

# Journal of the Senate

FIRST REGULAR SESSION

---

**TWENTY-NINTH DAY—MONDAY, MARCH 4, 2013**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is not our abilities that show what we truly are. It is our choices.” (J.K. Rowling)

Gracious Lord, we know that our lives are full of choices and when we are here it is what we choose to support or oppose that says so very much about us. Assist us in making the right decisions so our choices are in keeping with what You desire for us to accomplish as we work to help and assist those who depend on us to do that which is needful and helpful. 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 for Thursday, February 28, 2013 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 Nasheed offered Senate Resolution No. 414, regarding Whitfield A. Montgomery, which was adopted.

Senator Kraus offered Senate Resolution No. 415, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Homer Butler, which was adopted.

Senator Kraus offered Senate Resolution No. 416, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gail Fasse, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 417, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merrill Chambers, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 418, regarding Del Wilkinson, Lee's Summit, which was adopted.

Senator Schaefer offered Senate Resolution No. 419, regarding Sara Ashbaugh, which was adopted.

Senator Curls offered Senate Resolution No. 420, regarding Jefferson City Alumnae Chapter of Delta Sigma Theta Sorority, Inc., which was adopted.

Senator Justus offered Senate Resolution No. 421, regarding Ali Walker, which was adopted.

Senator LeVota offered Senate Resolution No. 422, regarding the late Nadine Burnett, which was adopted.

Senator LeVota offered Senate Resolution No. 423, regarding the One Hundredth Birthday of Jack J. Reiser, Jackson County, which was adopted.

Senator Wallingford offered Senate Resolution No. 424, regarding Kristi King, which was adopted.

Senator Wallingford offered Senate Resolution No. 425, regarding former State Representative Mary Kasten, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 426, regarding Phyllis Schwab, Cape Girardeau, which was adopted.

Senators Wallingford and Libla offered Senate Resolution No. 427, regarding Patti Henson, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 428, regarding Eugene "Pete" Frazier, III, which was adopted.

Senator Romine offered Senate Resolution No. 429, regarding Callie Lewis, which was adopted.

Senator Holsman offered Senate Resolution No. 430, regarding Alyssa Moncure, which was adopted.

Senator Munzlinger offered Senate Resolution No. 431, regarding Marie Elaine Brown, Memphis, which was adopted.

Senator Silvey offered Senate Resolution No. 432, regarding Paul Spring, Kansas City, which was adopted.

Senator Parson offered Senate Resolution No. 433, regarding Gage Taylor Kee, Warsaw, which was adopted.

#### **SENATE BILLS FOR PERFECTION**

Senator Lager moved that **SB 240**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 240**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 240

An Act to repeal sections 393.150 and 393.1012, RSMo, and to enact in lieu thereof two new sections relating to ratemaking for gas corporations, with an emergency clause for a certain section.

Was taken up.

Senator Lager moved that **SCS** for **SB 240** be adopted.

Senator Pearce assumed the Chair.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting at the end of said line the following: “**The provisions of this subsection shall expire on August 28, 2025.**”.

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Holsman, **SA 1** was withdrawn.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting immediately after said line the following:

“**4. No recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed five dollars per month for residential customers, fifty dollars per month for commercial customers, or five hundred dollars per month for industrial customers.**”.

Senator Holsman moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Justus, Keaveny, McKenna and Walsh.

At the request of Senator Holsman, **SA 2** was withdrawn.

Senator Holman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting immediately after said line the following:

“**4. No recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed five dollars per month for residential customers.**”.

Senator Holsman moved that the above amendment be adopted.

Senator Lager offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 11, by

striking the word “fifteen” and inserting in lieu thereof the following:

“**thirteen**”.

Senator Lager moved that the above substitute amendment be adopted.

Senator Holsman raised the point of order that **SSA 1** for **SA 3** is out of order in that it is not a true substitute amendment. The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Holsman offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 240, Page 1, Line 4, by inserting after the word “thirteen” the following:

“and further amend line 13 by inserting after the word “proceeding” the following: “, **provided that no recovery associated with an infrastructure system replacement surcharge for a gas corporation shall exceed four dollars and fifty cents per month for residential customers**””.

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

**SSA 1** for **SA 3** was again taken up.

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

Senator Holsman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 240, Page 3, Section 393.1012, Line 28, by inserting after all of said line the following:

“**4. The provisions of this section shall expire on August 28, 2025.**”.

Senator Holsman moved that the above amendment be adopted, which motion failed.

Senator Lager moved that **SCS** for **SB 240**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 240**, as amended, was declared perfected and ordered printed.

Senator Kraus moved that **SB 102** be taken up for perfection, which motion prevailed.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 102, Page 1, In the Title, Line 3, by striking “catalytic converters” and inserting in lieu thereof the following: “scrap metal”; and

Further amend said bill and page, section 407.300, line 8, by inserting after all of said line the following:

“(3) **Any metal marked with the initials or other identification of a telephone, cable provider, electric, water, or other public utility;**”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Kraus moved that the above amendment be adopted.

Senator Justus offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 102, Page 1, Section 407.300, Line 7, by inserting after the word “provider,” the following: “**internet service provider**,”.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Kraus, **SA 1** was withdrawn, rendering **SA 1** to **SA 1** moot.

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

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 102, Page 1, Section 407.300, Line 8, by inserting after all of said line the following:

“(3) **Manhole cover**,”; and further amend said section by renumbering the remaining subdivisions accordingly.

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

Senator Schaaf assumed the Chair.

