

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 13, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“If we really want to pray, we have to give time to learning its lessons.” (Mother Mary Clare)

Gracious God, in the midst of this time called Lent we are particularly mindful of the time in prayer we ought to spend with You. But let us, Lord, not only take the time to pray that is needed but let us discover ourselves as we truly are before You in our prayers and be able to mature and deepen our relationship with You. 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 KOMU-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 Sater offered Senate Resolution No. 489, regarding Madison Bledsoe, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 490, regarding Stacy Bradley, Mount Vernon, which was adopted.

Senator Sater offered Senate Resolution No. 491, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Carter, Longview, which was adopted.

Senator Sater offered Senate Resolution No. 492, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Henson, Pierce City, which was adopted.

Senator Sater offered Senate Resolution No. 493, regarding Patrick L. Prewitt, which was adopted.

Senator Dixon offered Senate Resolution No. 494, regarding Patricia Flanagan, which was adopted.

Senator Schaaf offered Senate Resolution No. 495, regarding Andrea Hall, St. Joseph, which was adopted.

Senator Richard offered Senate Resolution No. 496, regarding Glenna Wallace, Seneca, which was adopted.

Senator Pearce offered Senate Resolution No. 497, regarding Alex Higginbotham, which was adopted.

Senator Pearce offered Senate Resolution No. 498, regarding the Ninetieth Birthday of Alta Jean Damron, Warrensburg, which was adopted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Noelle C. Collins, Democrat, 7450 Overbrook Drive, Saint Louis, Saint Louis County, Missouri 63121, as a member of the Missouri Women's Council, for a term ending December 6, 2014, and until her successor is duly appointed and qualified; vice, Christine J. Bierman, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert E. George, Republican, 1662 South Porter Avenue, Aurora, Lawrence County, Missouri 65605, as a member of the Public Defender Commission, for a term ending March 11, 2019, and until his successor is duly appointed and qualified; vice, Leonard M. Miller, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Boyd Harris, Republican, 19510 North Drew Road, Centralia, Boone County, Missouri 65240, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2014, and until his successor is duly appointed and qualified; vice, Boyd Harris, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sara Catherine Michael, Independent, 2008 Honeysuckle Lane, Jefferson City, Cole County, Missouri 65109, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2014, and until her successor is duly appointed and qualified; vice, Greg L. Roberts, resigned.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2016, and until her successor is duly appointed and qualified; vice, Elizabeth M. Pierson, reappointed.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael C. Rader, 1004 West 125th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Kansas City Board of Police Commissioners, for a term ending March 11, 2017, and until his successor is duly appointed and qualified; vice, Patrick A. McInerney, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 13, 2013

To the Senate of the 97th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathleen Tofall, 9806 Green Park Road, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Sentencing and Corrections Oversight Commission, for a term ending March 11, 2016, and until her successor is duly appointed and qualified; vice, RSMo 217.147.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

President Pro Tem Dempsey referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

At the request of Senator Rupp, **SB 292** was placed on the Informal Calendar.

SB 207, with **SCS**, was placed on the Informal Calendar.

Senator Emery moved that **SB 237** be taken up for perfection, which motion prevailed.

On motion of Senator Emery, **SB 237** was declared perfected and ordered printed.

Senator Schmitt moved that **SB 294** be taken up for perfection, which motion prevailed.

On motion of Senator Schmitt, **SB 294** was declared perfected and ordered printed.

SB 241, with **SCS**, was placed on the Informal Calendar.

Senator Nasheed moved that **SB 125**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 125**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125

An Act to repeal sections 161.092, 168.221, and 168.291, RSMo, and to enact in lieu thereof two new sections relating to duties of boards of education.

Was taken up.

Senator Nasheed moved that **SCS** for **SB 125** be adopted.

Senator Nasheed offered **SS** for **SCS** for **SB 125**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 125

An Act to repeal sections 168.221 and 168.291, RSMo, and to enact in lieu thereof one new section relating to employment of school personnel in the metropolitan school district.

Senator Pearce assumed the Chair.

Senator Schmitt assumed the Chair.

