

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—MONDAY, APRIL 8, 2013

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“Make a joyful noise to God, all the earth, sing the glory of his name.” (Psalm 66:1, 2)

Almighty God, we are thankful for the beauty of this day and our safe travel to continue the work You have called each of us to do here. Bless us with Your presence and guide our hearts and minds as we discern the bills that are brought before us. Help us to make wise and purposeful decisions that keep us on the path You have led 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 for Thursday, April 4, 2013 was read and approved.

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	Curles	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator LeVota—1

Vacancies—None

RESOLUTIONS

Senator Brown offered Senate Resolution No. 631, regarding Jim Besancenez, which was adopted.

Senator Brown offered Senate Resolution No. 632, regarding Linda Holland, which was adopted.

Senator Kraus offered Senate Resolution No. 633, regarding Auston Thomas Ruddell, which was adopted.

Senator Kraus offered Senate Resolution No. 634, regarding Zachary Scott Turner, which was adopted.

Senator Kraus offered Senate Resolution No. 635, regarding Aaron Michael Ratigan, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 636, regarding Daniel Patrick Ratigan, Lee's Summit, which was adopted.

Senator Emery offered Senate Resolution No. 637, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Bill Day, Harrisonville, which was adopted.

Senator Kehoe offered Senate Resolution No. 638, regarding Faith Ann Balkenbush, Jefferson City, which was adopted.

Senator Lamping offered Senate Resolution No. 639, regarding Maria Flick, which was adopted.

Senator Schaefer offered Senate Resolution No. 640, regarding Nathan J. Blake, Clark, which was adopted.

Senator Walsh offered Senate Resolution No. 641, regarding James O. Carlson, Saint Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 642, regarding Aaron Banks, which was adopted.

Senator Dempsey offered Senate Resolution No. 643, regarding Bryan Jefferson, St. Charles, which was adopted.

Senator Dempsey offered Senate Resolution No. 644, regarding Bill Willbard, which was adopted.

Senator Dempsey offered Senate Resolution No. 645, regarding Alan and Jeannie Dickherber, which was adopted.

Senator Dempsey offered Senate Resolution No. 646, regarding John Clark, which was adopted.

Senator Dempsey offered Senate Resolution No. 647, regarding Carol Hurst, which was adopted.

Senator Holsman offered Senate Resolution No. 648, regarding Sam Little, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Schaaf moved that **SB 87**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 87**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 87**

An Act to repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

Was taken up.

Senator Schaaf moved that **SCS** for **SB 87** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 87, Page 1, Section 191.918, Line 1, by striking “1.”; and further amend lines 5-16, by striking all of said lines.

Senator Emery moved that the above amendment be adopted.

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

Senator Schaaf moved that **SCS** for **SB 87** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **SB 87** was declared perfected and ordered printed.

Senator Schmitt moved that **SB 159**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

Was taken up.

Senator Schmitt moved that **SCS** for **SB 159** be adopted.

At the request of Senator Schmitt, **SB 159**, with **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Parson, **SB 364** was placed on the Informal Calendar.

Senator Walsh moved that **SB 275** be taken up for perfection, which motion prevailed.

On motion of Senator Walsh, **SB 275** was declared perfected and ordered printed.

Senator Lager moved that **SB 297**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 297**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 297

An Act to repeal sections 393.320, 393.760, 393.1000, and 393.1003, RSMo, and to enact in lieu thereof four new sections relating to ratemaking for water utilities.

Was taken up.

Senator Lager moved that **SCS** for **SB 297** be adopted.

Senator Parson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 297, Page 8, Section 393.1003, Line 33, by inserting after all of said line the following:

“4. Notwithstanding any provision of law to the contrary, no water corporation or sewer

corporation shall impose an ISRS after August 27, 2017, and any ISRS in effect shall also terminate and be of no further effect after such date.”.

Senator Parson moved that the above amendment be adopted.

Senator Rupp assumed the Chair.

Senator Emery offered **SSA 1** for **SA 1**:

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

Amend Senate Committee Substitute for Senate Bill No. 297, Page 8, Section 393.1003, Line 33, by inserting after all of said line the following:

“4. As of August 28, 2019, the provisions of this section shall only apply to a water or sewer corporation in a county with a charter form of government and with more than one million inhabitants.”.

