

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY—TUESDAY, APRIL 15, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Good and upright is the Lord; therefore he instructs sinners in the way. He leads the humble in what is right and teaches the humble his way.” (Psalm 25:8-9)

Holy Father, as we continue to walk through this holy week instruct us in the way You would have us go. Help us to learn the lesson of humility so we may live and work as people who know and do what is right so that others will want to follow our lead. 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.

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	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Walsh offered Senate Resolution No. 1843, regarding the Fortieth Birthday of Matt Gober, O’Fallon, which was adopted.

Senator Sater offered Senate Resolution No. 1844, regarding Rocio Rodriguez, which was adopted.

Senator LeVota offered Senate Resolution No. 1845, regarding the Honorable Emanuel Cleaver, which was adopted.

Senators Lamping and Brown offered Senate Resolution No. 1846, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Donald Springer, Hermann, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Sater moved that **SB 754** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Sater offered **SS** for **SB 754**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 754

An Act to repeal sections 208.798, 338.059, and 338.220, RSMo, and to enact in lieu thereof six new sections relating to pharmacy.

Senator Sater moved that **SS** for **SB 754** be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Sater, **SB 754**, with **SS** (pending), was placed on the Informal Calendar.

Senator Dempsey moved that **SB 992** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Dempsey, **SB 992** was declared perfected and ordered printed.

Senator Parson moved that **SB 842** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Parson, **SB 842** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 850**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 850** was again taken up.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 850, Page 11, Section 262.900, Lines 18-19, by striking said lines and inserting in lieu thereof the following: “**tax revenues received by a mobile unit associated with a vending UAZ selling agricultural products in the municipality in which the vending UAZ is located**, shall be”.

Senator Holsman moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Munzlinger moved that **SS** for **SCS** for **SB 850**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 850**, as amended, was declared perfected and ordered printed.

Senator Schmitt moved that **SB 852**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 852**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 852

An Act to repeal sections 84.340 and 571.030, RSMo, and to enact in lieu thereof three new sections relating to corporate security advisors, with a penalty provision and an emergency clause.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 852** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **SB 852** was declared perfected and ordered printed.

Senator Lager moved that **SB 704**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 704**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 704

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.

Was taken up.

Senator Lager moved that **SCS** for **SB 704** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 704** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Brown moved that **HB 1173**, with **SA 1**, **SA 1** to **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Brown, the point of order was withdrawn.

At the request of Senator Brown, **HB 1173**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 790**, with **SA 3** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Brown, **SA 3** was withdrawn, rendering the point of order moot.

At the request of Senator Dixon, **SB 790** was placed on the Informal Calendar.

Senator Lager moved that **SB 966**, with **SS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Lager, the point of order was withdrawn.

At the request of Senator Lager, **SS** for **SB 966** was withdrawn, rendering **SA 1** moot.

At the request of Senator Lager, **SB 966** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was 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 adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, in 1959, Senate Resolution No. 33 and House Resolution No. 19, recognizing the importance of the extraordinary manifestations of nature and recreational attributes of the Current and Eleven Point Riverways, requested Congress to enact legislation to preserve the natural resources and provide recreational development and other improvements for the public use; and

WHEREAS, in 1964, Congress answered Missouri's request by enacting legislation to establish the Ozark National Scenic Riverways; and

WHEREAS, the riverways within the Ozark National Scenic Riverways are, and remain, public highways of the State of Missouri, subject to concurrent jurisdiction between the State of Missouri and the United States under Missouri Senate Bill No. 362 enacted in 1971; and

WHEREAS, in 2005, the National Park Service began researching for the purpose of drafting a new general management plan for the Ozark National Scenic Riverways; and

WHEREAS, the general management plan for the Ozark National Scenic Riverways will ensure that the National Park Service managers and stakeholders share a clearly defined understanding of the resource conditions, opportunities for recreational use, and managerial methodology for access, and development designed to successfully achieve the national riverways' purpose; and

