

# Journal of the Senate

SECOND REGULAR SESSION

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**TWENTY-SECOND DAY—MONDAY, FEBRUARY 17, 2014**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Justice has nothing to do with expediency.” (Woodrow Wilson, 1916)

O Lord, Your Word is the basis of our system of justice and foundation for our ethics by which we live and work. You, O God, give us hope for the future and a great way to live here and now. May we always recognize Your greatness and the great things You do for us and pursue to live lives that reflect these things that are so important to 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 Journal for Thursday, February 13, 2014 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	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—Senator Rupp—1

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Holsman offered Senate Resolution No. 1358, regarding Alexis Jenkin, Kansas City, which was adopted.

Senator Cunningham offered Senate Resolution No. 1359, regarding Dr. Gene Leroux, which was adopted.

Senator Kehoe offered Senate Resolution No. 1360, regarding Twehous Excavating, Jefferson City, which was adopted.

Senator Brown offered Senate Resolution No. 1361, regarding Dent County Extension Council, Salem, which was adopted.

Senator Brown offered Senate Resolution No. 1362, regarding Walmart Transportation, Saint James, which was adopted.

Senator Kehoe offered Senate Resolution No. 1363, regarding Allan Morris Burger, California, which was adopted.

Senator Richard offered Senate Resolution No. 1364, regarding D & D Sexton, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 1365, regarding D & D Sexton, Carthage, which was adopted.

Senator Schaaf offered Senate Resolution No. 1366, regarding Alexander M. Forbes, which was adopted.

Senator Schaaf offered Senate Resolution No. 1367, regarding William Aloysius Ryan IV, which was adopted.

Senator Schaaf offered Senate Resolution No. 1368, regarding Jacob Lee, which was adopted.

Senator Schaaf offered Senate Resolution No. 1369, regarding Alexander M. Moyer, which was adopted.

Senator Schaaf offered Senate Resolution No. 1370, regarding Joshua Davis McPherson, which was adopted.

Senator Kraus offered Senate Resolution No. 1371, regarding Chandler Kent Tennyson, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 1372, regarding Caitlin Gray, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 1373, regarding Megan E. Hansen, Lee's Summit, which was adopted.

Senator Wallingford offered Senate Resolution No. 1374, regarding Corporal Ike Hammonds, Cape Girardeau, which was adopted.

Senator Cunningham offered Senate Resolution No. 1375, regarding Taylor Smith, West Plains, which was adopted.

Senator Nieves offered Senate Resolution No. 1376, regarding Claire Ellen Schulte, Wildwood, which was adopted.

Senator Pearce offered Senate Resolution No. 1377, regarding Elizabeth Rounkles, which was adopted.

Senator Pearce offered Senate Resolution No. 1378, regarding Cyrsten A. Lollar, which was adopted.

Senator Brown offered Senate Resolution No. 1379, regarding Dan L. Birdsong, Rolla, which was adopted.

Senator LeVota offered Senate Resolution No. 1380, regarding E&K Retail, Kansas City, which was adopted.

### **INTRODUCTION OF BILLS**

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

**SB 873**—By Brown.

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.

**SB 874**—By Wasson.

An Act to repeal sections 354.465, 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270, 375.1272, and 375.1275, RSMo, and to enact in lieu thereof thirteen new sections relating to life and health insurance risk based capital.

**SB 875**—By Sater.

An Act to repeal section 208.080, RSMo, and to enact in lieu thereof one new section relating to public assistance administrative appeals.

**SB 876**—By LeVota.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Len Dawson bridge.

**SB 877**—By Kraus.

An Act to repeal sections 288.030 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to disqualification from unemployment benefits.

**SB 878**—By Lamping.

An Act to amend chapter 393, RSMo, by adding thereto six new sections relating to electrical corporation resource plans.

Senator Schmitt assumed the Chair.

The Senate observed a moment of silence in memory of former State Representative Ron Casey.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory B. Allen, 3732 Belleview, Kansas City, Jackson County, Missouri 64111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2015, and until his successor is duly appointed and qualified; vice, Gregory B. Allen, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kelly L. Kochanski, 215 West Normal Street, Kirksville, Adair County, Missouri 63501, as the student representative of the Truman State University Board of Governors, for a term ending January 1, 2016, and until her successor is duly appointed and qualified; vice, Michael J. Bushur, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tracy Mulderig, 9214 Grant Farm Trail, Crestwood, Saint Louis County, Missouri 63126, as the student representative of the University of Missouri Board of Curators, for a term ending January 1, 2016, and until her successor is duly appointed and qualified; vice, Amy G. Johnston, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia L. Parks, 2665 North Locust Grove Church Road, Columbia, Boone County, Missouri 65202, as a member of the State

