The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The family fireside is the best of schools.” (Arnold Glassgow)

Heavenly Father, we complete another shortened week and are grateful for Your guidance during our time here. After we complete our work watch “our going out and our coming in” so we arrive safely home. And let us return home to our families and find time to share and make use of teachable moments so that each of us may learn from You through the gift of others in our lives. Bless our time there and help us make the best use of it. 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
McKenna Munzlinger Nasheed Nieves Parson Pearce Richard Romine
Rupp Sater Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—34

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.
RESOLUTIONS

Senator Pearce offered Senate Resolution No. 91, regarding Maxwell Thomas “Max” Burson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 92, regarding Green Field Energy Group, Incorporated, Lone Jack, which was adopted.

Senator Pearce offered Senate Resolution No. 93, regarding Alexander Joseph Burson, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 94, regarding Douglas Wilkins, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 95, regarding Ryan Orr, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 96, regarding Michael Joseph Nimmer, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 97, regarding Riley Jacob Stevenson Cox, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 98, regarding Joab M. Smart, Osceola, which was adopted.

Senator Pearce offered Senate Resolution No. 99, regarding Tim Russell, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 100, regarding Mason C. Barry, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 101, regarding Blake D. Lowry, which was adopted.

Senator Libla offered Senate Resolution No. 102, regarding Jana Flannigan, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 103, regarding Smith’s Properties, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 104, regarding Kenady-Hanks American Legion Post #59, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 105, regarding Gateway Shoes, LLC, Dexter, which was adopted.

Senator Kraus offered Senate Resolution No. 106, regarding Stonehaus Farms Vineyard and Winery, Lee’s Summit, which was adopted.

Senator Sifton offered Senate Resolution No. 107, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Wilson, Chillicothe, which was adopted.
Senator Wallingford offered Senate Resolution No. 110, regarding The Printing Company, which was adopted.

Senator Wallingford offered Senate Resolution No. 111, regarding Hendrickson Business Advisors, LLC, which was adopted.

Senator Wallingford offered Senate Resolution No. 112, regarding Maurice R. Sandfort, Cape Girardeau, which was adopted.

Senator Cunningham offered Senate Resolution No. 113, regarding C & M Contractors, Incorporated, Doniphan, which was adopted.

Senator Cunningham offered Senate Resolution No. 114, regarding Henson Enterprises, Inc., West Plains, which was adopted.

Senator Cunningham offered Senate Resolution No. 115, regarding Eco-Recovery, LLC, West Plains, which was adopted.

Senator Kraus offered Senate Resolution No. 116, regarding Lee’s Summit North High School Air Force Junior Reserve Officer Training Corps Armed Color Guard team, which was adopted.

Senator Kraus offered Senate Resolution No. 117, regarding Randy Dowell, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 118, regarding James F. Freeman, III, which was adopted.

Senator LeVota offered Senate Resolution No. 119, regarding Milbank Manufacturing Co., Kansas City, which was adopted.

Senator Lager offered Senate Resolution No. 120, regarding the 2012-2013 Northwest Missouri State University Bearcat Cheer Squad, which was adopted.

Senator Lager offered Senate Resolution No. 121, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Dice, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 122, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Gary Powell, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 123, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Wheeler, Climax Springs, which was adopted.

Senator Lager offered Senate Resolution No. 124, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gary Stevens, New Hampton, which was adopted.

Senator Lager offered Senate Resolution No. 125, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis George Messner, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 126, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Johnson, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 127, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Ohlberg, Hamilton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 128, regarding the One Hundredth Birthday of Lenore Darr, Memphis, which was adopted.
Senator Kehoe offered Senate Resolution No. 129, regarding the One Hundredth Birthday of Alma Selma Goldammer Sommerer, Jefferson City, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 204**–By Brown.

An Act to repeal section 135.305, RSMo, and to enact in lieu thereof one new section relating to the tax credit for wood energy procedures.

**SB 205**–By Sater.

An Act to amend chapter 453, RSMo, by adding thereto one new section relating to foster children.

**SB 206**–By Schaaf.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the designation of the official state exercise.


An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to ratemaking for public utilities.

**SB 208**–By Justus and McKenna.

An Act to repeal section 211.036, RSMo, and to enact in lieu thereof one new section relating to reentry into the custody of the children’s division.

**SB 209**–By Justus.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an emergency clause.

**SB 210**–By Lamping and Nieves.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the Common Core Standards Initiative.

**SB 211**–By Rupp.

An Act to amend chapter 167, RSMo, by adding thereto nine new sections relating to the management of diabetes in elementary and secondary schools.

