

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—THURSDAY, APRIL 25, 2013

The Senate met pursuant to adjournment.

President Pro Tem Dempsey in the Chair.

Reverend Carl Gauck offered the following prayer:

“We need beauty around us to grow.” (Christopher Coelho)

Creator God, as we complete another tough week that has demanded much of us, let us use the time going home to see the beauty of blossoming flowers and the greening of the earth in our drive to those we love. May it help us leave the pressure we experience here behind us and enjoy the resting, enriching weekend for loved ones and our souls. 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.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV 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.

President Pro Tem Dempsey assumed the Chair.

Senator Schaaf assumed the Chair.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 810, regarding Kadey Copeland, which was adopted.

Senator Kraus offered Senate Resolution No. 811, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Rand, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 812, regarding Michael Dvorak, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 813, regarding Wesley Harris, which was adopted.

Senator Kraus offered Senate Resolution No. 814, regarding Brian Campbell, which was adopted.

Senator Kraus offered Senate Resolution No. 815, regarding Matthew James Crance, Lee's Summit, which was adopted.

Senator Walsh offered Senate Resolution No. 816, regarding James J. Murphy, Saint Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HB 673, introduced by Representative Schatz, entitled:

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.

Was called from the Consent Calendar and taken up by Senator Kehoe.

On motion of Senator Kehoe, **HB 673** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senators

Holsman	Rupp	Schaefer—3
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Vacancies—None

The President declared the bill passed.

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

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

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

THIRD READING OF SENATE BILLS

SCS for **SBs 317** and **319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 317 and 319

An Act to repeal sections 301.301 and 303.024, RSMo, and to enact in lieu thereof five new sections relating to the regulation of motor vehicles.

Was taken up by Senator Romine.

On motion of Senator Romine, **SCS** for **SBs 317** and **319** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Holsman	Rupp	Schaefer—3
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Vacancies—None

The President declared the bill passed.

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

Senator Romine 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 **SCS** for **SB 432**, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 432

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

Was taken up.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 432** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schmitt	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

McKenna Sifton—2

Absent—Senators—None

Absent with leave—Senators

Holsman Rupp Schaefer—3

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

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 SB 411**; **SS for SB 401**; **SS for SCS for SB 437**; and **SCS for SB 378**, 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 Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James Mintert and John J. Sheehan, as members of the Missouri State Board of Accountancy;

Also,

Mishely Tisius, as a member of the Board of Certification of Interpreters;

Also,

Aimee Gromowsky, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Sara Catherine Michael, Independent, as a member of the State Committee of Marital and Family Therapists; and

Ann Nunn-Jones, Democrat, as a member of the Missouri Real Estate Appraisers Commission.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 378**; **SS** for **SB 401**; and **SCS** for **SB 411** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 133**, 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 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 432**, 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 reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HCS No. 2** for **HB 698**, 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 Jobs, Economic Development and Local Government, to which was referred **HB 184**, 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 reports:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 436**, 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 General Laws, to which was referred **SB 325**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 78**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 **HB 542**, 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 375**, 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 Financial and Governmental Organizations and Elections, to which was referred **HB 329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 **SB 52**, 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 **HCS** for **HBs 256, 33** and **305**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf assumed the Chair.

HOUSE BILLS ON SECOND READING

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

HCS for **HBs 455** and **297**—Governmental Accountability and Fiscal Oversight.

HCS for HB 335—Jobs, Economic Development and Local Government.

HB 756—Governmental Accountability and Fiscal Oversight.

HB 808—Financial and Governmental Organizations and Elections.

HCS for HB 170—General Laws.

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 **HCS for HB 601**, entitled:

An Act to repeal sections 392.415 and 392.461, RSMo, and to enact in lieu thereof three new sections relating to broadband and communications deployment.

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 881**, entitled:

An Act to repeal sections 43.543, 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 256.117, 256.710, 260.200, 260.205, 260.247, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 319.129, 319.132, 640.010, 640.017, 640.075, 640.715, 643.079, and 644.051, RSMo, and to enact in lieu thereof fifty-two new sections relating to the department of natural resources, with penalty provisions and an emergency clause.