WHEREAS, in keeping with the National Parks and Recreation Act of 1978, the general management plan will serve as a guideline which will be relied upon as a basis for decisions affecting the riverways and for decisions which serve to preserve resources for the enjoyment of future generations; and

WHEREAS, every national park system unit has been asked to prepare this kind of document since 1976 when Congress passed a law to that effect. The general management plan will guide decisions related to the Ozark National Scenic Riverways for the next 15 to 20 years; and

WHEREAS, the Missouri Conservation Commission is charged with the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the state, including hatcheries, sanctuaries, refuges, reservations and all other property owned, acquired or used for such purposes; and

WHEREAS, in September of 2009, the Missouri Department of Conservation recommended that "hunting, fishing and trapping continue to be allowed throughout the ONSR except in highly developed areas where a reasonable safety zone for public protection may be required" and supported the "No-Action Alternative" released in 2009 by the National Park Service as an appropriate balance between preservation of resource conditions and opportunities for recreational use; and

WHEREAS, the recreational resources afforded by the riverways are an economic staple to the citizens of the surrounding communities with the State of Missouri; and

WHEREAS, the State of Missouri and a majority of the citizens of Missouri agree that the citizens of Missouri and those Missouri citizens most impacted in their daily lives are in the best position to formulate policy and regulations to manage and protect Missouri's natural resources as opposed to a federal agency headquartered in Washington, D.C.:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly urge the National Park Service to draft its final General Management Plan to recognize the importance the riverways provides to the State of Missouri not only for the preservation of those extraordinary manifestations of nature, but also recreational use and enjoyment; and

BE IT FURTHER RESOLVED that the Missouri General Assembly finds that the previously announced “No Action Alternative” provides the best balance to maintain the riverways’ purposes; and

BE IT FURTHER RESOLVED that the Missouri General Assembly stand prepared to utilize its concurrent jurisdiction to assure this balance is properly maintained; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Jonathan B. Jarvis, Director of the National Park Service, and Bill Black, Superintendent of Ozark National Scenic Riverways.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Justus moved that **SB 758** be taken up for perfection, which motion prevailed.

Senator Justus offered **SS** for **SB 758**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 758

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to health care professionals who are covered by the state legal expense fund.

Senator Justus moved that **SS** for **SB 758** be adopted.

Senator Romine assumed the Chair.

At the request of Senator Justus, **SB 758**, with **SS** (pending), was placed on the Informal Calendar.

Senator Brown moved that **SB 873**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 873**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 873

An Act to repeal sections 210.117, 210.482, 210.487, and 211.038, RSMo, and to enact in lieu thereof four new sections relating to background checks for the purposes of child placement.

Was taken up.

Senator Brown moved that **SCS** for **SB 873** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **SB 873** was declared perfected and ordered printed.

Senator Dixon moved that **SB 844** be taken up for perfection, which motion prevailed.

On motion of Senator Dixon, **SB 844** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

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

HB 1372—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1371**—Judiciary and Civil and Criminal Jurisprudence.

HB 1594—Small Business, Insurance and Industry.

HCS for **HBs 1179 & 1765**—Ways and Means.

HB 1490—Education.

SECOND READING OF CONCURRENT RESOLUTIONS

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

HCR 29—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Dempsey referred the addendum letter appearing on page 841 of the Senate Journal for Monday, April 14, 2014, to the Committee on Gubernatorial Appointments.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Romine moved that **SB 638** and **SB 647**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 638** and **647**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 638 and 647

An Act to repeal sections 135.630 and 135.647, RSMo, and to enact in lieu thereof two new sections relating to certain benevolent tax credits.

Was taken up.

Senator Romine moved that **SCS** for **SBs 638** and **647** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 638 and 647, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.600. 1. As used in this section, the following terms shall mean:

- (1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) “Maternity home”, a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;
- (3) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the

provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) “Taxpayer”, a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer’s state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer’s contribution or contributions to a maternity home or homes in such taxpayer’s taxable year has a value of at least one hundred dollars.