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

Senator Pearce assumed the Chair.

Senator Kraus assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 297, Page 7, Section 393.1003, Lines 9-10, by striking the following: “,on an annualized basis,” and further amend line 10 by inserting after the word “dollars” the following: “,**on an annualized basis,**”; and further amend line 11 by inserting after the word “percent” the following: “**over a three year period**” and further amend line 13 by inserting after the word “percent” the following: “**over a three year period**”.

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

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“249.424. 1. If approved by a majority of the voters voting on the proposal, and upon the adoption of a resolution by a majority of the sewer district’s board of trustees, any sewer district established and organized under this chapter, may levy and impose annually a fee not to exceed fifty dollars per year within its boundaries for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units, except that the fee shall not be imposed on property in the sewer district that is located within any city, town, village, or unincorporated areas of a county that already imposes a fee under section 249.422. Any sewer district that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or fewer condominium units per building and each

condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the sewer district.

2. The question shall be submitted to the registered voters who reside within the boundaries of the sewer district, excluding any voters who live within the boundaries of any city, town, village, or unincorporated areas of a county that already imposes a fee under section 249.422. The question shall be submitted in substantially the following form:

Shall a maximum charge not to exceed fifty dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, any sewer district established and organized under this chapter may, upon the adoption of a resolution by a majority of the sewer district's board of trustees, collect and administer such fee in order to protect the public health, welfare, peace, and safety. The funds collected shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.

4. The collector in any county containing a sewer district that adopts a resolution under this section to collect a fee for the repair of lateral sewer service lines may add such fee to the general tax levy bills of property owners within the boundaries of the sewer district, excluding property located in any city, town, village, or unincorporated areas of the county that already imposes a fee under section 249.422. All revenues received on such combined bill for the purpose of providing for the repair of lateral sewer service lines shall be separated from all other revenues so collected and credited to the special account established by the sewer district under subsection 3 of this section.

5. If a city, town, village, or county, which is within the sewer district and imposed a fee under section 249.422, later rescinds such fee after voters authorized the fee provided under this section, the sewer district may submit the question provided under subsection 2 of this section to the registered voters of such city, town, village, or county that have property within the boundaries of the sewer district. If a majority of votes voting on the proposal approve, the sewer district may levy and impose the fee as provided under this section on property within such city, town, village, or county.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting after all of said line the following:

“67.312. 1. Notwithstanding any law to the contrary, in any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district contracts with a for profit management company focusing on contract management and operations, the water supply district shall not charge or collect from its customers any increase in rates, charges, or fees, including but not limited to water rates, testing fees, inspection fees, administrative fees, service charges, minimum bill charges, flat rate charges, customer charges, billing charges, attendance fees, primacy fees, and user fees without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters. Any actual charges or fees by a state or local governmental entity not associated in any way with the water supply district may be passed on to their customers without a vote.

2. In any county with a charter form of government and with more than three hundred thousand but with fewer than four hundred fifty thousand inhabitants, if any water supply district does not actually process or treat sewage or wastewater but pays another governmental entity for providing such service, the water supply district shall not charge and collect from its customers a premium, fee, tax, assessment, or other charge however denominated more than the rate it actually pays to such other entity without a majority vote of the qualified voters of the water supply district voting thereon on any public election day in August or November. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the question shall not be resubmitted under this section sooner than twelve months from the date of the last submission opposed by voters.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 297, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“249.645. 1. Any public sewer district created under the provisions of sections 249.430 to 249.660 or established pursuant to article VI, section 30(a) of the Missouri Constitution may establish, make and collect charges for sewage services, including tap-on fees. The charges may be set as a flat fee or based upon the amount of water supplied to the premises and shall be in addition to those charges which may be levied and collected for maintenance, repair and administration expenses as provided for in section 249.640. Any private water company, public water supply district, or municipality supplying water to the premises located within a sewer district shall, upon reasonable request, make available to such sewer district its records and books so that such sewer district may obtain therefrom such data as may be necessary to calculate the charges for sewer service. Prior to establishing any such sewer charges, public hearings shall be held thereon

and at least thirty days' notice shall be given thereof.