Senator Nasheed moved that **SS** for **SCS** for **SB 125** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Page 1, In the Title, Lines 4-5 of said title, by striking all of said lines and inserting in lieu thereof the following: “duties of boards of education.”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

“161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed

necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the public schools of the state, subject to limitations provided by law **and subdivision (14) of this section**, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

(14) Promulgate rules under which the board shall classify the public schools of the state. Said rules shall include but not be limited to the standards, appropriate scoring guides, forms, instruments, and procedures used in determining the accreditation status of a district. The board shall make classification and accreditation determinations consistent with said rules, and shall not deviate from said rules without properly promulgating such rules pursuant to the provisions of chapter 536;

(15) Have other powers and duties prescribed by law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nasheed moved that **SS** for **SCS** for **SB 125**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, **SS** for **SCS** for **SB 125**, as amended, was declared perfected and ordered printed.

Senator Silvey moved that **SB 216** be taken up for perfection, which motion prevailed.

On motion of Senator Silvey, **SB 216** was declared perfected and ordered printed.

Senator Sater moved that **SB 137** be taken up for perfection, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Sater, **SB 137** was declared perfected and ordered printed.

Senator Kehoe requested unanimous consent of the Senate to withdraw **SB 459**, which request was granted.

REFERRALS

President Pro Tem Dempsey referred **SCR 13**; **HCR 7**; and **HCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 **SB 237** and **SB 294**, 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.

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 **HB 409**, entitled:

An Act to repeal sections 290.210 and 290.262, RSMo, and to enact in lieu thereof two new sections relating to prevailing wages.

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 **SS** for **SCS** for **SBs 20, 15** and **19**, entitled:

An Act to repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo,

and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 64**, entitled:

An Act to repeal section 130.028 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 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to labor organizations, with penalty provisions.

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 **SCS** for **SBs 10** and **25**.

Bill ordered enrolled.

SECOND READING OF SENATE BILLS

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

SB 393—Judiciary and Civil and Criminal Jurisprudence.

SB 394—Jobs, Economic Development and Local Government.

SB 395—Financial and Governmental Organizations and Elections.

SB 396—Commerce, Consumer Protection, Energy and the Environment.

SB 397—Veterans' Affairs and Health.

SB 398—Ways and Means.

SB 399—Veterans' Affairs and Health.

SB 400—Commerce, Consumer Protection, Energy and the Environment.

SB 401—Small Business, Insurance and Industry.

SB 402—Small Business, Insurance and Industry.

SB 403—Small Business, Insurance and Industry.

SB 404—Transportation and Infrastructure.

- SB 405**—Financial and Governmental Organizations and Elections.
- SB 406**—Small Business, Insurance and Industry.
- SB 407**—Ways and Means.
- SB 408**—Education.
- SB 409**—Judiciary and Civil and Criminal Jurisprudence.
- SB 410**—Education.
- SB 411**—Transportation and Infrastructure.
- SB 412**—General Laws.
- SB 413**—Veterans’ Affairs and Health.
- SB 414**—Judiciary and Civil and Criminal Jurisprudence.
- SB 415**—Ways and Means.
- SB 416**—Commerce, Consumer Protection, Energy and the Environment.
- SB 417**—Commerce, Consumer Protection, Energy and the Environment.
- SB 418**—Commerce, Consumer Protection, Energy and the Environment.
- SB 419**—Transportation and Infrastructure.
- SB 420**—Commerce, Consumer Protection, Energy and the Environment.
- SB 421**—Veterans’ Affairs and Health.
- SB 422**—Transportation and Infrastructure.
- SB 423**—Jobs, Economic Development and Local Government.
- SB 424**—Judiciary and Civil and Criminal Jurisprudence.
- SB 425**—Judiciary and Civil and Criminal Jurisprudence.
- SB 426**—Education.
- SB 427**—Education.
- SB 428**—Judiciary and Civil and Criminal Jurisprudence.
- SB 429**—Ways and Means.
- SB 430**—Seniors, Families and Pensions.
- SB 431**—Governmental Accountability and Fiscal Oversight.
- SB 432**—Small Business, Insurance and Industry.
- SB 433**—Rules, Joint Rules, Resolutions and Ethics.
- SB 434**—Rules, Joint Rules, Resolutions and Ethics.

SB 435—Financial and Governmental Organizations and Elections.

SB 436—Jobs, Economic Development and Local Government.

SB 437—Education.

SB 438—Agriculture, Food Production and Outdoor Resources.

SB 439—Commerce, Consumer Protection, Energy and the Environment.

SB 440—Judiciary and Civil and Criminal Jurisprudence.

SB 441—Ways and Means.