5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars **for all fiscal years ending on or before June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2014.**

7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this

predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall become effective January 1, 2000, and shall apply to all tax years after December 31, 1999. **No tax credits shall be issued under this section after June 30, 2020.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 638 and 647, Page 1, Section A, Line 3, by inserting after all of said line the following:

“135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be cited as the “Youth Opportunities and Violence Prevention Act”.

2. As used in this section, the term “taxpayer” shall include corporations as defined in section 143.441 or 143.471, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, and individuals, individual proprietorships and partnerships.

3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions and fifty percent for monetary contributions of the amount such taxpayer contributed to the programs described in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become

due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but not exclusively, target unemployed youth living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person;

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities, or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs;

(12) Programs providing food to elementary and secondary school age children to take home to supplement meals during non-school hours.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership;
- (3) The members of the limited liability company; and
- (4) Individual members of the cooperative or marketing enterprise.

Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period."; and

Further amend the title and enacting clause accordingly.

Senator Schaefer moved that the above amendment be adopted.

Senator Schaefer offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 638 and 647, Page 4, Line 5, by inserting at the end of said the line following: "**No more than five hundred thousand dollars in tax credits per fiscal year shall be issued under the provisions of this subdivision. This amount shall not apply to any other limit on the issuance of tax credits under this section.**".

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

SA 2, as amended, was again taken up.

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

Senator Romine moved that **SCS** for **SBs 638** and **647**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **SBs 638** and **647**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 717** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 717** was declared perfected and ordered printed.

Senator Justus moved that **SB 758**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 758** was again taken up.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 758, Page 4, Section 105.711, Line 8, by inserting after “subdivision” the following: “**and rural health clinics under 42 U.S.C. 1396d(1) (1)**”.

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

Senator Justus moved that **SS** for **SB 758**, as amended, be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **SB 758**, as amended, was declared perfected and ordered printed.

Senator Kraus moved that **SB 655** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Libla offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 655, Page 1, In the Title, Line 3, by striking the following: “who may lawfully occupy”; and

Further amend said bill, page 4, section 441.770, line 19, by inserting after all of said line the following:

“569.130. 1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he **or she** does so under a claim of right and has reasonable grounds to believe he **or she** has such a right.

2. The defendant shall have the burden of injecting the issue of claim of right.

3. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right.”; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 655, Page 3, Section 441.500, Line 48, by inserting after all of said line the following:

“441.760. **1.** If the plaintiff has met its burden of proof for a complete eviction but the tenant successfully pleads an affirmative defense to the eviction pursuant to section 441.750, then the court shall not terminate the tenancy but shall order the immediate removal of any person who the court finds conducted the drug-related activity which was the subject of the eviction proceeding.

2. If the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as either a tenant or a lessee, the court shall order the immediate removal of such person unlawfully occupying the dwelling unit.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Kraus, **SB 655**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 860** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Cunningham offered **SS** for **SB 860**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 860

An Act to repeal section 144.044, RSMo, and to enact in lieu thereof one new section relating to the sales of used manufactured homes.

Senator Cunningham moved that **SS** for **SB 860** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SB 860** was declared perfected and ordered printed.

Senator Wasson moved that **SB 841**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 841**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 841

An Act to repeal sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to alternative nicotine or vapor products, with penalty provisions.

Was taken up.

Senator Wasson moved that **SCS** for **SB 841** be adopted.

Senator Wasson offered **SS** for **SCS** for **SB 841**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 841

An Act to repeal sections 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, and 407.934, RSMo, and to enact in lieu thereof seven new sections relating to alternative nicotine or vapor products, with penalty provisions.

Senator Wasson moved that **SS** for **SCS** for **SB 841** be adopted.

At the request of Senator Wasson, **SB 841**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Schmitt moved that **SB 786** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Schmitt, **SB 786** was declared perfected and ordered printed.

Senator Kehoe moved that **SB 891** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Kehoe, **SB 891** was declared perfected and ordered printed.

