

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—WEDNESDAY, FEBRUARY 18, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You would keep him in perfect peace whose mind is stayed on you.” (Isaiah 26:3)

O Lord, we begin a journey Christians know as Lent. It is a time for all humankind to look at their lives and see that they need Your help along difficult pathways that can lead us to disagreements and wrongful behavior. So, help us Lord to remember that Your word prescribes a way to handle temptations to err, so that peace and accord among us will dwell and we may walk Your righteous path. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 368, regarding the death of Roland O. Wetzel, St. Charles, which was adopted.

Senator Sater offered Senate Resolution No. 369, regarding Phillip Bailey, Golden, which was adopted.

Senator Sater offered Senate Resolution No. 370, regarding Jackie Moore, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 371, regarding the Scott Regional Technology Center, Monett, which was adopted.

Senator Parson offered Senate Resolution No. 372, regarding Willetta Reser, Bolivar, which was adopted.

Senator Schupp offered Senate Resolution No. 373, regarding Melanie Turnage, which was adopted.

Senator Schupp offered Senate Resolution No. 374, regarding Lori Greiner, which was adopted.

Senator Schupp offered Senate Resolution No. 375, regarding Michael Dragoni, which was adopted.

Senator Schupp offered Senate Resolution No. 376, regarding Bridget Elder, which was adopted.

Senator Schupp offered Senate Resolution No. 377, regarding Wendy Gehner, which was adopted.

Senator Schupp offered Senate Resolution No. 378, regarding Gay Lynn Schnelker, which was adopted.

Senator Schupp offered Senate Resolution No. 379, regarding Lori Mestman, which was adopted.

Senator Schupp offered Senate Resolution No. 380, regarding Jennifer Wellman, which was adopted.

Senator Schupp offered Senate Resolution No. 381, regarding Mandy Harvell, which was adopted.

Senator Schupp offered Senate Resolution No. 382, regarding Mayor Conrad W. Bowers, Bridgeton, which was adopted.

Senator Pearce offered Senate Resolution No. 383, regarding Kimberly M. Watts, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 384, regarding Antonio Baker, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 385, regarding Wallace Singleton, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 386, regarding Wallace Jerome Singleton, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 387, regarding Simone Rachelle Johnson, Higginsville, which was adopted.

Senator Pearce offered Senate Resolution No. 388, regarding Winifred T. Hill, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 389, regarding Mary Hollaway, Warrensburg, which was

adopted.

Senator Pearce offered Senate Resolution No. 390, regarding Ida M. Harris, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 391, regarding Imogene Elizabeth Talbert, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 392, regarding Stevie D. Hardin, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 393, regarding Mary Roberson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 394, regarding Bridgette Louise Campbell, Knob Noster, which was adopted.

Senator Pearce offered Senate Resolution No. 395, regarding Jamie Levine-Jordan, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 396, regarding Rosetta Mayfield, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 397, regarding Walter Shannon, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 398, regarding Harold C. Morgan, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 399, regarding Marvin Leroy Miller, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 400, regarding Edward Thomas Miller, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 401, regarding Virginia Banks, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 402, regarding Merlene Uriel, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 403, regarding Clara Stevens, Lee's Summit, which was adopted.

Senator Pearce offered Senate Resolution No. 404, regarding Laura B. Goodwin, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 405, regarding Bruce Edward Kerr, Platte City, which was adopted.

Senator Pearce offered Senate Resolution No. 406, regarding Spencer K. Taylor, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

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

SB 455—By Kehoe.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee-employer relations.

SB 456—By Kehoe.

An Act to repeal sections 301.140, 301.190, and 407.581, RSMo, and to enact in lieu thereof three new sections relating to the ownership of motor vehicles.

SB 457—By Sater.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to notification of adverse action against a licensee to the board of pharmacy.

SB 458—By Sater.

An Act to repeal sections 338.270 and 338.347, RSMo, and to enact in lieu thereof two new sections relating to the renewal of licenses issued by the board of pharmacy.

SB 459—By Libla.

An Act to repeal sections 1.310 and 536.205, RSMo, and to enact in lieu thereof four new sections relating to administrative rulemaking.

SB 460—By Silvey.

An Act to repeal section 67.657, RSMo, and to enact in lieu thereof two new sections relating to bonding authority.

