

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—TUESDAY, MARCH 11, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Seek the Lord and his strength; seek his presence continually.” (Psalm 105:4)

O God, You are our rock, You are a strong force in our lives even when we fail to recognize Your presence. May Your gifts nurture and guide us in such a way that we would not lose sight of Your love of us. Make us so aware of Your constant presence that our moments may be filled with words and deeds that are pleasing to You. 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
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 1569, regarding the Fiftieth Anniversary of the Ballwin

Police Department, which was adopted.

Senator Schmitt offered Senate Resolution No. 1570, regarding Five Star Burgers, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 1571, regarding Pairings Wine & Dessert Bar, Des Peres, which was adopted.

Senator LeVota offered Senate Resolution No. 1572, regarding the One Hundredth Birthday of Ella Yount, Independence, which was adopted.

Senator Lager offered Senate Resolution No. 1573, regarding Grant Leeth, which was adopted.

Senator Lager offered Senate Resolution No. 1574, regarding Spencer Daugherty, which was adopted.

Senator Lager offered Senate Resolution No. 1575, regarding Blake Clevenger, which was adopted.

Senator Parson offered Senate Resolution No. 1576, regarding Savannah Moore, Lebanon, which was adopted.

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 **SS** for **SCS** for **SB 510**; **SB 615**; **SCS** for **SB 612**; **SCS** for **SB 524**; **SB 523**; **SB 667**; **SB 689**; and **SS** for **SB 691**, 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.

SENATE BILLS FOR PERFECTION

Senator Richard moved that **SB 718** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kehoe assumed the Chair.

At the request of Senator Richard, **SB 718** was placed on the Informal Calendar.

Senator Brown moved that **SB 814** be taken up for perfection, which motion prevailed.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 814, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "to tax incentives."; and

Further amend said bill and page, section 135.305, line 10, by inserting after all of said line the following:

“348.273. 1. This section and section 348.274 shall be known and may be cited as the “Missouri Angel Investment Incentive Act”.

2. As used in this section and section 348.274, the following terms mean:

(1) “Cash investment”, money or money equivalent contribution;

(2) “Department”, the department of economic development;

(3) “Investor”:

(a) A natural person who is an accredited investor as defined in 17 CFR 230.501(a)(5) or 17 CFR 230.501(a)(6), as in effect on August 28, 2014; or

(b) A permitted entity investor who is an accredited investor as defined in 17 CFR 230.501(a)(8), as in effect on August 28, 2014; or

(c) A natural person or permitted entity investor making an investment who qualifies under the Jumpstart Our Business Startups Act, Pub. L. No. 112-106, Sections 301-305, 126 Stat. 315-323, as in effect on August 28, 2014.

The term “investor” shall not include any person who serves as an executive, officer, or employee of the business in which an otherwise qualified cash investment is made, and such person shall not qualify for the issuance of tax credits for such investment. However, an investor who serves solely as a director may qualify for the issuance of tax credits;

(4) “MTC”, the Missouri technology corporation, established under section 348.251;

(5) “Owner”, any natural person who is, directly or indirectly, a partner, stockholder, or member in a permitted entity investor;

(6) “Permitted entity investor”, any general partnership, limited partnership, corporation that has in effect a valid election to be taxed as an S corporation under the Internal Revenue Code of 1986, as amended, revocable living trust, nonprofit corporation, or limited liability company that has elected to be taxed as a partnership under the Internal Revenue Code of 1986, as amended, and that was established and is operated for the purpose of making investments in other entities;

(7) “Qualified knowledge-based company”, a company engaged in the research, development, implementation, and commercialization of innovative technologies, products, and services for use in the commercial marketplace;

(8) “Qualified Missouri business”, a Missouri business that is approved and certified as a qualified knowledge-based company by the MTC that meets at least one of the following criteria:

(a) Any business owned by an individual;

(b) Any partnership, association, or corporation domiciled in Missouri; or

(c) Any corporation, even if a wholly owned subsidiary of a foreign corporation, that has its business operations located primarily in Missouri or does substantially all its production in Missouri;

(9) “Qualified securities”, a cash investment through any one or more forms of financial assistance as provided in this subdivision and that have been approved in form and substance by the MTC, in

coordination with the department by and through its service on the MTC board of directors. Forms of such financial assistance include:

(a) Any form of equity, such as:

a. A general or limited partnership interest;

b. Common stock;

c. Preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or

d. Any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(b) A debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requiring no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument's term;

(10) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147, 148, or 153.