SB 442—Jobs, Economic Development and Local Government.

SB 443—Judiciary and Civil and Criminal Jurisprudence.

SB 444—Veterans' Affairs and Health.

SB 445—Small Business, Insurance and Industry.

SB 446—Jobs, Economic Development and Local Government.

SB 447—Ways and Means.

SB 448—Judiciary and Civil and Criminal Jurisprudence.

SB 449—Ways and Means.

SB 450—Education.

SB 451—Judiciary and Civil and Criminal Jurisprudence.

SB 452—Judiciary and Civil and Criminal Jurisprudence.

SB 453—Veterans' Affairs and Health.

SB 454—Jobs, Economic Development and Local Government.

SB 455—Financial and Governmental Organizations and Elections.

SB 456—Appropriations.

SB 457—Governmental Accountability and Fiscal Oversight.

SB 458—Small Business, Insurance and Industry.

SB 460—Transportation and Infrastructure.

SB 461—Ways and Means.

SB 462—Judiciary and Civil and Criminal Jurisprudence.

SB 463—Jobs, Economic Development and Local Government.

SB 464—Appropriations.

SB 465—Appropriations.

SB 466—General Laws.

SB 467—General Laws.

SB 468—Ways and Means.

SB 469—General Laws.

SB 470—Rules, Joint Rules, Resolutions and Ethics.

SB 471—Governmental Accountability and Fiscal Oversight.

SB 472—Governmental Accountability and Fiscal Oversight.

SB 473—Small Business, Insurance and Industry.

SB 474—Education.

SB 475—Seniors, Families and Pensions.

SB 476—Seniors, Families and Pensions.

SB 477—Seniors, Families and Pensions.

SB 478—Governmental Accountability and Fiscal Oversight.

SB 479—Small Business, Insurance and Industry.

SB 480—Veterans' Affairs and Health.

SB 481—Commerce, Consumer Protection, Energy and the Environment.

SB 482—Judiciary and Civil and Criminal Jurisprudence.

SB 483—Education.

SB 484—Transportation and Infrastructure.

SJR 17—General Laws.

SJR 18—Rules, Joint Rules, Resolutions and Ethics.

SJR 19—Rules, Joint Rules, Resolutions and Ethics.

SJR 20—Jobs, Economic Development and Local Government.

SJR 21—Transportation and Infrastructure.

SJR 22—Agriculture, Food Production and Outdoor Resources.

HOUSE BILLS ON SECOND READING

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

HCS for **HJR**s **11** and **7**—Agriculture, Food Production and Outdoor Resources.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

SENATE HEARING SCHEDULE
97th GENERAL ASSEMBLY
FIRST REGULAR SESSION
March 13, 2013

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Schaefer)	Appropriations SCR 2 (Schaefer) Transportation and Infrastructure SCR 1 (Kehoe)	
8:15 a.m.		Seniors, Families and Pensions SCR 1 (Lamping)		
8:30 a.m.			Gubernatorial Appointments SL (Dempsey)	Ways and Means SCR 1 (Kraus) Veterans' Affairs and Health SL (Brown)
9:00 a.m.		Progress and Development SCR 2 (Justus)		
12:00 p.m.		Small Business, Insurance and Industry SCR 1 (Rupp) Rules, Joint Rules, Resolutions and Ethics SL (Richard)	Jobs, Economic Development and Local Government SL (Schmitt) Agriculture, Food Production and Outdoor Resources SCR 1 (Munzlinger)	
12:30 p.m.	Appropriations SCR 2 (Schaefer)			
1:30 p.m.		Commerce, Consumer Protection, Energy and the Environment SL (Lager) General Laws SCR 1 (Nieves)	Governmental Accountability and Fiscal Oversight SCR 1 (Parson) Education SL (Pearce)	
2:00 p.m.	Financial and Governmental Organizations and Elections SL (Wasson)			
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Dixon)			

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

RECESS

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

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 **SS** for **SCS** for **SB 125**; **SB 137**; and **SB 216**, 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.

PRIVILEGED MOTIONS

Senator Dixon moved that **SS** for **SCS** for **SBs 20, 15 and 19**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 20, 15 and 19**, entitled:

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

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

Was taken up.

Senator Dixon moved that **HCS** for **SS** for **SCS** for **SBs 20, 15 and 19** be adopted, which motion prevailed by the following vote:

YEAS—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						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, **HCS** for **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	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SJR 16**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Kehoe, **SS** for **SCS** for **SJR 16** was withdrawn.

