

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 31, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord waits to be gracious to you.” (Isaiah 3:18)

Heavenly Father, even when our minds stray from You, You are willing to be an ever present help. So we ask that You help us complete this day faithful to what You have for us to do. We would also ask that You help us return to those You have given us to love and be supportive of what they are required to do during our absence and their need of us when we are present. 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	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

The Lieutenant Governor was present.

Senator Kehoe assumed the Chair.

RESOLUTIONS

Senator Wallingford offered Senate Resolution No. 190, regarding Lisa Twidwell, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 191, regarding Crystal Huebschen, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 192, regarding Bob Schwent, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 193, regarding Follis and Sons Funeral Home, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 194, regarding Josh Minx, which was adopted.

Senator Wallingford offered Senate Resolution No. 195, regarding Sheets/Young Foundation, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 196, regarding Dr. Kelly Burlison, Fredericktown, which was adopted.

Senator Dempsey offered Senate Resolution No. 197, regarding Cathy Raftery, which was adopted.

Senator Dempsey offered Senate Resolution No. 198, regarding Albert Chase, which was adopted.

Senator Dempsey offered Senate Resolution No. 199, regarding Michael J. Turner, Sr., which was adopted.

Senator Dempsey offered Senate Resolution No. 200, regarding Steve Goettel, which was adopted.

Senator Dempsey offered Senate Resolution No. 201, regarding Denny Rottger, which was adopted.

Senator Dempsey offered Senate Resolution No. 202, regarding William “Bill” Schnarre, which was adopted.

Senator Dempsey offered Senate Resolution No. 203, regarding Samuel Coldren, which was adopted.

Senator Dempsey offered Senate Resolution No. 204, regarding John J. “Bill” Orf, which was adopted.

Senator Nasheed offered Senate Resolution No. 205, regarding St. Louis ArtWorks, which was adopted.

Senator Wallingford offered Senate Resolution No. 206, regarding Russell B. Welty, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 207, regarding Buchheit Trucking Service, Scott City, which was adopted.

Senator Wallingford offered Senate Resolution No. 208, regarding Rollet Brothers Trucking Company, Incorporated, Perryville, which was adopted.

Senator Wallingford offered Senate Resolution No. 209, regarding Hull Trucking, Old Appleton, which was adopted.

Senator Pearce offered Senate Resolution No. 210, regarding Dylan Scott Conner, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 211, regarding James Bodine, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

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

SB 244—By Schaefer.

An Act to repeal section 193.145, RSMo, and to enact in lieu thereof one new section relating to death certificates.

SB 245—By Justus.

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

SB 246—By Walsh.

An Act to repeal sections 9.161 and 143.183, RSMo, and to enact in lieu thereof two new sections relating to the Missouri juneteenth heritage and jazz festival and memorial.

SB 247—By Walsh.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 248—By Wasson.

An Act to repeal section 67.457, RSMo, and to enact in lieu thereof one new section relating to notice of neighborhood improvement districts.

SB 249—By Nasheed.

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance.

SB 250—By Schaaf.

An Act to repeal section 573.037, RSMo, and to enact in lieu thereof one new section relating to possession of child pornography, with penalty provisions.

SB 251—By Kraus and Chappelle-Nadal.

An Act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 578.389, and 578.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

SB 252—By Kraus.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the copying and retention of source documents used to obtain driver's licenses and nondriver's licenses.

SJR 15—By Schaaf.

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section relating to admissibility of evidence.

Senator Walsh requested unanimous consent of the Senate to withdraw **SB 190**, which request was granted.

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 and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Randy D. Warner and Michael T. Jinks, as members of the Missouri Propane Gas Commission;

Also,

Margaret Freihaut, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Harold L. Caskey, as a member of the Missouri State Capitol Commission;

Also,

Nanci Bobrow, as a member of the Children's Trust Fund Board;

Also,

Erwin Switzer, as a member of the Saint Louis City Board of Police Commissioners;

Also,

John R. Phillips, Democrat, and Ann K. Covington, Independent, as members of the University of Missouri Board of Curators;

Also,

Melissa Joy Edwards, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

T. Eric Pitman, Republican, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Michael J. LaBeth, Republican, as a member of the Truman State University Board of Governors;

Also,

Brian D. Vesely, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Melinda Nicholson, as a member of the Missouri State Foster Care and Adoption Board;

Also,

Jay Bradley Knudtson, Republican, as a member of the Southeast Missouri State University Board of Regents;

Also,

Danny R. Rowden and Michael D. Hall, as members of the Advisory Committee for 911 Service Oversight;

Also,

John Young and Kerry Messer, as members of the Child Abuse and Neglect Review Board;

Also,

Edward J. Tabash, Republican, as a member of the Regional Convention and Sports Complex Authority;

Also,

Gregory Mills, as a member of the Peace Officer Standards and Training Commission;

Also,

Kelly J. Scott, Lisa A. Green and Rhonda Shimmens, as members of the Missouri State Board of Nursing;

Also,

Cynthia S. Curnutte, as a member of the Interior Design Council;

Also,

Brent Rosenblad, as a member of the Seismic Safety Commission;

Also,

Nancy Johnston, as Director of the Division of Personnel for the Office of Administration;

Also,

Brian K. Long, as Director of the Department of Revenue; and

Lori A. Bruce, as a member of the Advisory Commission for Dental Hygienists.