3. The primary goal of the Missouri angel investment incentive act shall be to encourage individuals to provide early-stage financing for emerging qualified knowledge-based companies in Missouri through the issuance of tax credits to qualified investors who make cash investments for such early-stage financing.

4. (1) For all taxable years beginning on or after January 1, 2014, a tax credit shall be allowed for an investor's cash investment in the qualified securities of a qualified Missouri business occurring on or after August 28, 2014. The credit shall be in a total amount equal to fifty percent of such investor's cash investment in any qualified Missouri business, subject to the limitations set forth in this subsection. If the amount by which that portion of the credit allowed by this section exceeds the investor's tax liability in any one taxable year, the remaining portion of the credit may be carried forward five years or until the total amount of the credit is used, whichever occurs first. If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their equity investment in the permitted entity investor.

(2) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the Internal Revenue Code of 1986, as amended.

(3) The department and MTC shall not issue tax credits of more than fifty thousand dollars in a single year to an investor per investment into a single, qualified Missouri business. The department and MTC shall not issue tax credits totaling more than two hundred fifty thousand dollars in a single year per investor. No tax credits authorized by this section and section 348.274 shall be allowed for any cash investments in qualified securities made in any year beginning after December 31, 2024. The total amount of tax credits allowed under this section shall not exceed six million dollars in any fiscal year. The balance of unissued tax credits may be carried over for issuance in future years until December 31, 2024.

(4) At the beginning of each calendar year, the MTC shall equally allocate the total tax credits available during that calendar year to each geographic region comprised of the boundaries of each congressional district, as such boundaries may be amended from time to time, within Missouri. At the beginning of each calendar quarter, the MTC shall make available one-fourth of the total annual tax credits for each region for investments made in qualified Missouri businesses located in each such region. As soon as practicable after the end of each calendar quarter, the MTC shall prepare and issue a report to the director of the department designating all tax credit awards for that quarter, so that the department may issue such tax credits in accordance with the provisions of this section and section 348.274.

(5) Any unissued tax credits allocated to a region for a quarter may be reallocated and awarded in any other region in a following quarter, provided however, in the fourth quarter any unissued tax credits may be reallocated and awarded in that quarter in accordance with this section.

5. (1) Before an investor may be entitled to receive tax credits under this section and section 348.274, such investor shall have made a cash investment in a qualified security of a qualified Missouri business. The business shall have been approved as a qualified Missouri business before the date on which the cash investment was made. To be designated as a qualified Missouri business, a business shall apply to MTC in accordance with the provisions of this section.

(2) The application by a business shall be in the form and substance as required by the MTC, in coordination with the department by and through its service on the MTC board of directors, but shall include at least the following:

(a) The name of the business and certified copies of the organizational documents of the business;

(b) A business plan, including a description of the business and the management, product, market, and financial plan of the business;

(c) A statement of the potential economic impact of the business, including the number, location, and types of jobs expected to be created;

(d) A description of the qualified securities to be issued, the consideration to be paid for the qualified securities, and the amount of any tax credits requested;

(e) A statement of the amount, timing, and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(f) Such other information as may be reasonably requested.

