

# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2013**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Satisfy us in the morning with your steadfast love, so that we may rejoice and be glad all our days.” (Psalm 90:14)

Loving Father, we began this morning in prayer and appreciated that time with You in quiet and with each other learning of Your word and about each other. We pray that throughout this day we may find our hearts full of peace and joy and give thanks for Your many blessings as we do our work and share our time with one another. 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
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 Wasson offered Senate Resolution No. 230, regarding Nathan Joseph Van Devender, Nixa,

which was adopted.

Senator Wasson offered Senate Resolution No. 231, regarding Tyler Allen Green, Ozark, which was adopted.

### **INTRODUCTION OF BILLS**

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

**SB 265**—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to prohibition on certain policies that infringe on private property rights.

**SB 266**—By Nieves.

An Act to amend chapters 191 and 571, RSMo, by adding thereto two new sections relating to privacy concerning firearms.

**SB 267**—By Nieves.

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to the laws of other countries.

**SB 268**—By Nieves.

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to ordinances adopted by political subdivisions regulating firearms.

**SB 269**—By Nieves.

An Act to repeal sections 8.172 and 8.460, RSMo, and to enact in lieu thereof two new sections relating to the preferential use of the capitol complex by private entities.

**SB 270**—By Nieves.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to state enforcement of certain federal laws, with penalty provisions.

**SB 271**—By Nieves.

An Act to repeal sections 190.307 and 650.340, RSMo, and to enact in lieu thereof two new sections relating to emergency dispatch operator training.

**SB 272**—By Nieves.

An Act to amend chapter 320, RSMo, by adding thereto eight new sections relating to fire sprinkler contractors.

**SB 273**—By Wallingford.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to the release of crime scene materials under the state open records law.

**SB 274**—By Walsh.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to mandatory wage reporting for the purposes of determining the prevailing wage, with an effective date.

**SB 275**—By Walsh.

An Act to repeal section 393.1075, RSMo, and to enact in lieu thereof one new section relating to utility regulation, with existing penalty provisions.

**SB 276**—By Emery and Nieves.

An Act to repeal section 162.1250, RSMo, and to enact in lieu thereof one new section relating to virtual schools.

**SJR 17**—By Nieves.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to state sovereignty.

Senator Pearce assumed the Chair.

### **SENATE BILLS FOR PERFECTION**

**SB 3** was placed on the Informal Calendar.

Senator Dixon moved that **SB 21** be taken up for perfection, which motion prevailed.

Senator Schmitt assumed the Chair.

At the request of Senator Dixon, **SB 21** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 22** was placed on the Informal Calendar.

Senator Lamping moved that **SB 33**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 33**, entitled:

### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 33**

An Act to repeal sections 209.150, 209.152, and 209.200, RSMo, and to enact in lieu thereof three new sections relating to accommodations for persons with mental disabilities.

Was taken up.

Senator Lamping moved that **SCS** for **SB 33** be adopted.

Senator Sater offered **SA 1**:

### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section 209.150, Line 2, by inserting immediately after the word “disability” the following: “**including diabetes**”; and further amend line 6, by inserting immediately after the word “disability” the following: “**including diabetes**”; and further amend line 14, by inserting immediately after the word “disability” the following: “**including diabetes**”; and

Further amend said bill, page 2, section 209.200, line 4, by inserting immediately after “213.010” the following: “**including diabetes**”.

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

Senator Lamping moved that **SCS** for **SB 33**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **SB 33**, as amended, was declared perfected and ordered printed.

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 7**, 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 Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 80**, 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 Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 41**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 139**, 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 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 42**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following reports:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **SB 106**, 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 Veterans' Affairs and Health, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Transportation and Infrastructure, submitted the following reports:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 43**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SB 51**, 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 reports:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 77**, begs leave to report that it has considered the same and recommends that the bill do pass, and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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, after examination of **SB 16**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

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 President Pro Tem Dempsey.

On motion of Senator Richard, the Senate recessed until 6:30 p.m.

### **RECESS**

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

### **RESOLUTIONS**

Senator Richard offered Senate Resolution No. 277, regarding Elizabeth Burken, Carthage, which was adopted.

Senator Schmitt offered Senate Resolution No. 278, regarding John Lawrence Kenney, Kansas City,

which was adopted.

Senator Schmitt offered Senate Resolution No. 279, regarding Patrick Stephen Kirk, Kansas City, which was adopted.

Senator Schmitt offered Senate Resolution No. 280, regarding Nicholas James Hochstatter, Parkville, which was adopted.