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 and reappointments, which motion prevailed.

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SBs 10** and **25** and **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 20, 15 and 19, introduced by Senator Dixon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 20, 15 and 19

An Act to repeal sections 135.090, 135.326, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof nine new sections relating to certain benevolent tax credits, with an emergency clause.

Was taken up.

On motion of Senator Dixon, **SS for SCS for SBs 20, 15 and 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Lager Sater—2

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, 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 by Senator Schmitt.

On motion of Senator Schmitt, **SCS for SBs 10 and 25** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed	Nieves
Parson	Pearce	Richard	Romine	Rupp	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Emery	Kraus	Schaaf—4
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Absent—Senators—None

Absent with leave—Senators

Lager	Sater—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Schmitt, title to the bill was agreed to.

Senator Schmitt moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

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 SB 47**, 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 Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 7**, 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 Education, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lamping, Chairman of the Committee on Seniors, Families and Pensions, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 126—Judiciary and Civil and Criminal Jurisprudence.

SB 127—Veterans' Affairs and Health.

SB 128—Governmental Accountability and Fiscal Oversight.

SB 129—Financial and Governmental Organizations and Elections.

SB 130—Transportation and Infrastructure.

SB 131—Veterans' Affairs and Health.

SB 132—Education.

SB 133—Education.

SB 134—Small Business, Insurance and Industry.

SB 135—Financial and Governmental Organizations and Elections.

- SB 136**—Transportation and Infrastructure.
- SB 137**—Jobs, Economic Development and Local Government.
- SB 138**—Ways and Means.
- SB 139**—Judiciary and Civil and Criminal Jurisprudence.
- SB 140**—Commerce, Consumer Protection, Energy and the Environment.
- SB 141**—Transportation and Infrastructure.
- SB 142**—Judiciary and Civil and Criminal Jurisprudence.
- SB 143**—Judiciary and Civil and Criminal Jurisprudence.
- SB 144**—Rules, Joint Rules, Resolutions and Ethics.
- SB 145**—Financial and Governmental Organizations and Elections.
- SB 146**—Veterans’ Affairs and Health.
- SB 147**—Small Business, Insurance and Industry.
- SB 148**—Transportation and Infrastructure.
- SB 149**—Agriculture, Food Production and Outdoor Resources.
- SB 150**—General Laws.
- SB 151**—Judiciary and Civil and Criminal Jurisprudence.
- SB 152**—Judiciary and Civil and Criminal Jurisprudence.
- SB 153**—Seniors, Families and Pensions.
- SB 154**—Small Business, Insurance and Industry.
- SB 155**—Agriculture, Food Production and Outdoor Resources.
- SB 156**—Small Business, Insurance and Industry.
- SB 157**—Commerce, Consumer Protection, Energy and the Environment.
- SB 158**—Small Business, Insurance and Industry.
- SB 159**—Small Business, Insurance and Industry.
- SB 160**—Small Business, Insurance and Industry.
- SB 161**—Small Business, Insurance and Industry.
- SB 162**—Judiciary and Civil and Criminal Jurisprudence.
- SB 163**—Jobs, Economic Development and Local Government.
- SB 164**—General Laws.
- SB 165**—Transportation and Infrastructure.
- SB 166**—Ways and Means.
- SB 167**—Financial and Governmental Organizations and Elections.

- SB 168**—Education.
- SB 169**—Education.
- SB 170**—Financial and Governmental Organizations and Elections.
- SB 171**—Education.
- SB 172**—Jobs, Economic Development and Local Government.
- SB 173**—Education.
- SB 174**—Ways and Means.
- SB 175**—Judiciary and Civil and Criminal Jurisprudence.
- SB 176**—Transportation and Infrastructure.
- SB 177**—Financial and Governmental Organizations and Elections.
- SB 178**—Veterans’ Affairs and Health.
- SB 179**—Ways and Means.
- SB 180**—Veterans’ Affairs and Health.
- SB 181**—Rules, Joint Rules, Resolutions and Ethics.
- SB 182**—Transportation and Infrastructure.
- SB 183**—Judiciary and Civil and Criminal Jurisprudence.
- SB 184**—Judiciary and Civil and Criminal Jurisprudence.
- SB 185**—Judiciary and Civil and Criminal Jurisprudence.
- SB 186**—Veterans’ Affairs and Health.
- SB 187**—Transportation and Infrastructure.
- SB 188**—Judiciary and Civil and Criminal Jurisprudence.
- SB 189**—Judiciary and Civil and Criminal Jurisprudence.
- SB 191**—Governmental Accountability and Fiscal Oversight.
- SB 192**—Transportation and Infrastructure.
- SB 193**—Education.
- SB 194**—Veterans’ Affairs and Health.
- SB 195**—Education.
- SB 196**—Judiciary and Civil and Criminal Jurisprudence.
- SB 197**—Veterans’ Affairs and Health.
- SB 198**—Agriculture, Food Production and Outdoor Resources.
- SB 199**—Seniors, Families and Pensions.
- SB 200**—Education.