(3) The designation of a business as a qualified Missouri business shall be made by the MTC, and such designation shall be renewed annually. A business shall be so designated if the MTC determines, based upon the application submitted by the business and any additional information provided in connection with such application, that such business meets the established criteria, which shall include at least the following:

(a) The business shall not have had annual gross revenues of more than five million dollars in the most recent tax year of the business;

(b) Businesses that are not deemed to be bioscience businesses shall have been in operation for less

than five years, and businesses determined to be bioscience businesses shall have been in operation for less than ten years;

(c) The ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is beneficial to advancing the goals of this section and section 348.274;

(d) The business shall not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded via a public stock exchange before the date that a qualifying investment is made;

(e) The business shall not be engaged primarily in any one or more of the following enterprises:

a. The business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments;

b. The provision of professional services, such as legal, accounting, or engineering services, provided, however, that contract research organizations, sometimes referred to as CROs, shall not be subject to this exclusion;

c. Governmental, charitable, religious, or trade organizations;

d. The ownership, development, brokerage, sales, or leasing of real estate;

e. Insurance;

f. Construction, construction management, or contracting;

g. Business consulting or brokerage;

h. Any business engaged primarily as a passive business, having irregular or non-continuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss;

i. Any activity that is in violation of the law;

j. Any business raising money primarily to purchase real estate, land, or fixtures; and

k. Any gambling-related business;

(f) The business has a reasonable chance of success;

(g) The business has the reasonable potential to create measurable employment within the region, this state, or both;

(h) The business is based on an innovative technology, product, or service designed to be used in the commercial marketplace;

(i) The existing owners of the business and other founders have made or are committed to make a substantial financial or time commitment to the business;

(j) The securities to be issued and purchased are qualified securities;

(k) The business has the reasonable potential to address the needs and opportunities specific to the region, this state, or both;

(l) The business has made binding commitments to the MTC for adequate reporting of financial data, including a requirement for an annual report, or, if required, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business, the right of the department and the MTC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets, and other such protections as may be in the best interest of taxpayers to achieve the goals of this section and section 348.274; and

(m) The business shall satisfy all other requirements of this section and section 348.274.

(4) A qualified Missouri business shall have the burden of proof to demonstrate the qualifications of the business under this section.

348.274. 1. (1) The MTC is authorized to allocate tax credits to qualified Missouri businesses, and the department is authorized to issue tax credits to qualified investors in such qualified Missouri businesses. Such tax credits shall be allocated to those qualified Missouri businesses which, as determined by the MTC, are most likely to provide the greatest economic benefit to the region, the state, or both. The MTC may allocate, and the department may issue, whole or partial tax credits in accordance with the report issued to the director of the department based on the MTC's assessment of the qualified Missouri businesses. The MTC may consider numerous factors in such assessment including, but not limited to, the quality and experience of the management team, the size of the estimated market opportunity, the risk from current or future competition, the ability to defend intellectual property, the quality and utility of the business model, and the quality and reasonableness of financial projections for the business.

(2) Each qualified Missouri business, for which the MTC has allocated tax credits such that the department can issue tax credits to the qualified investors of such qualified Missouri business, shall submit to the MTC a report before such tax credits are issued. Such report shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made cash investment in the qualified securities of the qualified Missouri business;

(b) Proof of such investment, including copies of the securities' purchase agreements and cancelled checks or wire transfer receipts; and

(c) Any additional information as may reasonably be required under this section and section 348.273.

2. (1) The state of Missouri shall not be held liable for any damages to any investor that makes an investment in a qualified security of a qualified Missouri business, any business that applies to be designated as a qualified Missouri business and is turned down, or any investor that makes an investment in a business that applies to be designated as a qualified Missouri business and is turned down.

(2) Each qualified Missouri business shall have the obligation to notify the MTC, which shall notify the director of the department, of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investments in a qualified security.

(3) The director of the department, in cooperation with the MTC, shall provide the information specified in subdivision (3) of subsection 4 of this section to the director of the department of revenue on an annual basis. The MTC shall conduct an annual review of the activities undertaken under this section and section 348.273 to ensure that tax credits issued under this section and section 348.273 are issued in compliance with the provisions of this section and section 348.273 or rules and regulations promulgated by the MTC or the department with respect to this section and section 348.273. The reasonable costs of the annual review and other administrative work necessary or convenient to carry out the provisions of this section and section 348.273 shall be recovered by the MTC according to a reasonable fee schedule adopted by the MTC in cooperation with the department by and through its service on the MTC board of directors.