Senator Walsh offered Senate Resolution No. 281, regarding Kendall Maurice Wallace, Black Jack, which was adopted.

### **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 33**, 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.

### **SENATE BILLS FOR PERFECTION**

Senator Rupp moved that **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 3** was again taken up.

At the request of Senator Rupp, **SB 1**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

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

Cathee Wolford, as a member of the Board of Certification of Interpreters;

Also,

Jamie S. Koehler, as a member of the Seismic Safety Commission;

Also,

Collin L. Follis, Democrat, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Diane Campbell Howard, Democrat, as a member of the Missouri Gaming Commission;

Also,

Mark S. Hasheider and Nathan D. Preston, as members of the Advisory Committee for 911 Service Oversight;

Also,

Lloyd Joseph Carmichael, Democrat, and Carrie Carroll, Republican, as members of the Missouri State University Board of Governors;

Also,

David L. Bonner, Democrat, as a member of the Truman State University Board of Governors;

Also,

Janet Crafton, Democrat, as a member of the State Fair Commission;

Also,

Janet E. Richardson, Dean Aye, Kelly L. Floyd and Eric Pilson, as members of the Missouri State Foster Care and Adoption Board;

Also,

Nicole N. Roach, Democrat, as a member of the Missouri Community Service Commission;

Also,

Paula D. Knight, as a member of the Coordinating Board for Early Childhood;

Also,

Charles E. Weedman Jr., Republican, as a member of the Missouri Ethics Commission;

Also,

Kelley Cramm, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Matthew L. Dameron, Democrat, as a member of the Missouri Development Finance Board;

Also,

Michael C. Rader, as a member of the Missouri Brain Injury Advisory Council;

Also,

Gregory D. Mason, Democrat, and Alfred Purcell, Republican, as members of the Missouri Western State University Board of Governors;

Also,

Francis Dorrel and Patrick B. Haar, Republicans, and John W. Richmond, Democrat, as members of the Northwest Missouri State University Board of Regents;

Also,

William S. Moriarty, Independent, as a member of the Missouri Emergency Response Commission;

Also,

Reginald D. Dickson, Democrat, as a member of the Harris-Stowe State University Board of Regents;

Also,

Bruce Thomas Sommer, Democrat, as a member of the Regional Convention and Sports Complex Authority;

Also,

Greg L. Roberts, Democrat, as a member of the Missouri Housing Development Commission;

Also,

Alana M. Barragan-Scott, as a member of the Administrative Hearing Commission;

Also,

Alan O. Freeman, as Director of the Department of Social Services;

Also,

Harry Ralph Gaw, Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Traron L. Shivers, as the student representative of the Lincoln University Board of Curators;

Also,

William Skains and Martha Black, as members of the Missouri Workforce Investment Board; and

Don T. Ruzicka, Republican, as a member of the Board of Probation and Parole.

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 reappointment, which motion prevailed.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 6, 2013

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2013, for your advice and consent:

Stephen R. Bough, Democrat, 1025 Arno Road, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2017, and until his successor is duly appointed and qualified; vice, Jose Lopez, term expired.

John McGuire, Democrat, 368 Carson Ridge Road, Glasgow, Howard County, Missouri 65254, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2017, and until his successor is duly appointed and qualified; vice, Rodney Boyd, term expired.

Lori Rasmussen, 1034 Savonne Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2014, and until her successor is duly appointed and qualified; vice, Paul Nahon, term expired.



John W. Sisco, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2013, and until his successor is duly appointed and qualified; vice, Anita T. Yeckel, term expired.

Carolyn R. Mahoney, Democrat, 1901 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until her successor is duly appointed and qualified; vice, Mary Beth Luna Wolf, term expired.

Derek E. Williams, 1105 South Walnut, Cameron, Clinton County, Missouri 64429, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2014, and until his successor is duly appointed and qualified; vice, RSMo. 210.617.

John Allen Collier, Republican, 608 Fifth Street, Weston, Platte County, Missouri, 64098, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Edward L. Baker, term expired.

Donna L. Birks, Democrat, 4710 Eastern Avenue, Kansas City, Jackson County, Missouri 64129, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2018, and until her successor is duly appointed and qualified; vice, Susan Pentlin, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
February 6, 2013

To the Senate of the 97<sup>th</sup> General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2013, for your advice and consent:

J. Michael Ponder, Democrat, 3041 Keystone, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Judith G. Haggard, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Dempsey moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### **INTRODUCTIONS OF GUESTS**

Senator Nieves introduced to the Senate, Vicki Coopmans, CRNA, Wildwood; Leslie Jacobs, CRNA, Washington; Abby Hughes-Strange, Ellisville; Caroline Phillips and Tom Marose, St. Louis; Aaron Frazer, Webster Groves; Rick Spangler and Stan Foster, Fenton; Rose Fontana, Des Peres; and Tina Azzam, Wentzville, representatives of Missouri Association of Nurse Anesthetists.

