

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY—MONDAY, MARCH 31, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Now I know that the Lord will help his anointed; he will answer him from his holy heaven with mighty victories by his right hand.”
(Psalm 20:6a)

O Lord, there are many events happening that are difficult and scary as earthquakes shake our western states. Weather continues to wreak havoc with winds and heavy rains sweep the land and bring mudslides that bury citizens; snow covers parts of the East coast and the Midwest suffers from areas of lack of rain. So strengthen our faith to see that through it all, Your love conquers all and Your shield provides our best defense. You provide balance as You see what is truly needed and give us the capacity to respond to the needs we see about us. So keep us faithful and trusting to learn from Your Word and events that help test us to walk the path You lead us. 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 Journals for Thursday, March 27, 2014 and Friday, March 28, 2014 were 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
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 Kehoe offered Senate Resolution No. 1673, regarding Central Bank, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1674, regarding Fechtel Beverage, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1675, regarding Todd Doerhoff, Wardsville, which was adopted.

Senator Kehoe offered Senate Resolution No. 1676, regarding Brittany Russell, Columbia, which was adopted.

Senator Kehoe offered Senate Resolution No. 1677, regarding the One Hundred Twenty-fifth Anniversary of the Oklahoma Church of Christ, which was adopted.

Senator Justus offered Senate Resolution No. 1678, regarding Peter George Milanowski, Winfield, which was adopted.

Senator Sifton offered Senate Resolution No. 1679, regarding Andrew Michael Ellison, Crestwood, which was adopted.

Senator Schaaf offered Senate Resolution No. 1680, regarding Kathy Wiggins, which was adopted.

Senator Schaaf offered Senate Resolution No. 1681, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dick Barmann, St. Joseph, which was adopted.

Senator Romine offered Senate Resolution No. 1682, regarding Nancy Politte, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 1683, regarding the Jefferson County Firefighters Association, which was adopted.

Senator Wallingford offered Senate Resolution No. 1684, regarding Howard Hall, Sedgewickville, which was adopted.

Senator Sater offered Senate Resolution No. 1685, regarding James B. Tatum, Pineville, which was adopted.

Senators Pearce, Kraus, LeVota and Romine offered Senate Resolution No. 1686, regarding the 2013-2014 NCAA Division II champions University of Central Missouri Men's Mules Basketball Team, which was adopted.

Senator Schaefer offered Senate Resolution No. 1687, regarding Miles Gibson, Columbia, which was adopted.

Senator Dempsey offered Senate Resolution No. 1688, regarding the Niagara Foundation and the Turkish American Foundation of the Midwest, which was adopted.

Senator Brown offered Senate Resolution No. 1689, regarding John L. Beckett, Camdenton, which was adopted.

Senator Justus offered Senate Resolution No. 1690, regarding Robert Francis, Herculaneum, which was

adopted.

Senator Walsh offered Senate Resolution No. 1691, regarding Joseph David Sontag, which was adopted.

Senator Lager offered Senate Resolution No. 1692, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Keith Rutledge, Trenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 1693, regarding William N. Hogan, Saint Louis County, which was adopted.

Senator LeVota offered Senate Resolution No. 1694, regarding Reggie Wolfe, Independence, which was adopted.

Senator LeVota offered Senate Resolution No. 1695, regarding Robert A. Hudson, Independence, which was adopted.

Senator LeVota offered Senate Resolution No. 1696, regarding Richard B. Andrews, Harrisonville, which was adopted.

Senator LeVota offered Senate Resolution No. 1697, regarding Dave Echols, Odessa, which was adopted.

Senator LeVota offered Senate Resolution No. 1698, regarding John Vickers, which was adopted.

Senator LeVota offered Senate Resolution No. 1699, regarding Kush Sharma, which was adopted.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1320**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Richard requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **HB 1320** for third reading and final passage, which request was granted.

HB 1320, introduced by Representatives Ellinger, et al, entitled:

An Act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

Was taken up by Senator Keaveny.

On motion of Senator Keaveny, **HB 1320** 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

Munzlinger	Nasheed	Nieves	Parson	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Pearce—1

Vacancies—1

The President declared the bill passed.

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

Senator Keaveny 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 message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 31, 2014

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:

Brian Kinkade, 2301 Grant Lane, Columbia, Boone County, Missouri 65203, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

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 2029**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for aircraft.

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 1189**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to graduation requirements.