Senator Kehoe offered **SS No. 2** for **SCS** for **SJR 16**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 16

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads and the state transportation system.

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Joint Resolution No. 16, Page 6, Section 30(e), Line 1 of said page, by inserting immediately after the word “subsection” the following: “. **At least fifteen percent of the proceeds deposited in the transportation sales tax fund shall be used and expended by the highways and transportation commission for state transportation system purposes and uses**”.

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

Senator Pearce assumed the Chair.

Senator Kehoe moved that **SS No. 2** for **SCS** for **SJR 16** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS No. 2** for **SCS** for **SJR 16** was declared perfected and ordered printed.

Senator Lager moved that **SB 241**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 241**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 241

An Act to amend chapter 67, RSMo, by adding thereto eight new sections relating to broadband.

Was taken up.

Senator Lager moved that **SCS** for **SB 241** be adopted.

Senator Lager offered **SS** for **SCS** for **SB 241**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 241

An Act to repeal sections 67.1830, 67.1836, 67.1838, and 67.1842, RSMo, and to enact in lieu thereof eighteen new sections relating to infrastructure facilities deployment.

Senator Lager moved that **SS** for **SCS** for **SB 241** be adopted.

Senator Schaefer requested unanimous consent of the Senate for the Joint Committee on Legislative Research Fiscal Oversight Subcommittee to meet while the Senate is in session, which request was granted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 21, Section 67.5096, Line 3 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 17-18 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 20-21 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and further amend lines 27-28 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”; and

Further amend said bill, page 27, section 67.5102, line 4 of said page, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “**ninety**”.

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

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 11, Section 67.1838, Line 12, by striking the words “In any such”; and further amend lines 13 to 16 by striking all of said lines.

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

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 28, Section 389.585, Line 9, by striking the words “this section” and inserting in lieu thereof the following: “**sections 389.585 to 389.591**”.

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

Senator Lager offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 28, Section 67.5104, Line 6 of said page, by inserting immediately after the word “provider” the following: “**or municipal utility pole owner**”; and further amend line 8 of said page, by inserting immediately after the word “court” the following: “**if that entity believes the rates, terms, and conditions are not fair, just, and reasonable**”.

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

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 27, Section 67.5102, Line 20 of said page, by inserting immediately after all of said line the following:

“67.5103. Notwithstanding any provision of sections 67.5090 through 67.5102, nothing herein shall provide any applicant the power of eminent domain or the right to compel any private or public property owner to lease or sell property for the construction of a new wireless support structure or collocation of a wireless facility.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 19, Section 67.5094, Line 21, by deleting the word “unreasonable” on said line; and

Further amend said bill, page 19, line 25 by adding at the end of said line the following: “if such regulations or obligations are unreasonable.”; and

Further amend said bill, page 26, line 8, section 67.5102, by adding at the end of said line the following:

“if such moratorium exceeds six months in length and if the legislative act establishing it fails to state reasonable grounds and good cause for such moratorium. No such moratorium shall affect an already pending application”.

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

Senator Lager moved that **SS** for **SCS** for **SB 241**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SS** for **SCS** for **SB 241**, 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, to which was referred **SS No. 2** for **SCS** for **SJR 16**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 10** and **25** and **HCS** for **SS** for **SCS** for **SBs 20, 15** and **19**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SCS** for **SJR 16** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SBs 10** and **25** and **HCS** for **SS** for **SCS** for **SBs 20, 15** and **19**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 499, regarding Richard Jury, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 500, regarding Darian Blake Murphy, Jefferson City, which was adopted.

Senator Nieves offered Senate Resolution No. 501, regarding Ryan David Zink, Chesterfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 502, regarding Bill Puricelli, Crestwood, which was adopted.

Senator Lamping offered Senate Resolution No. 503, regarding Laura Michelle Weis, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 504, regarding Meghan Eileen Shrewsbury, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 505, regarding Corinne Elise Davis, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 506, regarding Nikki Kristine Ownby, Chesterfield, which was adopted.

Senator Lamping offered Senate Resolution No. 507, regarding Alexis Brittany Cross, St. Louis, which was adopted.

Senator Silvey offered Senate Resolution No. 508, regarding Sierra Sheppard, which was adopted.

