

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTIETH DAY—TUESDAY, MARCH 5, 2013**

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The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“A general rule for the good use of time is to accustom oneself to live in a continual dependence on the Spirit of God.” (Francois Fenelon)

Almighty God, time is moving quickly and we experience that even when we go late into the night we may not get all that we need and want to get accomplished. Help us to depend more on You each day so we may be open to Your will and know what is important and what we need to accomplish. Help us to know You so we might say and do what reflects what You require of 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.

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	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Nasheed—1

Vacancies—None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

**RESOLUTIONS**

Senator Kraus offered Senate Resolution No. 434, regarding Jamie Taylor, which was adopted.

Senator Kraus offered Senate Resolution No. 435, regarding Charles Wheeler, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 436, regarding Detective Carole "Kat" Covey, which was adopted.

Senator Kraus offered Senate Resolution No. 437, regarding Haley Hynes, which was adopted.

Senator Sater offered Senate Resolution No. 438, regarding the Monett Area YMCA, which was adopted.

Senator Sater offered Senate Resolution No. 439, regarding Mary Kay Scott, Monett, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Schaefer moved that **SB 193** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 193** was declared perfected and ordered printed.

Senator Sater moved that **SB 129**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 129**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 129**

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Was taken up.

Senator Sater moved that **SCS** for **SB 129** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 129**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 129**

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to volunteer health services.

Senator Lager assumed the Chair.

Senator Brown offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Page 1, Section 191.1100, Line 12 of said page, by inserting immediately after "337," the following: "**veterinarian**,".

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

Senator Sater moved that **SS** for **SCS** for **SB 129**, as amended, be adopted, which motion prevailed.

On motion of Senator Sater, **SS** for **SCS** for **SB 129**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 18** be taken up for perfection, which motion prevailed.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 18, Page 3, Section 37.850, Line 46, by inserting immediately after said line, the following:

**“164.146. When any school district issues bonds under sections 164.121, 164.131, or 164.141, the bond filing shall contain the following information:**

- (1) The current amount of debt held by the school district, including any bonded indebtedness;**
- (2) The district’s current tax levy;**
- (3) The district’s current bond credit rating, as prepared by an independent credit rating service;**  
**and**
- (4) The annual cost of maintaining any vacant or unused buildings owned by the district.**

164.151. 1. The questions on bond issues in all districts shall be submitted in substantially the following form:

Shall the ..... board of education borrow money in the amount of ..... dollars for the purpose of ..... and issue bonds for the payment thereof resulting in an estimated increase to the debt service property tax levy of ..... (amount of estimated increase) per one hundred dollars of assessed valuation? If this proposition is approved, the adjusted debt service levy of the school district is estimated to increase from ..... (amount of current school district levy) to ..... (estimated adjusted debt service levy) per one hundred dollars assessed valuation of real and personal property.

**2. Any ballot containing a question on a bond issue shall contain, in an area of the ballot following the question, the following information:**

- (1) The current amount of debt held by the school district, including any bonded indebtedness;**
- (2) The district’s current tax levy;**
- (3) The district’s current bond credit rating, as prepared by an independent credit rating service;**  
**and**
- (4) The annual cost of maintaining any vacant or unused buildings owned by the district.**

**3. If the constitutionally required number of the votes cast are for the loan, the board may, subject to the restrictions of section 164.161, borrow money in the name of the district, to the amount and for the purpose specified in the notices aforesaid, and issue bonds of the district for the payment thereof.”; and**

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SB 18**, as amended, was declared perfected and ordered printed.

Senator Parson moved that **SB 236** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 236, Page 2, Section 43.265, Line 21, by inserting immediately after “costs.” the following: “**Prior to expending any funds for the purchase of aircraft, the highway patrol shall make a specific request to the general assembly for the particular purchase and shall receive approval from the general assembly for such request.**”.

Senator Lager moved that the above amendment be adopted.

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

At the request of Senator Parson, **SB 236** was placed on the Informal Calendar.

Senator Schaefer moved that **SB 73** be taken up for perfection, which motion prevailed.

On motion of Senator Schaefer, **SB 73** was declared perfected and ordered printed.

Senator Justus moved that **SB 208** be taken up for perfection, which motion prevailed.

On motion of Senator Justus, **SB 208** was declared perfected and ordered printed.

**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 **SCS for SB 240; SCS for SB 164; SB 193; SS for SCS for SB 114; and SB 102**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Dempsey assumed the Chair.