Senator Kraus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 102, Page 1, In the Title, Line 3, by striking “catalytic converters” and inserting in lieu thereof the following: “scrap metal”; and

Further amend said bill and page, section 407.300, line 8, by inserting after all of said line the following:

“(3) **Any wire owned by and marked with the initials or other identification of a telecommunications provider, cable provider, internet service provider, electric utility, water utility, sewer utility, or other public utility**,”; and further amend said section by renumbering the remaining subdivisions accordingly.

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

On motion of Senator Kraus, **SB 102**, as amended, was declared perfected and ordered printed.

Senator Schmitt moved that **SB 114**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 114**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 114

An Act to repeal sections 311.055 and 311.091, RSMo, and to enact in lieu thereof two new sections relating to intoxicating liquor, with an emergency clause for a certain section.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 114** be adopted.

Senator Schmitt offered **SS** for **SCS** for **SB 114**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 114

An Act to repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to intoxicating liquor, with existing penalty provisions and an emergency clause for a certain section.

Senator Schmitt moved that **SS** for **SCS** for **SB 114** be adopted, which motion prevailed.

On motion of Senator Schmitt, **SS** for **SCS** for **SB 114** was declared perfected and ordered printed.

Senator Walsh moved that **SB 164**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 164**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 164

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

Was taken up.

Senator Walsh moved that **SCS** for **SB 164** be adopted, which motion prevailed.

On motion of Senator Walsh, **SCS** for **SB 164** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were 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 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2013.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR**s **11** and **7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the right to farm.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 8**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(b) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state lottery.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### 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 **SB 41**, 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.

### INTRODUCTIONS OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, students from Brittany Woods Middle School, University City.

Senator Lamping introduced to the Senate, Phyllis Schlafly, St. Louis.

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

### SENATE CALENDAR

---

THIRTIETH DAY—TUESDAY, MARCH 5, 2013

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 393-Libla and Emery

SB 394-Silvey

SB 395-Kraus and LeVota

SB 396-Holsman and Chappelle-Nadal

SB 397-Holsman and Curls

SB 398-Holsman

SB 399-Holsman and Curls

SB 400-Holsman

SB 401-Rupp

SB 402-Rupp

SB 403-Rupp

SB 404-Munzlinger

SB 405-Sater

SB 406-Wallingford

SB 407-Wallingford	SB 447-Brown
SB 408-Emery	SB 448-Schmitt and Keaveny
SB 409-Keaveny	SB 449-Romine
SB 410-Kehoe	SB 450-Justus
SB 411-Kehoe	SB 451-Justus
SB 412-Kehoe	SB 452-Justus
SB 413-Wasson	SB 453-Cunningham
SB 414-Dixon	SB 454-Nieves
SB 415-Dixon	SB 455-Nieves
SB 416-Dixon	SB 456-Parson
SB 417-Lager	SB 457-Parson
SB 418-Lager	SB 458-Kehoe
SB 419-Lager	SB 459-Kehoe
SB 420-Lager	SB 460-Kehoe
SB 421-Walsh	SB 461-Wallingford
SB 422-Curls and LeVota	SB 462-Schaefer
SB 423-Nasheed	SB 463-Schaefer
SB 424-Nasheed	SB 464-Schaefer
SB 425-Nasheed	SB 465-Schaefer
SB 426-Nasheed	SB 466-Schaefer
SB 427-Sifton	SB 467-Schaefer
SB 428-Sifton	SB 468-Schaefer
SB 429-Chappelle-Nadal	SB 469-Chappelle-Nadal
SB 430-Chappelle-Nadal	SB 470-Rupp
SB 431-Cunningham	SB 471-Rupp
SB 432-Cunningham	SB 472-Rupp
SB 433-Lamping, et al	SB 473-Lamping and Lager
SB 434-Lamping, et al	SB 474-Lamping
SB 435-McKenna	SB 475-Lamping
SB 436-McKenna	SB 476-Lamping
SB 437-Pearce	SB 477-Lamping
SB 438-Munzlinger	SB 478-Lamping
SB 439-Munzlinger	SB 479-Dixon
SB 440-Munzlinger	SB 480-Richard
SB 441-Dempsey	SB 481-Rupp
SB 442-Silvey	SB 482-Nasheed
SB 443-Silvey	SB 483-Nasheed
SB 444-Schaaf	SB 484-Cunningham
SB 445-Wasson	SJR 17-Nieves
SB 446-Brown	SJR 18-Schmitt



SJR 19-Lager  
SJR 20-Curls  
SJR 21-LeVota

SJR 22-Parson, et al  
SJR 23-Cunningham  
SJR 24-Emery

HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen  
HCS for HB 202  
HCS for HB 158  
HCS for HB 388  
HB 44-Korman

HB 34-Guernsey  
HCS for HB 320  
HCS for HB 14  
HCS for HJRs 11 & 7  
HJR 8-Solon, et al

THIRD READING OF SENATE BILLS

SB 127-Sater (In Fiscal Oversight)

SB 41-Munzlinger

SENATE BILLS FOR PERFECTION

SB 193-Schaefer  
SB 129-Sater, with SCS  
SB 18-Munzlinger

SB 236-Parson  
SB 73-Schaefer  
SB 208-Justus and McKenna

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)  
SB 13-Schaefer, with SCS  
SB 21-Dixon  
SB 22-Dixon

SBs 26, 11 & 31-Kraus, with SCS & SS for  
SCS (pending)  
SB 29-Brown, with SCS & SA 2 (pending)  
SB 48-Lamping

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 137-Sater  
SB 90-McKenna  
SB 218-LeVota

SB 234-Wasson  
SB 148-Wasson

✓