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 1779**, entitled:

An Act to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to advanced practice registered nurses.

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 1685**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the use of investigational drugs, with a penalty provision.

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 **HB 1642**, entitled:

An Act to amend chapter 285, RSMo, by adding thereto two new sections relating to employment taxes.

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 1225**, entitled:

An Act to repeal sections 415.400, 415.405, 415.410, 415.415, 415.417, 415.420, and 415.425, RSMo, and to enact in lieu thereof eighteen new sections relating to self-service storage facilities, with an effective date for certain sections.

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 **HB 1723**, entitled:

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with penalty provisions.

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 1218**, entitled:

An Act to repeal section 448.3-116, RSMo, and to enact in lieu thereof one new section relating to liens for assessments on condominiums.

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 1091**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto four new sections relating to port facilities.

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 1374**, entitled:

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

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 **HBs 1735** and **1618**, entitled:

An Act to repeal section 578.120, RSMo, and to enact in lieu thereof one new section relating to the sale

of motorcycles on Sunday, with a penalty provision.

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 1729**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to a department of economic development office in Israel.

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 1631**, entitled:

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to the air conservation commission.

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 **HB 1245**, entitled:

An Act to repeal section 208.275 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session and section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, and section 301.580 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 301.3166 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, and section 301.3168 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, and section 301.3170 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, and section 350.016 as enacted by house committee substitute for senate bill no. 84, eighty-seventh general assembly, first regular session, and section 390.280 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, ninety-sixth general assembly, second regular session, and section 407.300 as enacted by conference committee substitute for senate committee substitute for house bill no. 103,

ninety-seventh general assembly, first regular session, and 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, for the sole purpose of repealing multiple versions of statutes.

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 1447**, entitled:

An Act to repeal sections 302.065 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's license issuance.

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 **HBs 1665** and **1335**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the publishing of certain photographs on internet websites, with a penalty provision.

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 **HB 1693**, entitled:

An Act to repeal sections 447.560 and 447.584, RSMo, and to enact in lieu thereof three new sections relating to unclaimed property, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Sifton moved that **SB 708** be taken up for perfection, which motion prevailed.

On motion of Senator Sifton, **SB 708** was declared perfected and ordered printed.

Senator Romine moved that **SB 782** be taken up for perfection, which motion prevailed.

Senator Romine offered **SS** for **SB 782**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 782

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to certification by the American Board for Certification of Teacher Excellence.

Senator Romine moved that **SS** for **SB 782** be adopted, which motion prevailed.

On motion of Senator Romine, **SS** for **SB 782** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 499** be taken up for perfection, which motion prevailed.

Senator Kehoe assumed the Chair.

On motion of Senator Keaveny, **SB 499** was declared perfected and ordered printed.

Senator Schaaf moved that **SJR 27**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 27

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 15 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to government access of electronic data.

Was taken up.

Senator Schaaf moved that **SCS** for **SJR 27** be adopted.

At the request of Senator Schaaf, **SJR 27**, with **SCS** (pending), was placed on the Informal Calendar.

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 1861** and **1864**, entitled:

An Act to repeal sections 208.024 and 208.027, RSMo, and to enact in lieu thereof five new sections relating to public assistance benefits.

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 **HB 1651**, entitled:

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

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 1514**, entitled:

An Act to repeal section 451.040, RSMo, and to enact in lieu thereof one new section relating to marriage licenses.

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 **HB 1602**, entitled:

An Act to authorize the conveyance of property owned by the state in St. Francois County to the City of Farmington.

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 **HB 1724**, entitled:

An Act to repeal section 41.216, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

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 **HB 1804**, entitled:

An Act to repeal section 21.830, RSMo, and to enact in lieu thereof one new section relating to the joint committee on Missouri's energy future.

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 **HB 1184**, entitled:

An Act to repeal section 431.056, RSMo, and to enact in lieu thereof one new section relating to foster children contracting for automobile insurance.

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 1389**, entitled:

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.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **SCS** for **SB 723** and **SS No. 3** for **SCS** for **SBs 509** and **496** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 2001**—Appropriations.

HCS for **HB 2002**—Appropriations.

HCS for **HB 2003**—Appropriations.

HCS for **HB 2004**—Appropriations.

HCS for **HB 2005**—Appropriations.

HCS for **HB 2006**—Appropriations.

HCS for **HB 2007**—Appropriations.

