

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 17, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord...Thou art my God. My times are in thy hand.” (Psalm 31: 17-18)

Wondrous God, You have given us the gift of time so teach us to use it wisely. And as we look at the months ahead help us to set aside a generous portion of each week for our families, our deeds of service and especially time with You our God. Teach us to budget each day so that it may be used efficiently and be fruitful and to this end live life as You desire it for 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 of the previous day was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Justus—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 53, regarding the 2012 Kansas City Mixed Martial Arts

Fighter of the Year, Danny Klick, which was adopted.

Senator Munzlinger offered Senate Resolution No. 54, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Grover A. Gamm, Ewing, which was adopted.

Senator Holsman offered Senate Resolution No. 55, regarding Odell Eugene Bynum, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 56, regarding Nicholas Paul “Nick” Cianciolo, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 57, regarding Brendan Guy Beebe, Kansas City, which was adopted.

Senator Richard offered Senate Resolution No. 58, regarding Anum Ahmed, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 59, regarding Taylor Vaughn, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 60, regarding Libby Shannon, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 61, regarding Elizabeth Burken, Carthage, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 62

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2013, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, hereby grant the adult leaders and participants of the Seventy-second Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 26, 2013, from 9:00 a.m. to 12:30 p.m.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 62** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 62** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 63

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of

the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-seventh General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, September 28, 2013 for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 63** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 63** was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 64

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 44 be amended to read as follows:

“Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the [same manner, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list] **order in which the bill or joint resolution is filed with the secretary.**

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.”

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 65

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 82 be amended to read as follows:

“Rule 82. If the question in debate contains several points, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. **If the question in debate is a bill or a substitute thereof, a request to divide the bill or substitute shall not be in order.**”

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 66

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 80 be amended to

read as follows:

“Rule 80. No senator shall speak more than once on the same question without leave of the senate, unless he or she is the mover, proposer or introducer of the matter pending, in which case he or she shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated. **If a senator fails to exercise his or her right to close, the motion and subject matter of said motion before the body are deemed to be withdrawn.**”

Senator Lager assumed the Chair.

INTRODUCTION OF BILLS

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

SB 160—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the treatment of eating disorders.

SB 161—By Pearce.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to an actuarial analysis to study the cost impact of mandating health insurance coverage for eating disorders.

SB 162—By Keaveny.

An Act to repeal sections 547.035, 547.037, 590.700, and 650.056, RSMo, and to enact in lieu thereof nine new sections relating to criminal procedure.

SB 163—By Kraus.

An Act to repeal sections 135.090, 135.155, 135.313, 135.327, 135.350, 135.352, 135.484, 135.535, 135.562, 135.630, 135.647, 135.679, 135.700, 135.750, 135.800, 135.967, 135.1150, 135.1180, 137.1018, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, and to enact in lieu thereof twenty-six new sections relating to tax credits, with an emergency clause for certain sections.

SB 164—By Walsh.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employee password protection, with penalty provisions.

SB 165—By Walsh.

An Act to amend chapter 389, RSMo, by adding thereto twelve new sections relating to regulation of contract carriers that transport railroad employees, with penalty provisions and an emergency clause.

SB 166—By Schaaf.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to nonresident entertainer income taxes.

SB 167—By Sater and Wallingford.

An Act to repeal sections 195.070, 195.100, 208.152, 334.104, 335.016, 335.019, 335.046, 335.056, 335.066, 335.076, 335.086, and 338.198, RSMo, and to enact in lieu thereof twelve new sections relating

to nursing scope of practice.

SB 168—By Chappelle-Nadal.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the use of student assessment data.

SB 169—By Chappelle-Nadal.

An Act to repeal section 164.151, RSMo, and to enact in lieu thereof two new sections relating to school district bond issuances, with an emergency clause.

SB 170—By Chappelle-Nadal.

An Act to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

SB 171—By Chappelle-Nadal.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to charter school sponsors.

SB 172—By Chappelle-Nadal.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to workforce development.

SB 173—By Nasheed.

An Act to repeal sections 162.621 and 162.1100, RSMo, and to enact in lieu thereof two new sections relating to the board of education of the metropolitan school district.

SB 174—By Parson.

An Act to repeal sections 144.010, 144.030, and 144.605, RSMo, and to enact in lieu thereof three new sections relating to the determination of what are business activities within this state.

SB 175—By Wallingford.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to administration of abortion-inducing drugs.

SJR 13—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 30(a), 30(b), 31, 32(a), 32(b), 32(c), and 33 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the city and county of St. Louis.

SJR 14—By Schaefer, Munzlinger and Kehoe.

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.

REFERRALS

President Pro Tem Dempsey referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

SB 56—Agriculture, Food Production and Outdoor Resources.

SB 57—Agriculture, Food Production and Outdoor Resources.

SB 58—Financial and Governmental Organizations and Elections.

SB 59—Small Business, Insurance and Industry.

SB 60—Small Business, Insurance and Industry.

SB 61—Governmental Accountability and Fiscal Oversight.

SB 62—Transportation and Infrastructure.

SB 63—Jobs, Economic Development and Local Government.

SB 64—Judiciary and Civil and Criminal Jurisprudence.