Senator Dixon moved that **SB 824**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 824**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 824

An Act to repeal sections 1.020, 56.010, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.807, 56.816, and 211.411, RSMo, and to enact in lieu thereof thirteen new sections relating to prosecuting attorneys.

Was taken up.

Senator Dixon moved that **SCS** for **SB 824** be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SB 824** was declared perfected and ordered printed.

Senator Kraus moved that **SB 599**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Holsman, **SA 2** was withdrawn.

Senator Kraus offered **SS** for **SCS** for **SB 599**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 599

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to automated license plate reader systems, with penalty provisions.

Senator Kraus moved that **SS** for **SCS** for **SB 599** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SCS** for **SB 599** was declared perfected and ordered printed.

Senator Keaveny moved that **SB 538** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Keaveny, **SB 538** was placed on the Informal Calendar.

Senator Romine moved that **SB 642**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 642**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 642

An Act to repeal sections 444.772 and 444.773, RSMo, and to enact in lieu thereof two new sections

relating to surface mining.

Was taken up.

Senator Romine moved that **SCS** for **SB 642** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 642, Page 4, Section 444.772, Lines 107-108, by striking said lines and inserting in lieu thereof the following: “proposed mine plan area] **whose property is:**

(1) Within two thousand six hundred forty feet, or one-half mile from the border of the proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notice shall include”.

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

Senator Romine moved that **SCS** for **SB 642**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **SB 642**, as amended, was declared perfected and ordered printed.

Senator Emery moved that **SB 641** be taken up for perfection, which motion prevailed.

At the request of Senator Emery, **SB 641** was placed on the Informal Calendar.

Senator Schmitt moved that **SB 869** be taken up for perfection, which motion prevailed.

Senator Schmitt offered **SS** for **SB 869**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 869

An Act to repeal sections 453.073 and 453.074, RSMo, and to enact in lieu thereof two new sections relating to adoption subsidies.

Senator Schmitt moved that **SS** for **SB 869** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SB 869** was declared perfected and ordered printed.

Senator Pearce moved that **SB 494** be taken up for perfection, which motion prevailed.

Senator Pearce offered **SS** for **SB 494**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 494

An Act to repeal sections 160.254 and 173.250, RSMo, and to enact in lieu thereof two new sections

relating to higher education.

Senator Pearce moved that **SS** for **SB 494** be adopted.

At the request of Senator Pearce, **SB 494**, with **SS** (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 reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1633**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1300**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HCS** for **HB 1389**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 1206**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 704**; **SB 842**; **SB 844**; **SS** for **SCS** for **SB 850**; **SCS** for **SB 852**; **SCS** for **SB 873**; and **SB 992**, 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.

REFERRALS

President Pro Tem Dempsey referred **SB 844** and **SS** for **SCS** for **SB 850** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

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 **HB 1270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1968**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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 1245**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS for HB 1510**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 1656**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HB 1724**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HB 1301**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HCS for HB 1217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HB 1835**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HB 1184**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **HB 1064**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 1081**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS for HB 1090**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 1791**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 1847, regarding Martin Luther Mathews, which was adopted.

Senator Parson offered Senate Resolution No. 1848, regarding Brianna Becker, Bolivar, which was adopted.

Senator Pearce offered Senate Resolution No. 1849, regarding the Fiftieth Anniversary of the Lutheran Good Shepherd Home, Concordia, which was adopted.

Senator Romine offered Senate Resolution No. 1850, regarding Carolyn A. Meade, which was adopted.

Senator Romine offered Senate Resolution No. 1851, regarding Linda Roth, which was adopted.

Senator Romine offered Senate Resolution No. 1852, regarding Gary Bierman, which was adopted.

Senator Romine offered Senate Resolution No. 1853, regarding Janet Braun, which was adopted.

Senator Holsman offered Senate Resolution No. 1854, regarding the Sixtieth Anniversary of Jasper's Restaurant, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 1855, regarding Dr. James B. Staab, which was adopted.

