

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRD DAY—MONDAY, JANUARY 13, 2014**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Lord, take me where you want me to go, let me meet who you want me to meet, tell me what you want me to say, and keep me out of your way.” (Prayer of Father Mychal Judge)

Lord, we begin a new week with new challenges and opportunities and we hope we will make the most of each experience. May we be Your servant keeping Your teachings before us and our lives reflecting the way we ought to live. 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 for Thursday, January 9, 2014 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	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

Absent—Senators—None

Absent with leave—Senators

Lamping      Rupp—2

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1077, regarding Fire Chief Melvin L. Owens, which was adopted.

Senator Justus offered Senate Resolution No. 1078, regarding the Fortieth Birthday of Megan Roth, Kansas City, which was adopted.

Senator Keaveny offered Senate Resolution No. 1079, regarding the Fiftieth Birthday of Jeffrey Linell Boyd, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1080, regarding Charles W. A. “Charlie” Seymour, Cassville, which was adopted.

Senator Libla offered Senate Resolution No. 1081, regarding the death of Joseph Reed McGhee, Kennett, which was adopted.

Senator Parson offered Senate Resolution No. 1082, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Huff, which was adopted.

Senator Kraus offered Senate Resolution No. 1083, regarding Lisa Henning, Blue Springs, which was adopted.

Senator Lager offered Senate Resolution No. 1084, regarding M’Shoogy’s/Angels Vet, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 1085, regarding Jim Wrenn, which was adopted.

Senator Lager offered Senate Resolution No. 1086, regarding the NCAA Division 2 Football Champions Northwest Missouri State University, Maryville, which was adopted.

Senator LeVota offered Senate Resolution No. 1087, regarding Mason Murphy, Independence, which was adopted.

Senator Schmitt offered Senate Resolution No. 1088, regarding Tim Fitch, Saint Louis County, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Richard moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Richard, **HCR 1** was adopted by the following vote:

## YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Lamping Rupp—2

Vacancies—None

Senator Richard moved that **HCR 2** be taken up for adoption, which motion prevailed

On motion of Senator Richard, **HCR 2** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators

Lamping Rupp—2

Vacancies—1

**INTRODUCTION OF BILLS**

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

**SB 698**—By Justus.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to an angel investor tax credit.

**SB 699**—By Pearce.

An Act to repeal sections 173.030 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to state authorization of reciprocity agreements for distance education.

**SB 700**—By Sater.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to collaborative practice arrangements.

**SB 701**—By Lager.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to school superintendents.

**SB 702**—By Lager.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to rulemaking for electrical corporations, with an expiration date.

**SB 703**—By Lager.

An Act to repeal section 213.010, RSMo, and to enact in lieu thereof two new sections relating to unlawful discriminatory practices.

**SB 704**—By Lager.

An Act to repeal sections 327.312, 327.313, and 327.314, RSMo, and to enact in lieu thereof four new sections relating to land surveyors, with an effective date for a certain section.

**SB 705**—By Lager.

An Act to repeal sections 108.140 and 108.170, RSMo, and to enact in lieu thereof three new sections relating to political subdivision indebtedness.

**SB 706**—By Cunningham.

An Act to amend chapter 416, RSMo, by adding thereto four new sections relating to bad faith assertions of patent infringement claims.

**SB 707**—By Wasson.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to off-highway motorized vehicles.

**SJR 42**—By Schmitt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the joint committee on administrative rules.

### **CONCURRENT RESOLUTIONS**

Senator Schmitt offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the Department of Agriculture filed a proposed amendment for 2 CSR 90-30.040 on May 31, 2013, and filed the order of rulemaking with the Joint Committee on Administrative Rules on September 20, 2013; and

WHEREAS, the Joint Committee on Administrative Rules held hearings on October 7 and October 9, 2013, and has found 2 CSR 90-30.040 lacking in compliance with the provisions of Chapter 536, RSMo:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby finds that the Department of Agriculture has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo; and

BE IT FURTHER RESOLVED that the Ninety-seventh General Assembly, upon concurrence of a majority of the members of the Senate

and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 2 CSR 90-30.040, Quality Standards of Motor Fuels; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 2 CSR 90-30.040, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-seventh General Assembly, Second Regular Session, after veto by the Governor as provided in Sections 31 and 32 of Article III, and Section 8 of Article IV of the Missouri Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor in accordance with Section 8 of Article IV of the Missouri Constitution.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 13, 2014

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Joseph Hunt as a member of the Regional Convention and Sports Complex Authority, submitted to you on January 8, 2014. Line 1 should be amended to read:

Joseph Hunt, Democrat, 7500 Bull Run Drive, Saint Louis, Saint Louis County, Missouri

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 13, 2014

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

The following addendum should be made to the appointment of April S. Wilson as a member of the Child Abuse and Neglect Review Board, submitted to you on January 8, 2014. Line 1 should be amended to read:

April S. Wilson, Rural Route 1 Box 165A, Memphis, Scotland County, Missouri 63555,

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

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

### **COMMUNICATIONS**

President Pro Tem Dempsey submitted the following:

**SENATE HEARING SCHEDULE**  
**97th GENERAL ASSEMBLY**  
**SECOND REGULAR SESSION**  
**JANUARY 13, 2014**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation and Infrastructure SCR 1 (Kehoe)	
8:15 a.m.		Seniors, Families and Pensions SCR 1 (Lamping)		
8:30 a.m.			Gubernatorial Appointments SL (Dempsey)	Ways and Means SCR 1 (Kraus)  Veterans' Affairs and Health SL (Brown)
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp)  Rules, Joint Rules, Resolutions and Ethics SL (Richard)	Jobs, Economic Development and Local Government SL (Schmitt)  Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
2:00 p.m.			Progress and Development SCR 2 (Justus)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Wasson)			
3:00 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager)  General Laws SCR 1 (Nieves)	Governmental Accountability and Fiscal Oversight SCR 1 (Parson)  Education SL (Pearce)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Dixon)			

**INTRODUCTIONS OF GUESTS**

Senator Wallingford introduced to the Senate, Sarah Pursley, Mexico.