(4) If the MTC determines that a business is not in substantial compliance with the requirements of this section and section 348.273 to maintain its designation, the department or the MTC, by written notice, shall inform the business that such business will lose its designation as a qualified Missouri business one hundred twenty days from the date of mailing of the notice unless such business corrects the deficiencies and is once again in compliance with the requirements for designation.

(5) At the end of the one-hundred-twenty-day period, if the qualified Missouri business is still not in substantial compliance, the department or the MTC shall send a notice of loss of designation to the business, the director of the department of revenue, and to all known investors in the business.

(6) A business shall lose its designation as a qualified Missouri business under this section and section 348.273 by moving either its headquarters outside of Missouri or a substantial number of the jobs created in Missouri to a location outside Missouri, within ten years after receiving financial assistance under this section and section 348.273.

(7) In the event that a business loses its designation as a qualified Missouri business, such business shall be precluded from being issued any additional tax credits with respect to the business, shall be precluded from being approved as a qualified Missouri business, and shall be subject to an appropriate clawback provision that the MTC, in cooperation with department by and through its service on the MTC board of directors, provides for in connection with the administration of this section and section 348.273.

(8) Investors in a qualified Missouri business shall be entitled to keep all of the tax credits properly issued to such investors under this section and section 348.273.

(9) The portions of documents and other materials submitted to the department or the MTC that contain confidential information shall be kept confidential and shall be maintained in a secured environment. For the purposes of this section and section 348.273, confidential information may include, but not be limited to, any document or other material containing a formula, compound, production data, or compilation of information that will allow certain individuals within a commercial concern using such portions of documents and other material the means to fabricate, produce, or compound an article of trade, or perform any service having commercial value which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(10) The department and the MTC may prepare and adopt procedures, rules, and published guidance concerning the performance of the duties placed upon each respective entity by this section and section 348.273.

3. Any qualified investor who makes a cash investment in a qualified security of a qualified Missouri business may transfer the tax credits such qualified investor may receive under subsection 4 of section 348.273 to any natural person. Such transferee may claim the tax credit against the transferee's Missouri income tax liability as provided in subdivision (1) of subsection 4 of section 348.273, subject to all restrictions and limitations set forth in this section and section 348.273. Only the full credit for any one investment shall be transferred and this interest shall only be transferred one time. Documentation of any tax credit transfer under this section shall be provided by the qualified investor in the manner established by the MTC and the department, by and through its service on the MTC board of directors.

4. (1) Each qualified Missouri business for which tax credits have been issued under this section and section 348.273 shall report to the MTC on an annual basis, on or before February first. The MTC shall provide copies of the reports to the department under appropriate confidentiality agreements as may be necessary under the circumstances. Such reports shall include the following:

(a) The name, address, and taxpayer identification number of each investor who has made a cash investment in the qualified securities of the qualified Missouri business and has received tax credits for this investment during the preceding year;

(b) The amounts of cash investments by each investor and a description of the qualified securities issued in consideration of such cash investments; and

(c) Any additional information reasonably required under this section and section 378.273.

(2) The MTC shall report quarterly to the director of the department on the allocation of the tax credits in the preceding calendar quarter. Such reports shall include:

(a) The amount of applications received;

(b) The number and ratio of successful applications to unsuccessful applications;

(c) The amount of tax credits allocated but not issued in the previous quarter, including what percentage was allocated to individuals and what percentage was allocated to investment firms; and

(d) Such other information as reasonably agreed upon from time to time.