Historical Records Advisory Board, for a term ending November 1, 2014, and until her successor is duly appointed and qualified; vice, Cynthia L. Parks, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David E. Richards, 4327 South Mentor, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2016, and until his successor is duly appointed and qualified; vice, David E. Richards, reappointed.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 14, 2014

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan R. Sparks, 3780 Highway O, Humansville, Polk County, Missouri 65674, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2016, and until her successor is duly appointed and qualified; vice, Terry L. Ramsey, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Dempsey referred the above appointments to the 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 **HCS** for **HB 1058**, entitled:

An Act to repeal sections 311.240 and 311.730, RSMo, and to enact in lieu thereof three new sections relating to alcohol regulation fees.

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 1133**, entitled:

An Act to repeal section 195.015, RSMo, and to enact in lieu thereof ten new sections relating to a prescription drug monitoring program, 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 1051**, entitled:

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to synthetic cannabinoids, 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 **HJR 48**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **SENATE BILLS FOR PERFECTION**

**SB 537** was placed on the Informal Calendar.

**SB 694** was placed on the Informal Calendar.

**SB 519** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 663**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Silvey, **SB 668** was placed on the Informal Calendar.

**SB 609** was placed on the Informal Calendar.

At the request of Senator Brown, **SB 664**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 529**, with **SCS**, was placed on the Informal Calendar.

Senator Schaefer moved that **SJR 36**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SJR 36**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE JOINT RESOLUTION NO. 36

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right of Missouri citizens to keep and bear arms.

Was taken up.

Senator Schaefer moved that **SCS** for **SJR 36** be adopted.

Senator Sifton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 36, Page 1, Section 23, Line 11, by inserting immediately after “felons” the following “, **offenders who have been convicted of or plead guilty to misdemeanor domestic assault**”

Senator Sifton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Curls, Justus, Keaveny and LeVota.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
Walsh—9							

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—1

Senator Schaefer moved that **SCS** for **SJR 36** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **SJR 36** was declared perfected and ordered printed.

Photographers from ABC17-TV and KRCG were given permission to take pictures in the Senate Chamber.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SCS** for **SB 613**, as amended, was declared perfected and ordered printed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
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Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—1

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SCS** for **SB 613**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—25							

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed—7	
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Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—1

Senator Kehoe assumed the Chair.

Senator Kraus assumed the Chair.

Senator Pearce assumed the Chair.

President Pro Tem Dempsey assumed the Chair.

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SA 5**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—22		

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
Walsh—9							

Absent—Senator Lamping—1

Absent with leave—Senator Rupp—1

Vacancies—1

**SA 5**, as amended, was again taken up.

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

Senator Nieves moved that **SCS** for **SB 613**, as amended, be adopted, which motion prevailed.

On motion of Senator Nieves, **SCS** for **SB 613**, as amended, was declared perfected and ordered printed.

### **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, to which was referred **SCS** for **SJR 36**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Dempsey referred **SCS** for **SJR 36** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **SCR 32** and **HCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTIONS OF GUESTS**

Senator Kehoe introduced to the Senate, Zach Barnes, Jefferson City; and Zach was made an honorary page.

Senator Brown introduced to the Senate, Caleb Cook and Keith and Theron Schescke, Rolla.

Senator LeVota introduced to the Senate, John Treese, Joe Lawrason, Garrett Shoup, Alex DeHann, Andrew Fike, Johnathon Wicks, Aidan Wicks, Carlos Cruz, Jeff Fox, J. T. Scott, Richard Troeh, Marvin Sands, David Treese, Joe Lawranson, Sr., and Enrique Cruz, Independence; and Matthew Richards, Blake Richards, Blair Richards, Erick Richards, Aonna Richards and Jordan Lamb, Kansas City.

Senator Schaaf introduced to the Senate, Mariah Mathews, Weston.

Senator Munzlinger introduced to the Senate, 2014 4-H Legislative Academy delegates Anne Marie Anibal, Carthage; Rebecca Bade, New Bloomfield; Morgan Bangert, Jackson; Kara Berrey, Carrollton; David Bippes, Rolla; Colby Dowell, Odessa; Ashley Hulet, Kirksville; Angela Marulanda, Columbia; Jensen Mayes, Lathrop; Michaella Ruth, Washington; Bridget Schumer, Perryville; Samuel (Tre) Warfield, Sikeston; and leaders Kathy Bondy, Higginsville; and Steve Hennes and Joyce Taylor, Columbia.