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

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 36**, 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 report:

Mr. President: Your Committee on Transportation and Infrastructure, to which was referred **SJR 16**, 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 report:

Mr. President: Your Committee on Seniors, Families and Pensions, to which was referred **SB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Pearce assumed the Chair.

### **REFERRALS**

President Pro Tem Dempsey referred **SCS** for **SB 240** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Kehoe, the Senate recessed until 4:00 p.m.

### **RECESS**

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

Senator Kehoe announced photographers from KOMU, KMOX and The Missouri Digital News were given permission to take pictures in the Senate Chamber.

### **SENATE BILLS FOR PERFECTION**

Senator Parson moved that **SB 236** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Lager offered **SA 2**:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 236, Page 2, Section 43.265, Line 21, by inserting immediately after “costs.” the following: “**Prior to obligating any funds for the purchase of an individual unit that costs in excess of one hundred thousand dollars, the highway patrol shall receive a specific appropriation from the general assembly for the particular purchase.**”.

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

On motion of Senator Parson, **SB 236**, as amended, was declared perfected and ordered printed.

### **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, after examination of **SB 137**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR  
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, it is estimated that Missouri will suffer cuts to both Medicaid and Medicare hospital payments in the amount of \$3.3 billion from 2013 to 2020 with DSH cuts in the amount generally of \$704 million from 2013 to 2019; 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.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 73; SB 18; SS for SCS for SB 129; and SB 208**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 440, regarding Vivien James Green, which was adopted.

Senator Kraus offered Senate Resolution No. 441, regarding Samuel Holland, Lee's Summit, which was adopted.

Senator Cunningham offered Senate Resolution No. 442, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lavell Mobley, Fairdealing, which was adopted.

Senator Cunningham offered Senate Resolution No. 443, regarding Patrick A. "Pat" Funk, Gainesville, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Romine introduced to the Senate, Dr. Victoria Damba, Farmington.

Senator Richard introduced to the Senate, James Sigler, Carl Junction.

Senator Kehoe introduced to the Senate, Dylan Cooper, Tipton High School.

Senator Emery introduced to the Senate, Susan Ray and Mary Clark, Lamar.

Senator Pearce introduced to the Senate, representatives of Missouri STEM week from around the state.

Senator Pearce introduced to the Senate, Dr. Kyle Palmer, Dr. Susan Stockton and Dr. Alice Griefe, University of Central Missouri, Warrensburg.

Senator Dixon introduced to the Senate, Circuit Clerk Steve Helms, Greene County.

Senator Curls introduced to the Senate, representatives of Dismas House; Daystar Worship Center; C.O.P.S.; Sarita Lynne Ministries and Benilde Hall, Kansas City.

Senator Kehoe introduced to the Senate, representatives of Missouri Transportation and Construction Coalition.

Senator McKenna introduced to the Senate, Pat and Don Schaeffer, Festus.

Senator Schaaf introduced to the Senate, Derek Frieling and students, Chris Grimm, David Hester, Sam Pettit, Grayson Bosworth, Kristina Ward and Brooke Ward, members of Dead Patriot's Society, Lafayette High School, St. Joseph.

Senator Brown introduced to the Senate, Rachel Jag, Claire Quinn, Cassandra Horstman, Mason Vrobel, Kathy Withrow and Adam Bryant, Associated Students of the Missouri University of Science and Technology, Rolla.

On behalf of Senators Lamping, Justus, Schaaf, Parson and himself, Senator Kehoe introduced to the Senate, Missouri Federation of Republican Women Joanne Breckenridge Scholars: Aly Alexander, Nita Jones, Katherine Thompson, Jovana Cervantes and Shania Francka.

Senator Romine introduced to the Senate, Becky Ruth, Festus.

Senator Kehoe introduced to the Senate, Mrs. Sandbothe, Mrs. Andrews, parents, grandparents and fourth grade students from St. Stanislaus School, Wardsville.

Senator Nieves introduced to the Senate, Alderman Mark Harder, Ballwin; and Dennis Broadbooks, Wildwood.

Senator Curls introduced to the Senate, Dr. Stacey Daniels and Darron McGee, Kansas City.

Senator Curls introduced to the Senate, Jackson County Prosecutor Jean Peters-Baker.

Senator Pearce introduced to the Senate, Erica Collins, Warrensburg; and Chris Kornbluth, Odessa.

Senator Munzlinger introduced to the Senate, the Physician of the Day, Dr. Steve Taylor, Mexico.