SB 65—Financial and Governmental Organizations and Elections.

SB 66—Governmental Accountability and Fiscal Oversight.

SB 67—Education.

SB 68—Small Business, Insurance and Industry.

SB 69—Seniors, Families and Pensions.

SB 70—Rules, Joint Rules, Resolutions and Ethics.

SB 71—Governmental Accountability and Fiscal Oversight.

SB 72—General Laws.

SB 73—Transportation and Infrastructure.

SB 74—Jobs, Economic Development and Local Government.

SB 75—General Laws.

SB 76—Small Business, Insurance and Industry.

SB 77—Seniors, Families and Pensions.

SB 78—Rules, Joint Rules, Resolutions and Ethics.

SB 79—Financial and Governmental Organizations and Elections.

SB 80—Financial and Governmental Organizations and Elections.

SB 81—Judiciary and Civil and Criminal Jurisprudence.

SB 82—Financial and Governmental Organizations and Elections.

SB 83—Jobs, Economic Development and Local Government.

SB 84—Judiciary and Civil and Criminal Jurisprudence.

SB 85—Commerce, Consumer Protection, Energy and the Environment.

- SB 86**—Seniors, Families and Pensions.
- SB 87**—Veterans’ Affairs and Health.
- SB 88**—Veterans’ Affairs and Health.
- SB 89**—Seniors, Families and Pensions.
- SB 90**—Jobs, Economic Development and Local Government.
- SB 91**—Jobs, Economic Development and Local Government.
- SB 92**—Rules, Joint Rules, Resolutions and Ethics.
- SB 93**—Jobs, Economic Development and Local Government.
- SB 94**—Financial and Governmental Organizations and Elections.
- SB 95**—Education.
- SB 96**—Judiciary and Civil and Criminal Jurisprudence.
- SB 97**—General Laws.
- SB 98**—Agriculture, Food Production and Outdoor Resources.
- SB 99**—Jobs, Economic Development and Local Government.
- SB 100**—Veterans’ Affairs and Health.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 16, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing Senator Gary Romine to the Joint Committee on Education to replace Senator Jane Cunningham.
Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Also,

January 16, 2013

Ms. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler:

I am appointing the following senators to the Joint Committee on Administrative Rules (JCAR):

- Senator Bob Dixon
- Senator Wayne Wallingford

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Drew Mreen, Kansas City.

The President introduced to the Senate, Sandy Patel, Marshall; and Brian Bunten, St. Charles.

Senator Keaveny introduced to the Senate, Carla Mash-Duncan and thirty-seven fourth grade students from New City School, St. Louis.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Tuesday, January 22, 2013.

SENATE CALENDAR

SEVENTH DAY—TUESDAY, JANUARY 22, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 118-Kraus
SB 102-Kraus	SB 119-Emery
SB 103-Kraus	SB 120-Schmitt
SB 104-Kraus	SB 121-Schaefer
SB 105-Brown	SB 122-Schaefer
SB 106-Brown	SB 123-Chappelle-Nadal
SB 107-Lamping	SB 124-Chappelle-Nadal
SB 108-Kraus	SB 125-Nasheed
SB 109-Brown	SB 126-Sater
SB 110-Brown	SB 127-Sater
SB 111-Emery	SB 128-Sater
SB 112-Rupp and Richard	SB 129-Sater
SB 113-Schmitt	SB 130-Schaefer
SB 114-Schmitt	SB 131-Nasheed
SB 115-Schmitt	SB 132-Keaveny
SB 116-Kraus	SB 133-Keaveny
SB 117-Kraus	SB 134-Sater

SB 135-Sater	SB 162-Keaveny
SB 136-Sater	SB 163-Kraus
SB 137-Sater	SB 164-Walsh
SB 138-Kraus	SB 165-Walsh
SB 139-Kehoe	SB 166-Schaaf
SB 140-Brown	SB 167-Sater and Wallingford
SB 141-Dempsey	SB 168-Chappelle-Nadal
SB 142-Sifton	SB 169-Chappelle-Nadal
SB 143-Walsh	SB 170-Chappelle-Nadal
SB 144-Walsh	SB 171-Chappelle-Nadal
SB 145-Walsh	SB 172-Chappelle-Nadal
SB 146-Schaaf	SB 173-Nasheed
SB 147-Wasson	SB 174-Parson
SB 148-Wasson	SB 175-Wallingford
SB 149-Keaveny	SJR 3-Schaefer
SB 150-Munzlinger, et al	SJR 4-Lamping
SB 151-Curls	SJR 5-Lamping
SB 152-Curls	SJR 6-Kraus
SB 153-Curls	SJR 7-Dixon
SB 154-Richard	SJR 8-Dixon
SB 155-Nasheed	SJR 9-Emery
SB 156-Sater	SJR 10-Nasheed
SB 157-Sater	SJR 11-Curls
SB 158-Sater	SJR 12-Sater
SB 159-Schmitt, et al	SJR 13-Chappelle-Nadal
SB 160-Pearce	SJR 14-Schaefer, et al
SB 161-Pearce	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 64-Dempsey
SR 65-Dempsey

SR 66-Dempsey

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