Senator Schmitt offered Senate Resolution No. 1856, regarding Long Elementary School, Lindbergh School District, which was adopted.

Senator Schmitt offered Senate Resolution No. 1857, regarding North Glendale Elementary School, Kirkwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 1858, regarding Concord Elementary School, Lindbergh School District, which was adopted.

Senator Schmitt offered Senate Resolution No. 1859, regarding Alexander Timothy Hammon, St. Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1860, regarding Joseph Frisella, Saint Louis, which was adopted.

Senator Schmitt offered Senate Resolution No. 1861, regarding Herbert Frederick Mahler, Fenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Parson introduced to the Senate, Debra Simaitis and representatives of Missouri Organ Donor Program.

Senator Chappelle-Nadal introduced to the Senate, representatives of Express Scripts, Inc., St. Louis.

Senator Parson introduced to the Senate, Director Richard Kaszak and six students from Agape Boarding School, Stockton.

Senator Kehoe introduced to the Senate, parents, teachers Shelle Sandbothe and Becky Wingrath; Alexa Lamb, Jacie Buschjost and thirty-five fourth grade students from St. Stanislaus School, Wardsville.

Senator Nasheed introduced to the Senate, Martin Luther Mathews, St. Louis.

On behalf of Senator Pearce, the President introduced to the Senate, Mayor Mike Wright, Ron Brohammer, Marilyn Odell, Rebecca Hoeflicker, Natalie Lamar, Becky Treccariche, Jim Carter, Linda Emley, Nathan Preston, Christal Milligan, Vickie McGinnis, Chastidy Loftin, Brad Hogan, Bill Purcell and Peggy McGaugh, representatives of Richmond Chamber Day.

Senator Romine introduced to the Senate, students from St. Paul Lutheran School, Farmington.

On behalf of Senator Pearce, the President introduced to the Senate, leaders Amanda Reid and Bill Angel, and members Colton Howard, Lori Jeffery, Alyssa Richardson, Michaela Schmoeger, Ethan Weber, Kailey Bales, Rachael Rodenberg and Martha Cowherd, Lafayette County FFA.

Senator Dixon introduced to the Senate, teacher Marilyn Broaddus and twenty-five fourth grade students from Greenwood Laboratory School, Springfield.

Senator Munzlinger introduced to the Senate, teacher Robin Gebhardt and thirty-six fourth grade students from Salisbury Elementary School.

Senator Chappelle-Nadal introduced to the Senate, Laura Eikerenkoetter-Barnes, St. Louis County.

Senator Lamping introduced to the Senate, students from St. Monica School, Creve Coeur.

Senator Pearce introduced to the Senate, David and Margaret Kesinger, Warrensburg.

Senator Keaveny introduced to the Senate, his son, Joseph M. Keaveny and Larry Davis, Springfield.

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

SENATE CALENDAR

FIFTY-THIRD DAY—WEDNESDAY, APRIL 16, 2014

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1144-White, et al
HCS for HB 1918

HB 1539-Kelley (127), et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt (In
Fiscal Oversight)
SS for SB 575-Dixon (In Fiscal
Oversight)
SCS for SB 704-Lager
SB 842-Parson

SB 844-Dixon (In Fiscal Oversight)
SS for SCS for SB 850-Munzlinger (In
Fiscal Oversight)
SCS for SB 852-Schmitt
SCS for SB 873-Brown
SB 992-Dempsey

SENATE BILLS FOR PERFECTION

1. SB 912-Wasson and Justus, with SCS
2. SB 896-Wallingford, with SCS
3. SB 888-Parson, with SCS
4. SB 964-Lager
5. SB 770-Wallingford, with SCS
6. SB 884-Wallingford and Sater

