

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—TUESDAY, JANUARY 29, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...the joy of the Lord is our strength.” (Nehemiah 8:10b)

Gracious God, continue to help us to have a life driven by Your teachings and guided by Your will. Help us be about what may help our world reflect You by the laws we pass and the way we live out each day. And may we be filled with purpose and a life filled with zest, and joy of living that strengthens 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.

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 Cunningham offered Senate Resolution No. 156, regarding Deborah J. Wisdom, Hartville, which was adopted.

Senator Schaefer offered Senate Resolution No. 157, regarding the Missouri's Youth/Adult Alliance's Youth Ambassador Program, which was adopted.

Senator Kehoe offered Senate Resolution No. 158, regarding Twehous Excavating, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 159, regarding Opies Transport, Incorporated, Eldon, which was adopted.

Senator Kehoe offered Senate Resolution No. 160, regarding Mary Jane Henke, Taos, which was adopted.

Senator Kehoe offered Senate Resolution No. 161, regarding Janis Marie Hamilton, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 162, regarding Laura J. Scott, Jefferson City, which was adopted.

Senators Munzlinger and Justus offered Senate Resolution No. 163, regarding Joe May, Mexico, which was adopted.

INTRODUCTION OF BILLS

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

SB 227—By LeVota.

An Act to repeal sections 104.460, 105.262, 105.450, 105.467, 105.472, 105.477, 105.483, 105.489, 105.491, 105.492, 105.956, 105.958, 105.962, 105.964, 105.973, 105.975, 105.977, 115.013, 130.016, 130.042, 130.049, 130.050, 130.054, 130.056, 130.081, 130.086, 130.150, 443.817, and 575.021, RSMo, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.955 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 105.957 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.957 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.959 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general

assembly, second regular session, section 105.959 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.961 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.961 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, ninety-first general assembly, first regular session, section 105.963 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.963 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.966 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, section 105.966 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.011 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.011 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.021 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.021 as enacted by senate bill no. 485, ninety-fifth general assembly, first regular session, section 130.026 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.041 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.044 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.044 as enacted by senate bill no. 1038, ninety-fourth general assembly, second regular session, section 130.046 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.046 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 130.057 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 676 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to ethics, with existing penalty provisions.

SB 228—By Holsman.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to urban agricultural

zones.

SB 229—By Brown.

An Act to repeal section 630.170, RSMo, and to enact in lieu thereof one new section relating to the mental health employment disqualification registry.

SB 230—By Brown.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to newborn screenings.

SB 231—By Munzlinger.

An Act to repeal section 143.790, RSMo, and to enact in lieu thereof two new sections relating to debt setoffs for unpaid healthcare expenses.

SB 232—By Wallingford.

An Act to repeal section 169.070 and 169.670, RSMo, and to enact in lieu thereof two new sections relating to school employee retirement.

SB 233—By Sater.

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.

SB 234—By Wasson.

An Act to repeal section 337.715, RSMo, and to enact in lieu thereof one new section relating to marital and family therapists.

SB 235—By Cunningham.

An Act to repeal sections 408.590, 408.592, and 408.600, RSMo, and to enact in lieu thereof two new sections relating to residential real estate loan reporting.

COMMITTEE APPOINTMENTS

President Pro Tem Dempsey submitted the following committee appointment:

Appropriations—Senator Parson.

REFERRALS

President Pro Tem Dempsey referred **SCR 4** and **SCR 5** 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 6—Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SB 10** and **SB 25**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 10** and **25**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 10 and 25**

An Act to amend chapter 67, RSMo, by adding thereto two new sections relating to incentives to attract amateur sporting events to Missouri.

Was taken up.

President Pro Tem Dempsey assumed the Chair.

Senator Schmitt moved that **SCS** for **SBs 10** and **25** be adopted, which motion prevailed.

At the request of Senator Schmitt, **SCS** for **SBs 10** and **25** 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 report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Rupp, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SCS** for **SBs 20, 15** and **19** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Richard, the Senate recessed until 4:30 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Schmitt moved that **SCS** for **SBs 10** and **25** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schmitt moved that the vote by which Senate Committee Substitute for Senate Bills Nos. 10 and 25 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna

Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Chappelle-Nadal—1

Absent—Senators

Rupp Schaefer—2

Absent with leave—Senators—None

Vacancies—None

SCS for SBs 10 and 25 was again taken up.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 25, Page 5, Section 67.3000, Line 139, by inserting immediately after “2012.” the following: “**No support contract shall be certified unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state.**”; and

Further amend said bill and page, Section 67.3005, Line 11, by striking the word “four” and inserting in lieu thereof the following: “**two**”.

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

President Pro Tem Dempsey assumed the Chair.

Senator Lager offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 25, Page 4, Section 67.3000, Line 125, by striking the word “three” and inserting in lieu thereof the word “**two**”.

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

Senator Schmitt moved that **SCS for SBs 10 and 25**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS for SBs 10 and 25**, as amended, was declared perfected and ordered printed.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 28, 2013

Senator Tom Dempsey
Senate Pro Tem
Missouri State Senate
Jefferson City, MO 65101

Dear Senator Dempsey:

I respectfully resign from the **Joint Committee on Corrections**.