SB 461—By Wieland.

An Act to amend chapter 68, RSMo, by adding thereto one new section relating to advanced industrial manufacturing zones, with an expiration date.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 1**, **SB 22**, **SB 49** and **SB 70**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 1**, **22**, **49** and **70** was again taken up.

Senator Kehoe assumed the Chair.

Senator Pearce offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1, 22, 49 and 70, Page 43, Section 162.1250, Lines 57-59, by striking said lines and inserting in lieu thereof the following: “**to transfer to an accredited school in the district of residence is eligible to enroll in a**”.

Senator Pearce moved that the above amendment be adopted.

Senator Onder offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1, 22, 49 and 70, Page 43, Section 162.1250, Line 59, by striking all of said line and inserting in lieu thereof the following: “**district that has been classified as unaccredited or provisionally accredited by the state board of education or has a three year average annual performance report score consistent with a state board of education classification of unaccredited or provisionally accredited at any time after the effective date of this section, or any child who is eligible to enroll in kindergarten or first grade in a district in the same or an adjoining county as a district that has been classified as unaccredited or provisionally accredited by the state board of education or has a three year average annual performance report score consistent with a state board of education classification of unaccredited or provisionally accredited at any time after the effective date of this section is eligible to enroll in a**”.

Senator Onder moved that the above substitute amendment be adopted.

Senator Onder offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 1, 22, 49 and 70, Page 1, Lines 4-7 of said page, by striking the following: “**or has a three year average annual performance report score consistent with a state board of education classification of unaccredited or provisionally accredited**”; and further amend lines 12-14 of said page, by striking the following: “**or has a three year average annual performance report score consistent with a state board of education classification of unaccredited or provisionally accredited**”.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Pearce, **SB 1**, **SB 22**, **SB 49** and **SB 70**, with **SCS**, **SA 1**, **SSA 1** for **SA 1**, and **SA 1** to **SSA 1** for **SA 1** (pending), were 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 passed **HCR 21**.

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the definition of “waters of the United States” under the Clean Water Act establishes the fundamental scope of federal authority to regulate activities in U.S. waters and wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have exceeded their authority in defining these waters beyond the intended scope of federal regulation; and

WHEREAS, in response to the Supreme Court decisions, the EPA and Army Corps have recently proposed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Army Corps have once again missed the mark and continue to ignore the limits on their authority, usurping powers reserved to the states under the Tenth Amendment to the U.S. Constitution; and

WHEREAS, the proposed rule would create greater uncertainty for businesses and homeowners rather than providing clarity. The proposed rule would add new definitions for key technical terms that introduce ambiguities and vagaries into federal regulation. Confusion would inevitably lead to further litigation, tying up our courts, delaying economic development, and wasting taxpayer money; and

WHEREAS, high quality scientific input must be the basis for environmental regulations, and the end result of scientific review should never be presumed. The EPA and Army Corps have failed to allow scientific review to be completed before moving forward with the proposed rule. In the rush to promulgate rules, the primary scientific report remains incomplete; and

WHEREAS, the proposed rule would actually expand federal jurisdiction to more waters and wetlands rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme Court. The EPA's economic analysis estimates that the proposed rule would increase jurisdiction by 3 percent, potentially leading to 1,400 more permits required and nearly \$220 million in additional costs to farmers, businesses, and homeowners. Furthermore, the economic analysis' assumptions and methodology significantly underestimate the potential jurisdictional expansion; and

WHEREAS, any increases in federal jurisdiction will infringe upon state authority to regulate state waters. The state waters and wetlands affected by the proposed rule have minimal, if any, connection to federally navigable waters. Expanded federal jurisdiction limits the flexibility of Missouri and other states to create a regulatory environment that meets the needs and addresses the priorities of state residents. In 2013, Missouri passed the Multipurpose Water Resource Act, which contained several new regulations aimed at protecting water resources and improving tap water quality. The state's Clean Water Commission, which works to enforce water pollution laws, also approved new rules that significantly increase protection for rivers, streams, and lakes, making them safer for swimming, fishing, and aquatic life; and

WHEREAS, this flawed proposal demonstrates again that core decisions, such as the scope of federal authority, must be left to our elected Representatives and Senators in the U.S. Congress, not to relatively unaccountable federal agencies:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby urge the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Administrator of the U.S. Environmental Protection Agency, the Commanding General of the U.S. Army Corps of Engineers, and the members of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

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

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 1, SB 22, SB 49** and **SB 70**, with **SCS, SA 1, SSA 1** for **SA 1**, and **SA 1** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 1** for **SA 1** was again taken up.