Emergency clause defeated.

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 275**, entitled:

An Act to repeal sections 285.530, 285.535, and 285.555, RSMo, and to enact in lieu thereof three new sections relating to illegal immigration, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, James Parker Atkins, his mother, Haley and his sisters, Georgia and Phoebe, Columbia; and James Parker was made an honorary page.

Senator Kehoe introduced to the Senate, his niece Madeline Kehoe and Ms. Jessica Bauhmoer, parents

and fourth grade students from St. Francis Xavier School, Taos.

On behalf of Senator Dempsey, the President introduced to the Senate, Breanna Hollowell and fourth grade students from St. Cletus School, St. Charles; and Breanna was made an honorary page.

Senator Justus introduced to the Senate, the Physician of the Day, Dr. Joseph Corrado and his wife, Donna, Mexico.

Senator Justus introduced to the Senate, Ron Fischer and Brian Cheney, Callaway County.

Senator Schmitt introduced to the Senate, Mike, Alyson, Madelyne and Patrick Schoedel, St. Louis; and Madelyn and Patrick were made honorary pages.

Senator Pearce introduced to the Senate, Dennis Knipmeyer and Tammie Winter, Higginsville.

On behalf of Senator Schaaf, the President introduced to the Senate, eighty-five eighth grade students from St. Therese School, Kansas City; and Madelein Quinn, Annelise Nissen and Morgan Greenfield were made honorary pages.

Senator Munzlinger introduced to the Senate, teachers and eighty fourth grade students from Palmyra Elementary School.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, April 29, 2013.

SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 29, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 601
HCS for HB 881

HCS for HB 275

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe (In Fiscal Oversight)
SS for SB 401-Rupp (In Fiscal Oversight)

SS for SCS for SB 437-Pearce
SCS for SB 378-Pearce (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 30-Brown, with SCS

SB 325-Nieves

SB 78-Lamping, with SCS

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HB 34-Guernsey (Brown)

2. HCS for HB 473 (Lager)
(In Fiscal Oversight)

3. HB 133-Gosen, et al (Rupp)

4. HB 432-Funderburk, et al, with SCS (Lager)

5. HCS#2 for HB 698, with SCS (Schmitt)

6. HB 184-Cox, et al (Kehoe)

7. HCS for HB 436, with SCS

8. HB 542-Love, et al, with SCS

9. HB 329-Dugger and Crawford, with SCS

10. HCS for HBs 256, 33 & 305 (Kehoe)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS

SB 231-Munzlinger, with SA 1 (pending)

SB 239-Emery, with SCS & SA 2 (pending)

SB 250-Schaaf, with SCS

SB 259-Schaaf, with SCS

SB 272-Nieves, with SA 2 (pending)

SB 285-Romine

SB 291-Rupp

SB 292-Rupp

SB 308-Schaaf

SB 315-Pearce

SB 339-Romine

SB 343-Parson

SB 364-Parson

SB 371-Munzlinger, with SCS

SB 377-Dixon

SB 383-Wallingford

SB 396-Holsman and Chappelle-Nadal, with
SCS

SB 403-Rupp, with SCS

SB 410-Kehoe

SB 419-Lager, with SCS

SB 423-Nasheed

SB 441-Dempsey
SB 448-Schmitt and Keaveny

SB 455-Nieves, with SCS
SJR 2-Lager

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS (Schaefer)
HB 112-Burlison (Brown)

HCS for HB 199 (Lamping)
HCS for HB 457, with SCS (Rupp)

CONSENT CALENDAR

House Bills

Reported 4/15

HB 212-Cox, et al (Keaveny)
HCS for HB 235 (Parson)
HB 498-Jones (50), et al, with SCS (Sifton)

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

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HJRs 11 & 7, with SS, as amended
(Parson) (House requests Senate
recede or grant conference)

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