Senator Dixon introduced to the Senate, Jennifer Alsup, Heather Phillips, Farris Robertson, former State Representative Roy Holand, Melissa Millsap and Michelle Miller, representatives of Missouri Foundation for Health.

On behalf of Senators Richard, Munzlinger, Silvey, Lager and himself, Senator Schaefer introduced to

the Senate, Haley Brown, Liberty; Libby Shannon, Elizabeth Burken and Taylor Vaughn, Carthage; Allyson Doman and Miles Krusniak, Kirksville; Emily Schwenneker and Renae Cramer, Princeton; Anum Ahmed, Joplin; and Elizabeth Meyer and Casey Hulshof, Columbia.

Senator Richard introduced to the Senate, Kim Gray, Joplin.

The President introduced to the Senate, members of the Arts Council from around the state.

Senator Cunningham introduced to the Senate, Dean Aye, Howell County.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Han Paik, St. Louis.

Senator Nasheed introduced to the Senate, Representative Rochelle Walton Gray and Representative Karla May, St. Louis; and Representative Sharon Pace, St. Louis County.

Senator Sifton introduced to the Senate, Kelsey Meline, Kirksville; and Blake Lawrence, St. Louis.

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

## SENATE CALENDAR

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SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2013

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 211-Rupp	SB 230-Brown, et al
SB 212-Cunningham	SB 231-Munzlinger
SB 213-Kraus	SB 232-Wallingford
SB 214-Silvey	SB 233-Sater, et al
SB 215-Silvey	SB 234-Wasson
SB 216-Silvey	SB 235-Cunningham
SB 217-LeVota	SB 236-Parson
SB 218-LeVota	SB 237-Emery
SB 219-Sater	SB 238-Emery
SB 220-Lamping	SB 239-Emery
SB 221-Lamping	SB 240-Lager
SB 222-Lamping	SB 241-Lager
SB 223-Curls	SB 242-Kehoe
SB 224-Curls, et al	SB 243-Brown
SB 225-Curls	SB 244-Schaefer
SB 226-Schaefer	SB 245-Justus
SB 227-LeVota	SB 246-Walsh and Silvey
SB 228-Holsman	SB 247-Walsh
SB 229-Brown	SB 248-Wasson

SB 249-Nasheed	SB 268-Nieves
SB 250-Schaaf	SB 269-Nieves
SB 251-Kraus and Chappelle-Nadal	SB 270-Nieves
SB 252-Kraus	SB 271-Nieves
SB 253-Justus	SB 272-Nieves
SB 254-Pearce	SB 273-Wallingford
SB 255-Schmitt and Schaefer	SB 274-Walsh
SB 256-Silvey	SB 275-Walsh
SB 257-Silvey	SB 276-Emery and Nieves
SB 258-LeVota	SJR 8-Dixon
SB 259-Schaaf	SJR 9-Emery
SB 260-Brown	SJR 10-Nasheed and Walsh
SB 261-Rupp	SJR 11-Curls
SB 262-Curls	SJR 12-Sater
SB 263-Curls	SJR 13-Chappelle-Nadal
SB 264-Dempsey	SJR 14-Schaefer, et al
SB 265-Nieves	SJR 15-Schaaf
SB 266-Nieves	SJR 16-Kehoe and McKenna
SB 267-Nieves	SJR 17-Nieves

### THIRD READING OF SENATE BILLS

SCS for SB 47-Lamping	SCS for SB 33-Lamping
SCS for SB 7-Pearce	

### SENATE BILLS FOR PERFECTION

SB 41-Munzlinger	SB 117-Kraus, with SCS
SB 139-Kehoe	SB 43-Munzlinger
SB 12-Schaefer	SB 51-Munzlinger
SB 42-Munzlinger, with SCS	SB 86-Keaveny, with SCS
SB 106-Brown, with SCS	

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1-Rupp, with SCS, SS for SCS & SA 3 (pending)	SB 21-Dixon
SB 3-Rupp	SB 22-Dixon
	SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/6

SB 58-Romine  
SB 80-Romine

SB 77-Lamping

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