(3) The MTC and the department, as applicable, shall also report annually to the governor, the president pro tempore of the senate, and the speaker of the house of representatives, on or before April first, on the allocation and issuance of the tax credits. Such reports shall include:

(a) The amount of tax credits issued in the previous fiscal year, including what percentage was issued to individuals and what percentage was issued to investment firms;

(b) The types of businesses that benefitted from the tax credits;

(c) The amount of allocated but unissued tax credits and the information about the unissued tax credits set forth in subdivision (2) of this subsection;

(d) Any aggregate job creation or capital investment in the region that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded;

(e) The manner in which the purpose of this section and section 348.273 has been carried out with regard to a region;

(f) The total cash investments made for the purchase of qualified securities of qualified Missouri businesses within each region during the preceding year and cumulatively since the effective date of this section and section 348.273;

(g) An estimate of jobs created and jobs preserved by cash investments made in qualified Missouri businesses within each region;

(h) An estimate of the multiplier effect on the economy of each region of the cash investments made under this section and section 348.273;

(i) Information regarding what businesses deriving benefits from the tax credits remained in the region, what businesses ceased business, what businesses were purchased, and what businesses may have moved out of a region or the state.

(4) Any violation of the reporting requirements of this subsection by a qualified Missouri business may be grounds for the loss of designation of such qualified Missouri business, and any such business that loses its designation as a qualified Missouri business shall be subject to the restrictions upon loss of designation set forth in subsection 2 of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section and section 348.273 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Notwithstanding the provisions of section 23.253, this section and 348.273 shall expire on December 31, 2024.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Brown raised the point of order that **SA 1** is out of order in that it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Kraus assumed the Chair.

At the request of Senator Brown, **SB 814** was placed on the Informal Calendar.

Senator Lamping requested unanimous consent of the Senate to correct the report from the Committee on Seniors, Families and Pensions made March 6, 2014, by submitting the correct Senate Committee Substitute for **SB 712**, which request was granted.

Senator Brown moved that **SB 859** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 859** was declared perfected and ordered printed.

BILLS DELIVERED TO THE GOVERNOR

SS for **SB 668**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON SECOND READING

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

HB 2014—Appropriations.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 612** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **HCR 5**; **HCR 11**; and **HCS** for **HCR 20** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 1577, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arthur James Smith, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 1578, regarding Orlin Hoyd Clark, Jr., Overland, which was adopted.

Senator Lager offered Senate Resolution No. 1579, regarding Dalton Tipton, which was adopted.

Senator Lager offered Senate Resolution No. 1580, regarding Chase Thomas, which was adopted.

Senator Lager offered Senate Resolution No. 1581, regarding Luke Sachs, which was adopted.

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

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

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 672**; **SB 773**; and **SB 859**, 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.

SENATE BILLS FOR PERFECTION

Senator Richard moved that **SB 718** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Walsh offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill 718, Page 1, Section 290.230, Line 11 by inserting immediately after all of said line the following:

“For the purposes of this section, the term “workman who agrees in writing to volunteer his or her labor without pay” shall mean a workman who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the workman is a volunteer. Under no circumstances may an employer force, compel or otherwise intimidate an employee into performing work otherwise paid by a prevailing wage as a volunteer.”

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Richard, **SB 718**, as amended, was declared perfected and ordered printed.

Senator Justus moved that **SB 491**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 491

An Act to repeal sections 32.057, 50.535, 57.100, 105.478, 115.631, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 214.410, 217.360, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692, 217.703, 217.735, 217.785, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.570, 301.640, 302.015, 302.020, 302.309, 302.321, 302.500, 302.540, 302.541, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031,

557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.031, 558.041, 558.046,
559.012, 559.021, 559.036, 559.100, 559.106, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604,
559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011,
562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086,
563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002,
565.004, 565.021, 565.023, 565.024, 565.025, 565.035, 565.050, 565.060, 565.063, 565.065, 565.070,
565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086,
565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150,
565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188,
565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252,
565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.030, 566.031, 566.032,
566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100,
566.101, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151,
566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224,
566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085,
567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052,
568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020,
569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072,
569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145,
569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050,
570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123,
570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190,
570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240,
570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020,
571.030, 571.037, 571.045, 571.050, 571.060, 571.063, 571.067, 571.070, 571.072, 571.080, 571.085,
571.087, 571.093, 571.095, 571.101, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.126,
571.150, 571.500, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120,
573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052,
573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030,
574.035, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021,
575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130,
575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205,
575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300,
575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070,
576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026,
577.029, 577.031, 577.037, 577.039, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068,
577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150,
577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221,
577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606,
577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012,
578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.075,
578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154,
578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260,
578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360,

578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.392, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.501, 578.502, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.425, 610.125, 630.155, 630.165, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, section 130.031 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, section 577.041 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, and to enact in lieu thereof seven hundred sixteen new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date.