7. SB 958-Nieves
8. SB 858-Kraus
9. SB 669-Schaaf
10. SB 821-Schaefer
11. SB 823-Dixon, et al, with SCS
12. SB 973-Brown

HOUSE BILLS ON THIRD READING

1. HB 1495-Torpey and Hicks, with SCS
(Dixon) (In Fiscal Oversight)
2. HCS for HB 1501 (Schmitt) (In Fiscal
Oversight)

3. HJR 72-Richardson, et al (Silvey) (In
Fiscal Oversight)
4. HCS for HB 1218 (Wasson)
5. HCS for HJR 47 (Kraus) (In Fiscal Oversight)

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| 6. HB 1361-Gosen and Wieland (Parson) | 9. HB 2029-Cierpiot (Nieves) (In Fiscal Oversight) |
| 7. HCS for HB 1079 (Parson) | |
| 8. HCS for HB 1295, with SCS (Kraus) (In Fiscal Oversight) | 10. HCS for HRB 1298 (Lager) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|--|--|
| SB 490-Lager and Kehoe, with SCS | SB 754-Sater and Justus, with SS (pending) |
| SB 494-Pearce, with SS (pending) | SB 755-Wallingford |
| SB 501-Keaveny | SB 762-Schaefer, with SCS |
| SB 518-Sater, with SCS, SA 2 & SA 1 to SA 2 (pending) | SB 769-Pearce, with SCS |
| SB 519-Sater, with SS & SA 1 (pending) | SBs 787 & 804-Justus, with SCS |
| SB 538-Keaveny and Holsman | SB 790-Dixon |
| SS for SB 543-Munzlinger | SB 794-Chappelle-Nadal |
| SB 550-Sater, with SCS | SB 795-Lager |
| SB 553-Emery, with SCS (pending) | SB 814-Brown |
| SB 555-Nasheed, with SS & SA 1 (pending) | SB 819-Wallingford, with SCS |
| SB 566-Sifton | SB 830-Parson |
| SB 573-Munzlinger, with SCS | SBs 836 & 800-Munzlinger, with SCS |
| SB 578-Kraus | SB 841-Wasson, with SCS & SS for SCS (pending) |
| SB 589-Brown, with SCS, SA 2 & SA 1 to SA 2 (pending) | SB 846-Richard |
| SB 617-Parson, with SCS | SB 848-LeVota, with SCS |
| SB 634-Parson, with SCS | SB 866-Wasson and Cunningham |
| SB 641-Emery | SB 875-Sater, with SCS |
| SB 644-LeVota | SB 887-Schaefer |
| SB 659-Wallingford, with SCS | SB 919-Justus |
| SB 663-Munzlinger, with SCS | SB 966-Lager |
| SB 671-Sater | SJR 25-Lager, with SS, SA 2 & SA 1 to SA 2 (pending) |
| SB 692-Wasson, with SA 1 (pending) | SJR 26-Lager, with SS & SA 1 (pending) |
| SB 712-Walsh, with SCS & SS for SCS (pending) | SJR 34-Emery |
| SB 724-Parson | SJR 42-Schmitt, with SS (pending) |
| SB 739-Romine, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) | |

HOUSE BILLS ON THIRD READING

HB 1173-Burlison, et al, with SA 1 & SA 1
to SA 1 (pending) (Brown)

CONSENT CALENDAR

House Bills

Reported 4/10

HCS for HB 1426 (Schmitt)
HCS for HB 1376 (Keaveny)
HCS for HB 1523 (Pearce)

HB 1602-Engler and Black (Romine)
HB 1651-Fraker (Cunningham)

Reported 4/15

HB 1270-Lant, et al, with SCS
HB 1968-Gosen, with SCS
HB 1245-Hampton, et al
HCS for HB 1510
HB 1656-Neely and Hurst
HB 1724-Davis and Lynch
HB 1301-Neth
HCS for HB 1217, with SCS

HB 1835-Haar, et al
HB 1184-Grisamore
HB 1064-Grisamore
HB 1081-McCaherty, et al
HCS for HB 1090
HB 1791-Fitzwater, et al, with SCS
(Romine)

RESOLUTIONS

To be Referred

HCR 9-Cookson, et al

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