**CONCURRENT RESOLUTIONS**

Senators Schmitt, Lamping and Chappelle-Nadal offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 4**

WHEREAS, the elementary and secondary education foundation formula has not been fully funded since fiscal year 2009 and school districts have not received the amount of funding to which they are entitled, leading to inequities of funding amongst districts; and

WHEREAS, the lack of full funding has resulted in all districts receiving a cut in state funding; and

WHEREAS, the lack of full funding has resulted in hold harmless districts receiving a cut in their state funding even though statute provides that their state funding not fall below a specified level; and
WHEREAS, it is essential that the General Assembly reexamine the existing formula for funding elementary and secondary education to ensure that the state's resources are being put to the use that best benefits the citizens of Missouri and all school districts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Funding for Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Committee shall be charged with the following:
1. Examining the current elementary and secondary education foundation formula; and
2. Studying the impact of cuts to the foundation formula on hold harmless school districts; and
3. Studying how other states fund elementary and secondary education and how they have addressed elementary and secondary education budgets during difficult fiscal times; and
4. Identifying ways in which the foundation formula might be improved; and
5. Reporting its recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by January 8, 2014; and
6. Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, three majority party members, and two minority party members of the Senate, to be appointed by the President Pro Tempore of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First and Second Regular Sessions of the Ninety-seventh General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this state, and the general public; and

BE IT FURTHER RESOLVED that the staffs of Senate Appropriations, Senate Research, House Appropriations, House Research, the Joint Committee on Education and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Interim Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

Senator Lamping offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, under federal Medicaid law, states are required to make disproportionate share hospital (DSH) payments to hospitals for providing health care to a vast number of low-income patients in an attempt to make up for financial losses by hospitals that do not receive payment for services rendered to uninsured patients and because Medicaid provider payment rates are far lower than those payments received by private insurance; and

WHEREAS, also under federal Medicaid law, the federal government reimburses states for a portion of the state’s Medicaid DSH expenditures based on each state’s federal medical assistance percentage and each state receives an annual DSH allotment; and

WHEREAS, Missouri hospitals reported providing $1.1 billion in uncompensated care to Missourians in 2011; and

WHEREAS, under the Affordable Care Act (ACA) of 2010, states are mandated to expand Medicaid eligibility for persons with incomes up to 133% of the federal poverty level; however, in June 2012, the United States Supreme Court found such mandate impermissible and now allows each state to decide whether to implement such a Medicaid expansion; and

WHEREAS, under the ACA, under the assumption at the time the law passed that all states were to implement the Medicaid expansion, the federal government is required to reduce more than $22 billion in DSH payments from 2014 to 2022; and

WHEREAS, Missouri is expected to suffer cuts to DSH hospital payments in the amount of $3.3 billion from 2013 to 2020; and
WHEREAS, the federal cuts to DSH hospital payments are set to occur regardless of whether a state has elected to implement the Medicaid expansion under the ACA - a decision the United States Supreme Court found each state has a right to pursue; and

WHEREAS, Missouri hospitals have reported that it will be an “unsustainable situation for hospitals” to absorb more than $1 billion annually in uncompensated care while facing $3.3 billion in cuts:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the federal government to continue to reimburse states for a portion of the state’s Medicaid DSH expenditures based on each state’s federal medical assistance percentage for those states that have chosen not to implement the Medicaid expansion; and

BE IT FURTHER RESOLVED that Governor Nixon work with the federal government to ensure that the reduction to such DSH payments do not occur; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the federal Department of Health and Human Services, each member of the Missouri Congressional delegation, and Governor Jay Nixon.

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

 Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women’s Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ratify the Equal Rights Amendment to the United States Constitution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional delegation with request that it be printed in the Congressional Record.

Read 1st time.
REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William P. Kenney and Stephen Stoll, as members of the Public Service Commission;
Also,
Stephen M. Kenny, as a member of the Missouri Real Estate Commission;
Also,
Charles R. Wooten, as a member of the Missouri Veterans’ Commission;
Also,
Dushyanthi A. Mullegama, as a member of the State Committee for Social Workers;
Also,
Charles W. Shields, Republican, as a member of the State Board of Education;
Also,
Victor E. Callahan, Democrat, as a member of the State Tax Commission;
Also,
Christopher G. Halliday, as a member of the Higher Education Loan Authority of the State of Missouri;
Also,
Rhonda J. Wood, as a member of the Committee for Professional Counselors;
Also,
J. Scott Christianson, Democrat, as a member of the Linn State Technical College Board of Regents; and

Suzette Forbis, as a member of the Missouri State Foster Care and Adoption Board.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Douglas E. Nelson, as Commissioner of Administration, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Schaefer moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.
At the request of Senator Schaefer, the above motion was withdrawn.

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which were referred SB 20, SB 15 and SB 19, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred SB 10 and SB 25, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 SB 47, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred SB 48, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe assumed the Chair.

RE-REFERRALS

President Pro Tem Dempsey re-referred SB 100 to the Committee on Seniors, Families and Pensions.