At the request of Senator Onder, the above amendment was withdrawn.

Senator Onder offered **SA 2** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 1, 22, 49 and 70, Page 1, Line 1, by inserting after "Section 162.1250" the following: "Line 58, by striking the words "or an adjoining"; and further amend"; and further amend said

substitute amendment, lines 9-10 by striking the words “or an adjoining”.

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

Senator Chappelle-Nadal offered **SA 3** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 1, 22, 40 and 70, Page 1, Line 15, by inserting at the end of said line the following: “; further amend line 60 by inserting after “choice” the following: “, **provided that the total number of students enrolled in a virtual school of choice under this subsection at any one time shall not exceed one percent of the total school district enrollment of the counties from which students are eligible to transfer. However, this one percent limitation shall not require any student enrolled in a virtual school of choice to withdraw in the event the one percent limitation is exceeded**”; and further amend said bill and section, page 44, line 90, by inserting at the end of said line the following: “**The provisions of this subsection shall terminate on June 30, 2025.**”; and further amend said bill, section 167.826, line 36, by inserting immediately after “(3)” the following: “**Until June 30, 2025.**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Pearce, **SB 1**, **SB 22**, **SB 49** and **SB 70**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Dempsey referred **SCR 22**, **HCR 12** and **HCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 23–Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Wallingford offered Senate Resolution No. 407, regarding Gary Rust, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 408, regarding Lurlyne Lee Snider, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 409, regarding Lori Trump, Cape Girardeau, which was adopted.

Senator Pearce offered Senate Resolution No. 410, regarding Carly Marie Hibner, Chillicothe, which was adopted.

Senator Pearce offered Senate Resolution No. 411, regarding the Jacob Price Home, Lexington, which

was adopted.

Senator Pearce offered Senate Resolution No. 412, regarding Dr. Thomas B. Hall, III, Arrow Rock, which was adopted.

Senator Pearce offered Senate Resolution No. 413, regarding Mollie Swift, Marshall, which was adopted.

Senator Pearce offered Senate Resolution No. 414, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jack McWhirt, Blue Springs, which was adopted.

Senator Dixon offered Senate Resolution No. 415, regarding Konnor Temple, which was adopted.

Senator Dixon offered Senate Resolution No. 416, regarding Jordan McGee, which was adopted.

Senator Dixon offered Senate Resolution No. 417, regarding Samantha Nichols, which was adopted.

Senator Hegeman offered Senate Resolution No. 418, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Garland Taylor, Excelsior Springs, which was adopted.

Senator Hegeman offered Senate Resolution No. 419, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gerald Stoll, Stanberry, which was adopted.

Senator Pearce offered Senate Resolution No. 420, regarding the Twenty-fifth Anniversary of the Marshall Public Library, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Hegeman introduced to the Senate, Ve'Shawn Dixon, and his parents, Ron & Stacy McGhee, Kansas City, Kansas.

Senator Chappelle-Nadal introduced to the Senate, C. M. Winters, Chicago, Illinois.

Senator Schaefer introduced to the Senate, Head Coach Justin Conyers, Assistant Coaches, Steve Spence, Ben Smith, Jonathan Dinter, Cedric Alvis, Matt Heerman, Nick Arnold, Tyler Benjamin, Carlos Hall, Mike Morris, Sean Nevills, Gary Tyler, Atiyyah Ellison, Richard Barber, Dan Kruse and Justin Conyers; and members of the Class 5 State Champion Battle High School Football Team, Columbia.

Senator Schmitt introduced to the Senate, Dr. Jastin Antisdell, his wife, Jamie, and their daughter, Adali, Sunset Hills; and Adali was made an honorary page.

The President introduced to the Senate, Jacob Prasifka, Columbia.

Senator Kehoe introduced to the Senate, President Dr. Jon Bauer, East Central College, Union.

Senator Schmitt introduced to the Senate, his wife, Jaime, Glendale.