Senator Dixon introduced to the Senate, Evelyn and Brianne Jennings, Ashland.

Senator Schmitt introduced to the Senate, Christine Panik and her son, Nolan Joseph, St. Louis.

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

SENATE CALENDAR

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TWENTY-THIRD DAY—TUESDAY, FEBRUARY 18, 2014

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 775-Walsh	SB 804-Schaaf
SB 776-Nieves	SB 805-Justus
SB 777-Nieves	SB 806-LeVota
SB 778-Nieves	SB 807-LeVota and Curls
SB 779-Munzlinger	SB 808-Wasson
SB 780-LeVota	SB 809-Wasson
SB 781-LeVota	SB 810-Holsman
SB 782-Romine	SB 811-Schaaf
SB 783-Romine	SB 812-Parson
SB 784-Romine	SB 813-LeVota
SB 785-Kehoe	SB 814-Brown
SB 786-Schmitt	SB 815-Pearce
SB 787-Justus	SB 816-Sater
SB 788-Brown	SB 817-Sifton
SB 789-Dixon	SB 818-Kehoe
SB 790-Dixon	SB 819-Wallingford
SB 791-Parson and Schaaf	SB 820-Schaefer
SB 792-Parson	SB 821-Schaefer
SB 793-Dixon	SB 822-Parson
SB 794-Chappelle-Nadal	SB 823-Dixon, et al
SB 795-Lager	SB 824-Dixon
SB 796-Parson	SB 825-Chappelle-Nadal
SB 797-Nieves	SB 826-Brown
SB 798-Emery	SB 827-Keaveny
SB 799-Emery	SB 828-Schaaf
SB 800-Romine	SB 829-Kraus
SB 801-Holsman	SB 830-Parson
SB 802-Dixon	SB 831-Wallingford
SB 803-Justus	SB 832-Walsh

SB 833-Walsh	SB 857-Holsman
SB 834-Walsh	SB 858-Kraus
SB 835-Munzlinger	SB 859-Brown
SB 836-Munzlinger	SB 860-Cunningham
SB 837-Sifton	SB 861-Schaefer
SB 838-Emery	SB 862-Lager
SB 839-Sater	SB 863-Emery
SB 840-Pearce	SB 864-Schaaf
SB 841-Wasson	SB 865-Nieves
SB 842-Parson	SB 866-Wasson
SB 843-Schaefer	SB 867-Wasson
SB 844-Dixon	SB 868-Sater
SB 845-Chappelle-Nadal	SB 869-Schmitt
SB 846-Richard	SB 870-Holsman
SB 847-Schaaf	SB 871-Holsman
SB 848-LeVota	SB 872-Wallingford and Justus
SB 849-Walsh	SB 873-Brown
SB 850-Munzlinger	SB 874-Wasson
SB 851-Munzlinger	SB 875-Sater
SB 852-Schmitt	SB 876-LeVota
SB 853-Wasson	SB 877-Kraus
SB 854-Wasson	SB 878-Lamping
SB 855-Schaefer	SJR 49-Cunningham
SB 856-Emery	

#### HOUSE BILLS ON SECOND READING

HB 1430-Jones (110), et al	HCS for HB 1051
HCS for HB 1058	HJR 48-Solon, et al
HB 1133-Engler, et al	

#### THIRD READING OF SENATE BILLS

SCS for SJR 36-Schaefer and Richard  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 491-Justus and Dixon, with SCS	SB 567-Chappelle-Nadal, with SCS
SB 543-Munzlinger	

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 492-Pearce, with SCS (pending)  
 SBs 509 & 496-Kraus, with SCS &  
 SA 1 (pending)  
 SB 518-Sater, with SCS, SA 2 &  
 SA 1 to SA 2 (pending)  
 SB 519-Sater  
 SB 529-Wallingford, with SCS

SB 530-Libla, with SCS (pending)  
 SB 537-Rupp  
 SB 609-Rupp  
 SB 663-Munzlinger, with SCS  
 SB 664-Brown, with SCS  
 SB 668-Silvey  
 SB 694-Cunningham

## CONSENT CALENDAR

## Senate Bills

Reported 2/13

SB 690-Wasson  
 SB 527-Wallingford  
 SB 614-Dixon  
 SB 615-Dixon

SB 621-Dixon  
 SB 520-Sater, with SCS  
 SB 643-Rupp, with SCS  
 SB 674-Kehoe

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