Was taken up.

Senator Justus moved that **SCS** for **SB 491** be adopted.

Senator Nieves assumed the Chair.

Senator Kehoe assumed the Chair.

At the request of Senator Justus, **SB 491**, with **SCS** (pending), was 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, after examination of **SB 699**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the

provisions of Senate Rule 45.

REFERRALS

President Pro Tem Dempsey referred **SB 859** to the Committee on Governmental Accountability and Fiscal Oversight.

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 **HBs 1307** and **1313**, entitled:

An Act to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to the required waiting period before having an abortion.

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 1192**, entitled:

An Act to repeal section 188.028, RSMo, and to enact in lieu thereof two new sections relating to abortion.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 1582, regarding the 2013-2014 state champion Lee's Summit West High School dance program, which was adopted.

Senator Cunningham offered Senate Resolution No. 1583, regarding Joseph Reyes, Pottersville, which was adopted.

Senator Keaveny offered Senate Resolution No. 1584, regarding Melvin Dorsey, Saint Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1585, regarding Tony Wormington, which was adopted.

Senator Sater offered Senate Resolution No. 1586, regarding the Sixty-eighth Wedding Anniversary of Mr. and Mrs. John L. Berning, Exeter, which was adopted.

Senator Sater offered Senate Resolution No. 1587, regarding the One Hundredth Birthday of Edna Faye Thomas King, Cassville, which was adopted.

Senator Justus offered Senate Resolution No. 1588, regarding the Ninetieth Birthday of Ed Browne, Kansas City, which was adopted.

Senator Walsh offered Senate Resolution No. 1589, regarding Calvin Hardy Carter, Hazelwood, which

was adopted.

Senator Sater offered Senate Resolution No. 1590, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Martens, Kimberling City, which was adopted.

Senator Sater offered Senate Resolution No. 1591, regarding Chase Brennan, which was adopted.

Senator Sater offered Senate Resolution No. 1592, regarding Zach Kearney, which was adopted.

Senator Sater offered Senate Resolution No. 1593, regarding Judy Randall, Washburn, which was adopted.

Senator Sater offered Senate Resolution No. 1594, regarding Mary Jane Flynn, Cassville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Emery introduced to the Senate, Steve Cheslik, Cass County; and members of Missouri Treasurers Association.

Senator Brown introduced to the Senate, Stephen Leitman and students from Linn State Technical College.

Senator Libla introduced to the Senate, parents Susan Brandon, April Davis, Nicole Howell and Amy Stricklin, and fourth grade students Tyler Brandon, Carlee Davis, Skyllar Howell, Macy Middleton and Alex Stricklin, Caruthersville Elementary School; and Tyler, Carlee, Skyllar, Macy and Alex were made honorary pages.

On behalf of Senator Libla and himself, Senator Dempsey introduced to the Senate, Clayton Wehmeyer, St. Charles; Terry Grisso, Charleston; and members of Phi Theta Kappa Honor Society, Linn State Technical College.

Senator LeVota introduced to the Senate, Lisa Ginter, Blue Springs; and representatives of Missouri Credit Union Association.

On behalf of Senator Richard and himself, Senator Nieves introduced to the Senate, the Physician of the Day, David Hargroder, M.D., Joplin.

Senator Kehoe introduced to the Senate, Holly Knaebel, Jefferson City; and Melissa Thoenen, Linn.

Senator Pearce introduced to the Senate, Troi Hackett, Kingsville; and Samantha Adkins and Jeanetta Snyder, Chilhowee.