SB 201—Veterans’ Affairs and Health.

SB 202—Judiciary and Civil and Criminal Jurisprudence.

SB 203—Seniors, Families and Pensions.

SB 204—Jobs, Economic Development and Local Government.

SB 205—Seniors, Families and Pensions.

SB 206—General Laws.

SB 207—Commerce, Consumer Protection, Energy and the Environment.

SB 208—Seniors, Families and Pensions.

SB 209—Education.

SB 210—Education.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 212, regarding D&D Sexton, Incorporated, Carthage, which was adopted.

Senator Richard offered Senate Resolution No. 213, regarding Frontier Leasing, Incorporated, Joplin, which was adopted.

Senator Schaefer offered Senate Resolution No. 214, regarding Dr. M. Frederick Hawthorne, which was adopted.

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 the following senators to the Joint Committee on Corrections:

- Senator Jamilah Nasheed
- Senator Paul LeVota

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

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

Also,

January 30, 2013

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

Dear Ms. Spieler:

I am appointing Senator Mike Kehoe to the following board:

- Joint Committee on Public Employee Retirement
- Please feel free to contact me should you have any questions.

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

Also,

January 30, 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 senator to the Joint Committee on Tax Policy:

- Senator Maria Chappelle-Nadal

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

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

Senator Justus submitted the following:

January 31, 2013

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

Pursuant to the provisions of section 21.795 RSMo, I am vested with the authority to appoint two current vacancies on the Joint Committee on Transportation Oversight. Please let this correspondence serve as my appointment of the following members of the minority caucus to that committee.

Senator Jamilah Nasheed

Senator Jason Holsman

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, representatives of CLIMB High, Warrensburg.

Senator Schaefer introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, Columbia.

Senator Wallingford introduced to the Senate, Scott Pietreface, Cape Girardeau; and Lauren Cole and Richard Proffor, Jackson.

Senator Emery introduced to the Senate, Rachel and Beth Blunk, Raymore; Phoebe Grubbs, Kansas City; Tyler Bowdish, Grandview; Ian Maupin, St. Louis; and Cassia Brown, Licking, representatives of Missouri Teen Pact Leadership School.

On behalf of Senator Kehoe, the President introduced to the Senate, Amy Brauner, Phyllis Struempf,

Cathy Bertolotti and seventh grade students from St. Peter Interparish School, Jefferson City.

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

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 236-Parson
SB 212-Cunningham	SB 237-Emery
SB 213-Kraus	SB 238-Emery
SB 214-Silvey	SB 239-Emery
SB 215-Silvey	SB 240-Lager
SB 216-Silvey	SB 241-Lager
SB 217-LeVota	SB 242-Kehoe
SB 218-LeVota	SB 243-Brown
SB 219-Sater	SB 244-Schaefer
SB 220-Lamping	SB 245-Justus
SB 221-Lamping	SB 246-Walsh
SB 222-Lamping	SB 247-Walsh
SB 223-Curls	SB 248-Wasson
SB 224-Curls, et al	SB 249-Nasheed
SB 225-Curls	SB 250-Schaaf
SB 226-Schaefer	SB 251-Kraus and Chappelle-Nadal
SB 227-LeVota	SB 252-Kraus
SB 228-Holsman	SJR 8-Dixon
SB 229-Brown	SJR 9-Emery
SB 230-Brown	SJR 10-Nasheed and Walsh
SB 231-Munzlinger	SJR 11-Curls
SB 232-Wallingford	SJR 12-Sater
SB 233-Sater, et al	SJR 13-Chappelle-Nadal
SB 234-Wasson	SJR 14-Schaefer, et al
SB 235-Cunningham	SJR 15-Schaaf

HOUSE BILLS ON SECOND READING

HCS for HB 110

THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping

SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS

SB 7-Pearce, with SCS

SB 3-Rupp

SB 21-Dixon

SB 22-Dixon

SB 33-Lamping, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 16-Munzlinger

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