President Pro Tem Dempsey re-referred SB 29 to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

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

SB 101—General Laws.
SB 104—Transportation and Infrastructure.
SB 105—Judiciary and Civil and Criminal Jurisprudence.
SB 106—Veterans’ Affairs and Health.
SB 107—Seniors, Families and Pensions.
SB 108—Transportation and Infrastructure.
SB 109—Veterans’ Affairs and Health.
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 HCS for HB 110, entitled:


Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 11:30 a.m.
The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

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, to which were referred SR 64, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SR 65, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SR 66, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 66, as it appears on Page 99 of the Senate Journal for Thursday, January 17, 2013, Line 6 of said journal page, by striking the word “fails” and inserting in lieu thereof the following: “refuses”.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 130, regarding Rockridge Group, LLC, Springfield, which was adopted.

Senator Holsman offered Senate Resolution No. 131, regarding Farmland Foods-Martin City Sustainability Team, which was adopted.

COMMUNICATIONS

Senator Justus submitted the following:

January 23, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Pursuant to the provisions of section 287.610.9(2), I am vested with the authority to appoint one member of the Administrative Law Judge Review Committee. Please let this correspondence serve as my appointment of the following individual to that committee.

Mike Louis
227 Jefferson Street
Jefferson City, Missouri 65101

If there are any questions, please do not hesitate to contact my office.

Sincerely,
/s/ Jolie Justus
Jolie Justus
INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Sarah Pauley, Trenton.

On motion of Senator Richard, the Senate adjourned until 4:00 p.m., Monday, January 28, 2013

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 28, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 126-Sater  SB 152-Curls
SB 127-Sater  SB 153-Curls
SB 128-Sater  SB 154-Richard
SB 129-Sater  SB 155-Nasheed
SB 130-Schaefer  SB 156-Sater
SB 131-Nasheed  SB 157-Sater
SB 132-Keaveny and Holsman  SB 158-Sater
SB 133-Keaveny and Holsman  SB 159-Schmitt, et al
SB 134-Sater  SB 160-Pearce
SB 135-Sater  SB 161-Pearce
SB 136-Sater  SB 162-Keaveny
SB 137-Sater  SB 163-Kraus
SB 138-Kraus  SB 164-Walsh
SB 139-Kehoe  SB 165-Walsh
SB 140-Brown  SB 166-Schaaf
SB 141-Dempsey  SB 167-Sater and Wallingford
SB 142-Sifton  SB 168-Chappelle-Nadal
SB 143-Walsh  SB 169-Chappelle-Nadal
SB 144-Walsh  SB 170-Chappelle-Nadal
SB 145-Walsh  SB 171-Chappelle-Nadal
SB 146-Schaaf  SB 172-Chappelle-Nadal
SB 147-Wasson  SB 173-Nasheed
SB 148-Wasson  SB 174-Parson
SB 149-Keaveny  SB 175-Wallingford
SB 151-Curls  SB 177-Schmitt
SB 178-Schaaf
SB 179-Parson, et al
SB 180-Kraus
SB 181-Kraus
SB 182-Kehoe, et al
SB 183-Sater
SB 184-Sater
SB 185-Sater
SB 186-Brown
SB 187-Brown
SB 188-Romine
SB 189-Romine
SB 190-Walsh
SB 191-Lamping
SB 192-Lamping, et al
SB 193-Schaefer
SB 194-Schaaf
SB 195-Keaveny
SB 196-Keaveny
SB 197-Sater, et al
SB 198-Chappelle-Nadal

SB 199-Chappelle-Nadal
SB 200-Chappelle-Nadal
SB 201-Chappelle-Nadal
SB 202-Chappelle-Nadal
SB 203-Chappelle-Nadal
SB 204-Brown
SB 205-Sater
SB 206-Schaaf
SB 207-Kehoe, et al
SB 208-Justus and McKenna
SB 209-Justus
SB 210-Lamping and Nieves
SB 211-Rupp
SJR 8-Dixon
SJR 9-Emery
SJR 10-Nasheed and Walsh
SJR 11-Curls
SJR 12-Sater
SJR 13-Chappelle-Nadal
SJR 14-Schaefer, et al

HOUSE BILLS ON SECOND READING

HCS for HB 110

SENATE BILLS FOR PERFECTION

SBs 20, 15 & 19-Dixon, et al, with SCS
SBs 10 & 25-Schmitt and Richard, with SCS

SB 47-Lamping, with SCS
SB 48-Lamping

INFORMAL CALENDAR

RESOLUTIONS

Reported from Committee

SR 64-Dempsey
SR 65-Dempsey
SR 66-Dempsey, with SCA 1
To be Referred

SCR 4-Schmitt, et al
SCR 5-Lamping

SCR 6-Justus

✓