Senator Holsman introduced to the Senate, his wife, Robyn, and their daughter, Savannah; Ellen Pittman, Jeanne Jewell, Cathy Jolly, Beverly Cunningham, and fifty fourth grade students from Red Bridge Elementary, Kansas City; and Savannah was made an honorary page.

On behalf of Senator Kehoe, the President introduced to the Senate, Coach Tim Karsten and Class One State Champion Blair Oaks High School Wrestling team members: Ben Campbell, Logan Mudd, Brad Thomas, Cole Kemna, Corbin Singer, John Karsten, Alex Gaydos, Logan Gaydos and Frankie Falotico.

Senator LeVota introduced to the Senate, Rich Schier and Pat Yokley, Kansas City.

Senator Kehoe introduced to the Senate, teachers Jessica Baumhoer, Stephanie Plassmeyer and fourth grade students from St. Francis Xavier School.

Senator Schaefer introduced to the Senate, Dean James Thompson and engineering students from University of Missouri-Columbia.

Senator Sifton introduced to the Senate, Coro Fellows, St. Louis.

Senator Brown introduced to the Senate, Midshipman 3/C Cameron T. Smith, Rolla; and Midshipman 3/C Wyatt Horner, Wyoming.

Senator Walsh introduced to the Senate, Liz Gibbons, Kirkwood; and students Travion and Davion Howard, Spanish Lake.

Senator Justus introduced to the Senate, Luciana Bardwell, Kansas City.

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

SENATE CALENDAR

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 12, 2014

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 911-Libla	SB 929-Lamping
SB 912-Wasson	SB 930-Lamping
SB 913-Wasson and Cunningham	SB 931-Nieves
SB 914-Munzlinger	SB 932-Nieves
SB 915-Dixon	SB 933-Nieves
SB 916-Wallingford	SB 934-Schaaf
SB 917-Richard	SB 935-Holsman
SB 918-Holsman	SB 936-Schaefer
SB 919-Justus	SB 937-Schaefer
SB 920-Munzlinger	SB 938-Pearce
SB 921-Schaaf	SB 939-Curls
SB 922-Schaaf	SB 940-Curls
SB 923-Emery	SB 941-Curls, et al
SB 924-Emery	SB 942-Sater
SB 925-Emery	SB 943-Justus
SB 926-Sater	SB 944-Brown, et al
SB 927-Lamping	SB 945-Brown, et al
SB 928-Lamping	SB 946-Dixon

SB 947-Dixon	SB 976-Emery
SB 948-Wallingford	SB 977-Schmitt
SB 949-Munzlinger	SB 978-Schmitt
SB 950-Holsman	SB 979-Schaefer
SB 951-Holsman	SB 980-Schaefer
SB 952-Dixon	SB 981-Schaefer
SB 953-Nasheed	SB 982-Schaefer
SB 954-Cunningham	SB 983-Pearce
SB 955-Cunningham	SB 984-Sifton
SB 956-Schaaf	SB 985-Sifton
SB 957-Holsman	SB 986-Sifton
SB 958-Nieves	SB 987-Lamping
SB 959-Curls	SB 988-Lamping
SB 960-Munzlinger	SB 989-Lamping
SB 961-Nasheed	SB 990-Lamping
SB 962-Justus	SB 991-Kraus
SB 963-Justus	SB 992-Dempsey
SB 964-Lager	SB 993-Dempsey
SB 965-Lager	SB 994-Dixon
SB 966-Lager	SB 995-Sifton
SB 967-Lager	SJR 49-Cunningham
SB 968-Lager	SJR 50-Lamping
SB 969-Kehoe	SJR 51-Lamping
SB 970-Kehoe	SJR 52-Lamping
SB 971-Kehoe	SJR 53-Lamping
SB 972-Kehoe	SJR 54-Lamping
SB 973-Brown	SJR 55-Nieves
SB 974-Rupp	SJR 56-Dixon
SB 975-Emery	SJR 57-Lager