HCS for **HB 2008**—Appropriations.

HCS for **HB 2009**—Appropriations.

HCS for **HB 2010**—Appropriations.

HCS for **HB 2011**—Appropriations.

HCS for **HB 2012**—Appropriations.

HCS for **HB 2013**—Appropriations.

INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, Lindsey Young, Mason Douglas, Drake Nilges, Darren Green, Kannon Qualls, Kendra Elder, Jerry Hobbs, Hollee Ellis and Misti Lovelace, representatives of Missouri State Beta Club.

Senator Libla introduced to the Senate, Dr. Devin Stephenson, and his wife, Judy, Teresa Johnson, Dr. Angela Totty, Jeffrey Kropp, Melody Willis, Mark Sanders, Bridgett Barnhill, Michelle Lane, Will Dougherty, Amanda Taylor, Sherry McDonald, Julie Becker, Michael Willis, Michelle Fisher-Young, Justin Hoggard, Martha Kirkman, Robby Calvert and Karen Beers, representatives of Three Rivers College President's Leadership Academy, Poplar Bluff.

Senator Holsman introduced to the Senate, Dr. Matt Naylor, Kansas City.

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

SENATE CALENDAR

FORTY-FOURTH DAY—TUESDAY, APRIL 1, 2014

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HB 2029-Cierpiot	HB 1245-Hampton, et al
HCS for HB 1189	HCS for HB 1447
HCS for HB 1779	HCS for HBs 1665 & 1335
HCS for HB 1685	HB 1693-Barnes
HB 1642-Bahr	HCS for HBs 1861 & 1864
HCS for HB 1225	HB 1651-Fraker
HB 1723-Davis and Lynch	HCS for HB 1514
HCS for HB 1218	HB 1602-Engler and Black
HCS for HB 1091	HB 1724-Davis and Lynch
HCS for HB 1374	HB 1804-Riddle, et al
HCS for HBs 1735 & 1618	HB 1184-Grisamore
HCS for HB 1729	HCS for HB 1389
HCS for HB 1631	

THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt (In Fiscal Oversight)

SB 727-Chappelle-Nadal (In Fiscal Oversight)

SB 693-Parson (In Fiscal Oversight)

SS for SCS for SB 720-Justus (In Fiscal Oversight)

SS for SB 673-Kehoe (In Fiscal Oversight)

SCS for SB 723-Parson (In Fiscal Oversight)

SS#3 for SCS for SBs 509 & 496-Kraus (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 490-Lager and Kehoe, with SCS
2. SB 674-Kehoe
3. SB 644-LeVota
4. SB 680-Curls, with SCS
5. SB 829-Kraus, with SCS
6. SB 584-Dixon
7. SB 777-Nieves, with SCS
8. SB 739-Romine, with SCS
9. SB 553-Emery, with SCS
10. SB 707-Wasson, with SCS
11. SB 785-Kehoe, with SCS
12. SB 818-Kehoe
13. SB 846-Richard
14. SB 628-Schaaf

15. SB 812-Parson
16. SB 729-Romine, with SCS
17. SB 774-Dempsey, with SCS
18. SB 555-Nasheed
19. SB 850-Munzlinger and Holsman, with SCS
20. SB 892-Kraus, with SCS
21. SB 809-Wasson, with SCS
22. SB 706-Cunningham, with SCS
23. SB 500-Keaveny
24. SB 695-Keaveny
25. SJR 26-Lager
26. SB 890-Kehoe
27. SB 754-Sater and Justus

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

SB 501-Keaveny

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 599-Kraus, with SCS & SA 2 (pending)

SB 663-Munzlinger, with SCS

SB 692-Wasson, with SA 1 (pending)

SB 712-Walsh, with SCS (pending)

SB 734-Cunningham

SB 741-Rupp and Parson
SB 790-Dixon, with SA 3 & point of order
(pending)
SB 814-Brown
SB 854-Wasson, with SCS

SJR 25-Lager
SJR 27-Schaaf and Dixon, with SCS
(pending)
SJR 34-Emery
SJR 42-Schmitt

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 2014-Stream, with SCS (Schaefer)

RESOLUTIONS

Reported from Committee

SCR 28-Pearce, et al, with SCS
SCR 33-Wallingford
SCR 36-Wasson

SCR 37-Kehoe
SCR 40-Lager
HCR 4-English, et al

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