Senator Lager introduced to the Senate, Ashton Raffety, Riley Ziemer, Hannah Young, Cody Uhing, Bekah Badell, Matt Fritsch and Quentin Templeton, Northwest Missouri State University, Maryville.

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

## SENATE CALENDAR

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 THIRTY-FIRST DAY—WEDNESDAY, MARCH 6, 2013
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 393-Libla and Emery	SB 427-Sifton
SB 394-Silvey	SB 428-Sifton
SB 395-Kraus and LeVota	SB 429-Chappelle-Nadal
SB 396-Holsman and Chappelle-Nadal	SB 430-Chappelle-Nadal
SB 397-Holsman and Curls	SB 431-Cunningham
SB 398-Holsman	SB 432-Cunningham
SB 399-Holsman and Curls	SB 433-Lamping, et al
SB 400-Holsman	SB 434-Lamping, et al
SB 401-Rupp	SB 435-McKenna
SB 402-Rupp	SB 436-McKenna
SB 403-Rupp	SB 437-Pearce
SB 404-Munzlinger	SB 438-Munzlinger
SB 405-Sater	SB 439-Munzlinger
SB 406-Wallingford	SB 440-Munzlinger
SB 407-Wallingford	SB 441-Dempsey
SB 408-Emery	SB 442-Silvey
SB 409-Keaveny	SB 443-Silvey
SB 410-Kehoe	SB 444-Schaaf
SB 411-Kehoe	SB 445-Wasson
SB 412-Kehoe	SB 446-Brown
SB 413-Wasson	SB 447-Brown
SB 414-Dixon	SB 448-Schmitt and Keaveny
SB 415-Dixon	SB 449-Romine
SB 416-Dixon	SB 450-Justus
SB 417-Lager	SB 451-Justus
SB 418-Lager	SB 452-Justus
SB 419-Lager	SB 453-Cunningham
SB 420-Lager	SB 454-Nieves
SB 421-Walsh	SB 455-Nieves
SB 422-Curls and LeVota	SB 456-Parson
SB 423-Nasheed	SB 457-Parson
SB 424-Nasheed	SB 458-Kehoe
SB 425-Nasheed	SB 459-Kehoe
SB 426-Nasheed	SB 460-Kehoe

SB 461-Wallingford	SB 477-Lamping
SB 462-Schaefer	SB 478-Lamping
SB 463-Schaefer	SB 479-Dixon
SB 464-Schaefer	SB 480-Richard
SB 465-Schaefer	SB 481-Rupp
SB 466-Schaefer	SB 482-Nasheed
SB 467-Schaefer	SB 483-Nasheed
SB 468-Schaefer	SB 484-Cunningham
SB 469-Chappelle-Nadal	SJR 17-Nieves
SB 470-Rupp	SJR 18-Schmitt
SB 471-Rupp	SJR 19-Lager
SB 472-Rupp	SJR 20-Curls
SB 473-Lamping and Lager	SJR 21-LeVota
SB 474-Lamping	SJR 22-Parson, et al
SB 475-Lamping	SJR 23-Cunningham
SB 476-Lamping	SJR 24-Emery

#### HOUSE BILLS ON SECOND READING

HB 55-Flanigan and Allen	HB 34-Guernsey
HCS for HB 202	HCS for HB 320
HCS for HB 158	HCS for HB 14
HCS for HB 388	HCS for HJR 11 & 7
HB 44-Korman	HJR 8-Solon, et al

#### THIRD READING OF SENATE BILLS

1. SB 127-Sater (In Fiscal Oversight)	6. SS for SCS for SB 114-Schmitt
2. SB 41-Munzlinger	7. SB 102-Kraus
3. SCS for SB 240-Lager (In Fiscal Oversight)	8. SB 73-Schaefer
4. SCS for SB 164-Walsh	9. SB 18-Munzlinger
5. SB 193-Schaefer	10. SS for SCS for SB 129-Sater
	11. SB 208-Justus and McKenna

#### SENATE BILLS FOR PERFECTION

SB 157-Sater, with SCS	SJR 16-Kehoe and McKenna, with SCS
SB 36-Wallingford and Sifton, with SCS	SB 199-Chappelle-Nadal

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)	SB 13-Schaefer, with SCS
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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 90-McKenna  
SB 218-LeVota

SB 234-Wasson  
SB 148-Wasson

RESOLUTIONS

Reported from Committee

SCR 5-Lamping, with SCS

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