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

SENATE CALENDAR

TWENTY-FOURTH DAY—THURSDAY, FEBRUARY 19, 2015

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 332-Nasheed	SB 362-Parson
SB 333-Nasheed	SB 363-Parson
SB 334-Nasheed	SB 364-Parson
SB 335-Holsman	SB 365-Schmitt
SB 336-Kraus	SB 366-Schmitt
SB 337-Munzlinger	SB 367-Kraus
SB 338-Munzlinger	SB 368-Pearce
SB 339-Munzlinger	SB 369-Pearce
SB 340-Pearce	SB 370-Munzlinger
SB 341-Riddle	SB 371-Munzlinger
SB 342-Brown	SB 372-Keaveny
SB 343-Wasson	SB 373-Libla
SB 344-Wasson	SB 374-Schatz
SB 345-Wasson	SB 375-Schatz
SB 346-Wasson	SB 376-Schatz
SB 347-Dixon	SB 377-Schatz
SB 348-Schaefer	SB 378-Schatz
SB 349-Schaefer	SB 379-Schatz
SB 350-Schaefer	SB 380-Wieland
SB 351-Schaefer	SB 381-Dixon
SB 352-Schaefer	SB 382-Dixon
SB 353-Silvey	SB 383-Wallingford
SB 354-Sater	SB 384-Munzlinger
SB 355-Brown	SB 385-Keaveny
SB 356-Nasheed	SB 386-Keaveny
SB 357-Nasheed	SB 387-Wasson
SB 358-Kehoe	SB 388-Wasson
SB 359-Kehoe	SB 389-Silvey and Walsh
SB 360-Parson	SB 390-Curls
SB 361-Parson	SB 391-Curls

SB 392-Wieland	SB 428-Curls
SB 393-Schupp	SB 429-Schaaf
SB 394-Wallingford	SB 430-Curls
SB 395-Holsman	SB 431-Onder
SB 396-Holsman	SB 432-Onder
SB 397-Silvey	SB 433-Dixon and Dempsey
SB 398-Schatz	SB 434-Schmitt
SB 399-Onder	SB 435-Walsh
SB 400-Onder	SB 436-Walsh
SB 401-Schmitt and Richard	SB 437-Walsh
SB 402-Wieland	SB 438-Dempsey
SB 403-Kehoe	SB 439-LeVota
SB 404-Kehoe	SB 440-Sifton, et al
SB 405-Hegeman	SB 441-Schaefer
SB 406-Munzlinger	SB 442-Schaefer
SB 407-Onder	SB 443-Schatz
SB 408-Libla	SB 444-Schaaf
SB 409-Wallingford	SB 445-Romine
SB 410-Wallingford	SB 446-Schupp and Brown
SB 411-Brown	SB 447-Wieland
SB 412-Romine	SB 448-Wieland
SB 413-Romine	SB 449-Kraus
SB 414-Wasson	SB 450-Emery
SB 415-Wasson	SB 451-Dixon
SB 416-Wasson	SB 452-Schmitt, et al
SB 417-Chappelle-Nadal	SB 453-LeVota
SB 418-Chappelle-Nadal	SB 454-LeVota
SB 419-Silvey	SB 455-Kehoe
SB 420-Schmitt	SB 456-Kehoe
SB 421-Dixon	SB 457-Sater
SB 422-Schaaf	SB 458-Sater
SB 423-Brown	SB 459-Libla
SB 424-Pearce	SB 460-Silvey
SB 425-Libla	SB 461-Wieland
SB 426-Parson	SJR 13-Schaaf
SB 427-Sifton	SJR 14-Dixon

HOUSE BILLS ON SECOND READING

HCS for HB 259

HB 150-Fitzpatrick

HB 241-Davis

HCS for HBs 116 & 569

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 24-Sater
(In Fiscal Oversight)

SB 104-Kraus

SENATE BILLS FOR PERFECTION

SB 19-Kraus, with SCS
SB 115-Kraus, with SCS

SB 174-Schmitt and Chappelle-Nadal, with SCS
SB 82-Chappelle-Nadal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 1, 22, 49 & 70-Pearce, with SCS, SA 1
& SSA 1 for SA 1 (pending)

SB 205-Parson

CONSENT CALENDAR

Senate Bills

Reported 2/12

SB 68-Romine

RESOLUTIONS

To be Referred

HCR 21-Miller

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