 366

An Act to repeal sections 33.080, 144.030, 360.045, and 374.150, RSMo, and to enact in lieu thereof six new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

Was taken up.

On motion of Senator Lamping, **SS for SB 366** was read the 3rd time and passed 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
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause 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
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Lamping, title to the bill was agreed to.

Senator Lamping moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

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, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeanne Marie Dee, 418 Mission Court, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2013, and until her successor is duly appointed and qualified; vice, Sandra L. Thomas, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 18, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Travis Ford, 1919 Brady Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2017, and until his successor is duly appointed and qualified; vice, Richard R. Popp, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HCS**

for **HB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 53**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 112**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 473**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 437**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 423**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on General Laws, to which was referred **HB 68**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 53**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 457**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 448**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 109**, 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 Veterans' Affairs and Health, to which was referred **SB 259**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **HCS** for **HBs 303** and **304**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Richard, 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 **SBs 317** and **319** and **SS** for **SCS** for **SB 432**, 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.

Senator Pearce assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were 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 **HB 443**, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to a pilot project for increasing children's access to incarcerated parents.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 813**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to early stage business development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 468**, entitled:

An Act to repeal sections 43.265, 174.700, 174.703, 174.706, 302.302, 544.157, 566.093, 566.135, 575.060, 575.070, 575.130, 610.021, 632.505, 650.120, and 650.350, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 787**—Transportation and Infrastructure.

HB 533—General Laws.

HCS for **HB 345**—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 28—Jobs, Economic Development and Local Government.

HCS for HB 30—Small Business, Insurance and Industry.

HB 47—General Laws.

HCS for HB 137—Governmental Accountability and Fiscal Oversight.

HB 217—Governmental Accountability and Fiscal Oversight.

HCS for HB 215—Judiciary and Civil and Criminal Jurisprudence.

HB 103—Transportation and Infrastructure.

HCS for HB 114—Veterans’ Affairs and Health.

HCS for HB 621—Jobs, Economic Development and Local Government.

HCS for HB 505—Education.

HB 148—Veterans’ Affairs and Health.

HCS for HB 257—Veterans’ Affairs and Health.

HB 326—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 418—Seniors, Families and Pensions.

HCS for HB 850—Jobs, Economic Development and Local Government.

HCS for HBs 374 and 434—Judiciary and Civil and Criminal Jurisprudence.

HCS for HBs 373 and 435—Judiciary and Civil and Criminal Jurisprudence.

HB 322—Small Business, Insurance and Industry.

HCS for HB 722—Seniors, Families and Pensions.

HB 218—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 197—Jobs, Economic Development and Local Government.

HB 526—Jobs, Economic Development and Local Government.

HCS for HBs 404 and 614—Small Business, Insurance and Industry.

HCS for HB 343—Governmental Accountability and Fiscal Oversight.

HCS for HB 194—Progress and Development.

RE-REFERRALS

President Pro Tem Dempsey re-referred **HCS for HB 46** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senators Dixon and Wasson offered Senate Resolution No. 755, regarding Coach Steve Hesser, Drury University Men’s basketball program, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 756, regarding Drury University Women’s Swimming and Diving Team, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 757, regarding Drury University Men's Swimming and Diving Team, Springfield, which was adopted.

Senators Dixon and Wasson offered Senate Resolution No. 758, regarding Drury University Men's Basketball Team, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds, Nixa.

Senator Romine introduced to the Senate, Jason and Amy Arens and their children, Jonathan, Logan and Asher, De Soto.

On behalf of Senator Dempsey and himself, Senator Rupp introduced to the Senate, his daughter, Noelle, and fifty-seven fourth grade students from Academy of the Sacred Heart, St. Charles.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Friday, April 19, 2013.

SENATE CALENDAR

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FIFTY-THIRD DAY—FRIDAY, APRIL 19, 2013
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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 443-Hubbard, et al
HCS for HB 813

HCS for HB 468

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp
2. SB 396-Holsman and Chappelle-Nadal,
with SCS
3. SB 378-Pearce, with SCS
4. SB 410-Kehoe
5. SB 133-Keaveny and Holsman, with SCS
6. SB 210-Lamping and Nieves, with SCS
7. SB 455-Nieves, with SCS

8. SB 167-Sater and Wallingford, with SCS
9. SB 343-Parson
10. SB 250-Schaaf, with SCS
11. SB 175-Wallingford
12. SB 285-Romine
13. SB 339-Romine
14. SB 174-Parson, with SCS
15. SB 441-Dempsey

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| 16. SJR 2-Lager | 24. SB 437-Pearce, with SCS |
| 17. SB 315-Pearce | 25. SB 423-Nasheed |
| 18. SB 419-Lager, with SCS | 26. SB 371-Munzlinger, with SCS |
| 19. SB 411-Kehoe, with SCS | 27. SB 53-Lamping |
| 20. SB 141-Dempsey | 28. SB 377-Dixon |
| 21. SB 403-Rupp, with SCS | 29. SB 448-Schmitt and Keaveny |
| 22. SB 308-Schaaf | 30. SB 109-Brown, with SCS |
| 23. SB 383-Wallingford | 31. SB 259-Schaaf, with SCS |

HOUSE BILLS ON THIRD READING

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| 1. HB 34-Guernsey (Brown) | 6. HB 68-Kelley (127), et al (Lamping) |
| 2. HCS for HB 315 (Wasson) | 7. HB 163-Fitzpatrick and Dugger |
| 3. HB 53-Gatschenberger (Rupp) | 8. HCS for HB 199 (Lamping) |
| 4. HB 112-Burlison (Brown) | 9. HCS for HB 457, with SCS |
| 5. HCS for HB 473 | 10. HCS for HBs 303 & 304, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|-------------------------------------|---|
| SB 3-Rupp, with SA 1 (pending) | SB 207-Kehoe, et al, with SCS |
| SB 13-Schaefer, with SCS | SB 231-Munzlinger, with SA 1 (pending) |
| SB 21-Dixon | SB 239-Emery, with SCS & SA 2 (pending) |
| SB 22-Dixon | SB 272-Nieves, with SA 2 (pending) |
| SB 48-Lamping | SB 291-Rupp |
| SB 61-Keaveny, with SCA 1 (pending) | SB 292-Rupp |
| SB 65-Dixon, with SCS | SB 364-Parson |
| SB 82-Schaefer, with SCS | |

HOUSE BILLS ON THIRD READING

- HB 55-Flanigan and Allen, with SCS
(Schaefer)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)

HB 212-Cox, et al (Keaveny)

HCS for HB 235 (Parson)
HB 498-Jones (50), et al, with SCS

HCS for HB 159 (Kraus)
HCS for HB 233, with SCS (Lamping)

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