Senator Lamping offered Senate Resolution No. 509, regarding Carolyn Elizabeth Beard, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 510, regarding Ashley Nicole Banze, Wentzville, which was adopted.

Senator Lamping offered Senate Resolution No. 511, regarding Emily Reu Moss, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 512, regarding Karen Marie Argent, St. Louis, which was adopted.

Senator Lamping offered Senate Resolution No. 513, regarding Madison Claire Berviller, Wentzville, which was adopted.

Senator Lamping offered Senate Resolution No. 514, regarding Mary Carmel Baker, Chesterfield, which

was adopted.

Senator Lamping offered Senate Resolution No. 515, regarding Katherine Marie Hermsmeier, Chesterfield, which was adopted.

Senator Pearce offered Senate Resolution No. 516, regarding the University of Central Missouri speech and debate program, which was adopted.

Senator Dempsey offered Senate Resolution No. 517, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Robert Weber, St. Peters, which was adopted.

Senator Emery offered Senate Resolution No. 518, regarding the Eightieth Birthday of Jean Louise Hull, Pleasant Hill, which was adopted.

Senator Wasson offered Senate Resolution No. 519, regarding Donna Schudy, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 520, regarding Logan Christopher Kampa, which was adopted.

Senator Kehoe offered Senate Resolution No. 521, regarding the United Way of Central Missouri, which was adopted.

Senator Silvey offered Senate Resolution No. 522, regarding Ben Mays, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Jim Pierce, Kari Maag, Stacey Park and Marcie Bennett, St. Joseph.

Senator Parson introduced to the Senate, Mrs. Meehan, Jane Grindley and thirty fourth and eighth grade students from Pettis County R-12, Sedalia.

Senator Silvey introduced to the Senate, Shawn and Stacy Williamson and their children, Ana and Aftyn, Kansas City; and Ana and Aftyn were made honorary pages.

Senator Rupp introduced to the Senate, Andrew Walli, Wildwood.

Senator McKenna introduced to the Senate, Todd Mahn, De Soto.

Senator Pearce introduced to the Senate, Brad Hogan, Richmond.

Senator Brown introduced to the Senate, the Physician of the Day, Dr. Dan Schmidt, Richland.

Senator Pearce introduced to the Senate, his wife, Teresa, Warrensburg; and Brenda Martien, Jane Webb, Leo Dunham and Anna Campbell, representatives of Missouri Speech and Hearing Association.

Senator Kraus introduced to the Senate, representatives of the Eighth District from Eastern Jackson County; and Taylor and Jordan Abercrombie were made honorary pages.

On behalf of the President, Senator Schmitt introduced to the Senate, former State Senator Delbert Scott and his wife, Donna, Lowry.

Senator Rupp introduced to the Senate, Matt Plank and his daughter, Sophia, Jefferson City; and Sophia was made an honorary page.

Senator Holsman introduced to the Senate, Betty Hathhorn and her children, Ben, Emily, and Henry; and Kyra, Garrett and Kallen Webster, Kansas City.

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

SENATE CALENDAR

THIRTY-SIXTH DAY—THURSDAY, MARCH 14, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 23-Cunningham

SJR 24-Emery

HOUSE BILLS ON SECOND READING

HJR 8-Solon, et al

HJR 16-McCaherty, et al

HJR 4-Neth, et al

HCS for HB 473

HCS for HB 117

HCS for HB 457

HB 409-Love and Remole

HB 64-Burlison, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 29-Brown
(In Fiscal Oversight)

SB 237-Emery

SB 294-Schmitt

SS for SCS for SB 125-Nasheed

SB 137-Sater

SB 216-Silvey and Justus

SS#2 for SCS for SJR 16-Kehoe
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SJR 14-Schaefer, et al, with SCS
2. SB 72-Schaefer
3. SB 65-Dixon, with SCS
4. SB 116-Kraus, with SCS
5. SB 61-Keaveny, with SCA 1
6. SB 35-Wallingford

7. SB 178-Schaaf, with SCS
8. SB 186-Brown, with SCS
9. SB 230-Brown, et al
10. SB 252-Kraus
11. SB 222-Lamping
12. SB 350-Dempsey

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Schaefer)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

SB 48-Lamping
SB 207-Kehoe, et al, with SCS
SB 292-Rupp

CONSENT CALENDAR

Senate Bills

Reported 3/7

SB 224-Curls, et al, with SCS

SB 191-Lamping, with SCS

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