HOUSE BILLS ON SECOND READING

HB 1430-Jones (110), et al	HCS for HB 1295
HCS for HB 1058	HCS for HB 1510
HB 1133-Engler, et al	HCS for HB 1044
HCS for HB 1051	HB 1081-McCaherty, et al
HJR 48-Solon, et al	HCS for HB 1085
HJR 72-Richardson, et al	HB 1126-Dugger and Entlicher
HCS for HB 1412	HB 1197-Elmer
HCS for HBs 1253 & 1297	HB 1206-Wilson

HCS for HB 1217	HB 1110-Rowland
HB 1270-Lant, et al	HB 1359-Flanigan
HB 1301-Neth	HCS for HBs 1646 & 1515
HB 1468-Dohrman, et al	HCS for HB 1296
HB 1616-Muntzel, et al	HB 1496-Reiboldt, et al
HCS for HB 1079	HB 1173-Burlison, et al
HB 1087-Crawford and Franklin	HCS for HB 1426
HB 1141-Love, et al	HCS for HRB 1298
HCS for HB 1201	HCS for HRB 1299
HB 1222-Dugger	HCS for HB 1501
HB 1238-Hinson	HCS for HBs 1310 & 1236
HB 1361-Gosen and Wieland	HCS for HB 1261
HCS for HB 1376	HB 1495-Torpey and Hicks
HCS for HB 1523	HB 1435-Johnson
HB 1268-Curtman, et al	HCS for HB 1459
HB 1092-Lant, et al	HCS for HBs 1307 & 1313
HCS for HJR 47	HCS for HB 1192
HB 1073-Dugger, et al	

THIRD READING OF SENATE BILLS

- | | |
|---|--|
| 1. SS for SCS for SB 666-Schmitt
(In Fiscal Oversight) | 6. SB 523-Emery |
| 2. SS for SCS for SB 510-Kraus | 7. SB 667-Schmitt |
| 3. SB 615-Dixon | 8. SB 689-Schmitt, et al |
| 4. SCS for SB 612-Schaaf
(In Fiscal Oversight) | 9. SS for SB 691-Wasson |
| 5. SCS for SB 524-Cunningham | 10. SCS for SB 672-Parson |
| | 11. SB 773-Rupp |
| | 12. SB 859-Brown (In Fiscal Oversight) |

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------|--------------------------------------|
| 1. SB 593-Sater, with SCS | 9. SB 734-Cunningham |
| 2. SB 623-Nieves, with SCS | 10. SB 693-Parson |
| 3. SB 790-Dixon | 11. SB 662-Kraus |
| 4. SB 745-Munzlinger | 12. SB 607-Dixon |
| 5. SB 501-Keaveny | 13. SB 727-Chappelle-Nadal |
| 6. SJR 34-Emery | 14. SB 716-Brown, with SCS |
| 7. SB 673-Kehoe and Wallingford | 15. SB 696-Schaefer |
| 8. SRB 714-Lager, with SCS | 16. SB 564-Chappelle-Nadal, with SCS |

17. SB 660-Wallingford

18. SB 675-Kehoe, with SCS

19. SB 712-Walsh, with SCS

20. SB 720-Justus, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 491-Justus and Dixon, with SCS (pending)

SBs 509 & 496-Kraus, with SCS,

SS#2 for SCS & SA 1 (pending)

SB 518-Sater, with SCS, SA 2 &

SA 1 to SA 2 (pending)

SB 519-Sater, with SS & SA 1 (pending)

SS for SB 543-Munzlinger

SB 573-Munzlinger, with SCS

SB 575-Dixon

SB 589-Brown, with SCS, SA 2 &

SA 1 to SA 2 (pending)

SB 663-Munzlinger, with SCS

SB 723-Parson, with SCS & SA 1 (pending)

SB 731-Nasheed, with SCS & SA 3 (pending)

SB 814-Brown

SJR 25-Lager

SJR 42-Schmitt

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 701-Lager

SB 631-Wallingford

SB 766-Keaveny

SB 796-Parson

RESOLUTIONS

Reported from Committee

SCR 31-Parson

SCR 32-Schaaf

✓