Thank you for your consideration.

Sincerely,
/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
District 14

Also,

January 28, 2013

Senator Tom Dempsey
Senate Pro Tem
Missouri State Senate
Jefferson City, MO 65101

Dear Senator Dempsey:

I respectfully resign from the **Joint Committee on Education**.

Thank you for your consideration.

Sincerely,
/s/ Maria Chappelle-Nadal
MARIA CHAPPELLE-NADAL
District 14

Also,

January 29, 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 Education:

- Senator Jamilah Nasheed
- Senator Jason Holsman

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

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

RESOLUTIONS

Senator Parson offered Senate Resolution No. 164, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Tait, Lebanon, which was adopted.

Senator Parson offered Senate Resolution No. 165, regarding Ursula M. Mathis, Buffalo, which was adopted.

Senator Pearce offered Senate Resolution No. 166, regarding Chance J. Volesky, Warrensburg, which was adopted.

Senator Schaaf offered Senate Resolution No. 167, regarding Vazquez Commercial Contracting, LLC, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Wallingford and himself, the President introduced to the Senate, Tom Mogelnicki, Cape Girardeau.

Senator Pearce introduced to the Senate, President Chuck Ambrose and Hank Setser, University of Central Missouri, Warrensburg.

Senator Kraus introduced to the Senate, Superintendent Dr. Allan Markley, Raytown C-II School District.

Senator Pearce introduced to the Senate, Cait Kerber, Warrensburg.

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

SENATE CALENDAR

TWELFTH DAY–WEDNESDAY, JANUARY 30, 2013

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 126-Sater	SB 148-Wasson
SB 127-Sater	SB 149-Keaveny
SB 128-Sater	SB 150-Munzlinger, et al
SB 129-Sater	SB 151-Curls
SB 130-Schaefer	SB 152-Curls
SB 131-Nasheed	SB 153-Curls
SB 132-Keaveny and Holsman	SB 154-Richard
SB 133-Keaveny and Holsman	SB 155-Nasheed
SB 134-Sater	SB 156-Sater
SB 135-Sater	SB 157-Sater
SB 136-Sater	SB 158-Sater
SB 137-Sater	SB 159-Schmitt, et al
SB 138-Kraus	SB 160-Pearce
SB 139-Kehoe	SB 161-Pearce
SB 140-Brown	SB 162-Keaveny
SB 141-Dempsey	SB 163-Kraus
SB 142-Sifton	SB 164-Walsh
SB 143-Walsh	SB 165-Walsh
SB 144-Walsh	SB 166-Schaaf
SB 145-Walsh	SB 167-Sater and Wallingford
SB 146-Schaaf	SB 168-Chappelle-Nadal
SB 147-Wasson	SB 169-Chappelle-Nadal

SB 170-Chappelle-Nadal	SB 207-Kehoe, et al
SB 171-Chappelle-Nadal	SB 208-Justus and McKenna
SB 172-Chappelle-Nadal	SB 209-Justus
SB 173-Nasheed	SB 210-Lamping and Nieves
SB 174-Parson	SB 211-Rupp
SB 175-Wallingford	SB 212-Cunningham
SB 176-Schmitt, et al	SB 213-Kraus
SB 177-Schmitt	SB 214-Silvey
SB 178-Schaaf	SB 215-Silvey
SB 179-Parson, et al	SB 216-Silvey
SB 180-Kraus	SB 217-LeVota
SB 181-Kraus	SB 218-LeVota
SB 182-Kehoe, et al	SB 219-Sater
SB 183-Sater	SB 220-Lamping
SB 184-Sater	SB 221-Lamping
SB 185-Sater	SB 222-Lamping
SB 186-Brown	SB 223-Curls
SB 187-Brown	SB 224-Curls, et al
SB 188-Romine	SB 225-Curls
SB 189-Romine	SB 226-Schaefer
SB 190-Walsh	SB 227-LeVota
SB 191-Lamping	SB 228-Holsman
SB 192-Lamping, et al	SB 229-Brown
SB 193-Schaefer	SB 230-Brown
SB 194-Schaaf	SB 231-Munzlinger
SB 195-Keaveny	SB 232-Wallingford
SB 196-Keaveny	SB 233-Sater
SB 197-Sater, et al	SB 234-Wasson
SB 198-Chappelle-Nadal	SB 235-Cunningham
SB 199-Chappelle-Nadal	SJR 8-Dixon
SB 200-Chappelle-Nadal	SJR 9-Emery
SB 201-Chappelle-Nadal	SJR 10-Nasheed and Walsh
SB 202-Chappelle-Nadal	SJR 11-Curls
SB 203-Chappelle-Nadal	SJR 12-Sater
SB 204-Brown	SJR 13-Chappelle-Nadal
SB 205-Sater	SJR 14-Schaefer, et al
SB 206-Schaaf	

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SS for SCS for SBs 20, 15 & 19-Dixon
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 47-Lamping, with SCS
SB 48-Lamping

SB 1-Rupp, with SCS

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