2. Any charges made under this section shall be due at such time or times as specified by the county commission, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent, they shall be a lien upon the land charged, upon the county commission filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The county commission shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

3. Should a lien be placed upon a customer's property by a public sewer district for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

4. Should the sewer charges remain unpaid for a period in excess of three months, the district, after notice to the customer [by certified mail], shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid."; and

Further amend the title and enacting clause accordingly.

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

Senator Lager moved that **SCS** for **SB 297**, as amended, be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **SB 297**, 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 were referred **SCS** for **SB 87** and **SB 275**, 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.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HJR**s **11** and **7** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was 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 46**, entitled:

An Act to amend chapter 305, RSMo, by adding thereto four new sections relating to aerial surveillance, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

April 3, 2013

The Honorable Tom Dempsey
President Pro Tem
Missouri Senate
State Capitol
Room 326

Please accept my resignation from the Missouri Task Force on Prematurity and Infant Mortality.

Sincerely,
/s/ Will Kraus
Senator Will Kraus
District 8

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

SENATE CALENDAR

FORTY-SIXTH DAY—TUESDAY, APRIL 9, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 152-Solon, et al	HCS for HB 168
HB 581-Roorda, et al	HCS for HBs 446 & 211
HCS for HB 169	HCS for HB 315
HB 316-Phillips, et al	HCS for HB 46

THIRD READING OF SENATE BILLS

SB 112-Rupp and Richard (In Fiscal Oversight)	SB 275-Walsh
SCS for SB 87-Schaaf	

SENATE BILLS FOR PERFECTION

1. SB 357-Romine	6. SB 272-Nieves
2. SB 381-Kraus, with SCS	7. SB 267-Nieves
3. SB 67-Dixon	8. SB 342-Parson, et al
4. SB 99-Keaveny	9. SB 373-Munzlinger, with SCS
5. SB 239-Emery, with SCS	10. SB 57-Romine

- | | |
|---|---|
| 11. SB 303-Wasson | 29. SB 378-Pearce, with SCS |
| 12. SB 304-Wasson | 30. SB 410-Kehoe |
| 13. SB 170-Chappelle-Nadal | 31. SB 133-Keaveny and Holsman, with SCS |
| 14. SB 118-Kraus, with SCS | 32. SB 210-Lamping and Nieves, with SCS |
| 15. SB 251-Kraus and Chappelle-Nadal | 33. SB 455-Nieves, with SCS |
| 16. SB 327-Dixon | 34. SB 167-Sater and Wallingford, with
SCS |
| 17. SB 245-Justus | 35. SB 343-Parson |
| 18. SB 291-Rupp | 36. SB 250-Schaaf, with SCS |
| 19. SB 231-Munzlinger | 37. SB 175-Wallingford |
| 20. SB 226-Schaefer, with SCS | 38. SB 285-Romine |
| 21. SB 282-Wasson | 39. SB 339-Romine |
| 22. SB 366-Lamping, et al | 40. SB 174-Parson, with SCS |
| 23. SB 205-Sater | 41. SB 441-Dempsey |
| 24. SB 256-Silvey, with SCS | 42. SJR 2-Lager |
| 25. SB 432-Cunningham, with SCS | 43. SB 315-Pearce |
| 26. SBs 317 & 319-Romine, with SCS | 44. SB 419-Lager, with SCS |
| 27. SB 401-Rupp | 45. SB 411-Kehoe, with SCS |
| 28. SB 396-Holsman and Chappelle-Nadal,
with SCS | 46. SB 141-Dempsey |

HOUSE BILLS ON THIRD READING

HB 55-Flanigan and Allen, with SCS
(Schaefer)

HCS for HJR 11 & 7 (Parson)
(In Fiscal Oversight)

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 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS
SB 159-Schmitt, et al, with SCS (pending)
SB 207-Kehoe, et al, with SCS
SB 252-Kraus
SB 257-Silvey and Justus
SB 292-Rupp
SB 364-Parson

✓