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

**SENATE CALENDAR**

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FOURTH DAY—TUESDAY, JANUARY 14, 2014

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 531-Nasheed	SB 557-Nasheed
SB 532-Nasheed	SB 558-Sifton
SB 533-Nasheed	SB 559-Sifton
SB 534-Sifton	SB 560-Sifton
SB 535-Sifton	SB 561-Munzlinger
SB 536-Sifton	SB 562-Chappelle-Nadal
SB 537-Rupp	SB 563-Chappelle-Nadal
SB 538-Keaveny and Holsman	SB 564-Chappelle-Nadal
SB 539-Keaveny and Holsman	SB 565-Nasheed
SB 540-Keaveny	SB 566-Sifton
SB 541-Munzlinger	SB 567-Chappelle-Nadal
SB 542-Munzlinger	SB 568-Chappelle-Nadal
SB 543-Munzlinger	SB 569-Chappelle-Nadal
SB 544-Lamping	SB 570-Chappelle-Nadal
SB 545-Lamping	SB 571-Chappelle-Nadal
SB 546-Lamping, et al	SB 572-Chappelle-Nadal
SB 547-Chappelle-Nadal	SB 573-Munzlinger
SB 548-Chappelle-Nadal	SB 574-Munzlinger
SB 549-Chappelle-Nadal	SB 575-Dixon
SB 550-Sater	SB 577-Kraus
SB 551-Sater	SB 578-Kraus
SB 552-Sater	SB 579-Holsman
SB 553-Emery	SB 580-Kraus
SB 554-Cunningham	SB 581-Rupp
SB 555-Nasheed	SB 582-Rupp
SB 556-Nasheed	SB 583-Dixon

SB 584-Dixon	SB 625-Sater and Munzlinger
SB 585-Dixon	SB 626-LeVota
SB 586-Kraus	SB 627-LeVota
SB 587-Kraus	SB 628-Schaaf
SB 588-Kraus	SB 629-Kraus
SB 589-Brown	SB 630-Wallingford
SB 590-Brown	SB 631-Wallingford
SB 591-Sater	SB 632-Parson
SB 593-Sater	SB 633-Parson
SB 594-Libla	SB 634-Parson
SB 595-Walsh	SB 635-Silvey and Holsman
SB 596-Holsman	SB 636-LeVota
SB 597-Holsman	SB 637-Rupp
SB 598-Holsman	SB 638-Romine
SB 599-Kraus	SB 639-Brown
SB 600-Sater	SB 640-Emery
SB 601-Holsman	SB 641-Emery
SB 602-Holsman	SB 642-Romine
SB 603-Holsman	SB 643-Rupp
SB 604-Holsman	SB 644-LeVota
SB 605-Dixon	SB 645-LeVota
SB 606-Dixon	SB 646-LeVota
SB 607-Dixon	SB 647-Sifton
SB 608-Holsman	SB 648-LeVota
SB 609-Rupp	SB 649-Lager
SB 610-Rupp	SB 650-Lager
SB 611-Schaaf	SB 651-Lager
SB 612-Schaaf	SB 652-Lager
SB 613-Nieves, et al	SB 653-Lager
SB 614-Dixon	SB 654-Keaveny
SB 615-Dixon	SB 655-Kraus
SB 616-Nasheed	SB 656-Kraus
SB 617-Rupp	SB 657-Kraus
SB 618-Nieves	SB 658-Wallingford
SB 619-Nieves	SB 659-Wallingford
SB 620-Nieves	SB 660-Wallingford
SB 621-Dixon	SB 661-LeVota
SB 622-Nieves	SB 662-Kraus
SB 623-Nieves	SB 663-Munzlinger
SB 624-LeVota	SB 664-Brown

SB 665-LeVota	SB 692-Wasson
SB 666-Schmitt	SB 693-Parson
SB 667-Schmitt	SB 694-Cunningham
SB 668-Silvey	SB 695-Keaveny
SB 669-Schaaf	SB 696-Schaefer
SB 670-Sater	SB 697-Schaefer
SB 671-Sater	SB 698-Justus
SB 672-Parson	SB 699-Pearce
SB 673-Kehoe and Wallingford	SB 700-Sater
SB 674-Kehoe	SB 701-Lager
SB 675-Kehoe	SB 702-Lager
SB 676-Curls	SB 703-Lager
SB 677-Curls	SB 704-Lager
SB 678-Curls	SB 705-Lager
SB 679-Curls	SB 706-Cunningham
SB 680-Curls	SB 707-Wasson
SB 681-Curls	SJR 32-Chappelle-Nadal
SB 682-Curls	SJR 33-Chappelle-Nadal
SB 683-Curls	SJR 34-Emery
SB 684-Holsman	SJR 35-Nasheed
SB 685-LeVota	SJR 36-Schaefer and Richard
SB 686-LeVota	SJR 37-Dixon
SB 687-LeVota	SJR 38-Nieves
SB 688-LeVota	SJR 39-Dixon
SB 689-Schmitt, et al	SJR 40-Curls
SB 690-Wasson	SJR 41-Curls
SB 691-Wasson	SJR 42-Schmitt

## INFORMAL CALENDAR

### RESOLUTIONS

To be Referred

SCR 18-Schmitt

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