

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY—WEDNESDAY, APRIL 17, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is it not true that when we have God we have everything?” (St. Peter Julian)

Heavenly Father, we place ourselves and all that we are into Your loving hands. May our minds, our hearts and our wills abide in You and express to one another that which Your Holy Spirit prompts and leads us to do. And may Your right judgments be in all our decisions. 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 KRCG-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 Wasson offered Senate Resolution No. 739, regarding Nixa High School, which was adopted.

Senator Wasson offered Senate Resolution No. 740, regarding Aria Bell, which was adopted.

Senator Wasson offered Senate Resolution No. 741, regarding Beverly Tuter, Springfield, which was adopted.

Senator Curls offered Senate Resolution No. 742, regarding the Fiftieth Wedding Anniversary of Pastor L. Henderson Bell and First Lady Ethel Like-Bell, which was adopted.

Senator Munzlinger offered Senate Resolution No. 743, regarding David W. Hane, Brookfield, which was adopted.

Senator Schmitt offered Senate Resolution No. 744, regarding W.W. Keysor Elementary School, Kirkwood R-VII School District, which was adopted.

CONCURRENT RESOLUTIONS

Senator Pearce moved that **HCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Pearce, **HCR 19** was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	McKenna	Munzlinger	Nasheed	Parson	Pearce
Richard	Romine	Rupp	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Chappelle-Nadal	Holsman	Justus	Keaveny	Sifton—5
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Absent—Senators

Curls	Nieves—2
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Absent with leave—Senators—None

Vacancies—None

Senator Brown moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Brown, **SCR 13** 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	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh
Wasson—33							

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

Senator Sater moved that **HCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Sater, **HCR 5** 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	Parson	Pearce	Richard	Romine	Rupp
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senators—None

Vacancies—None

Senator Schmitt assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 366** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Lamping offered **SS** for **SB 366**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 366

An Act to repeal sections 33.080 and 360.045, RSMo, and to enact in lieu thereof three new sections relating to rebuilding damaged infrastructure, with an existing penalty provision and an emergency clause.

Senator Lamping moved that **SS** for **SB 366** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 366, Pages 1-3, Section 33.080, by striking all of said section from the bill; and

Further amend said bill and page, section 33.295, line 28 by striking the words “any amount”; and

Further amend said bill and section, page 4, lines 1-4 by striking all of said lines and inserting in lieu

thereof the following: **“The state”**; and

Further amend said bill, pages 4-9, section 360.045 by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 366, Page 9, Section 360.045, Line 11, by inserting immediately after all of said line the following:

“Section 1. 1. In addition to all other state sales taxes collected, there shall be imposed and collected an additional one-tenth of a cent sales tax to be collected on all sales on which the sales taxes under chapter 144 are collected. Revenues derived from this additional sales tax amount shall be deposited into the disaster relief fund created in subsection 2 of this section.

2. There is hereby created in the state treasury the “Disaster Relief Fund”, which shall consist of money appropriated or collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for disaster relief in presidentially declared natural disaster areas in this state. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce assumed the Chair.

Senator Rupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 366, Page 9, Section 360.045, Line 11, by inserting immediately after all of said line the following:

“374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director of revenue and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the “Insurance Dedicated Fund”. The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all

fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Lamping, **SB 366**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 745, regarding Alexander J. “A.J.” Stone, which was adopted.

Senator Holsman offered Senate Resolution No. 746, regarding Pamela Pinkerton, which was adopted.

Senator Lamping offered Senate Resolution No. 747, regarding Dagmar Smith, which was adopted.

Senator Lamping offered Senate Resolution No. 748, regarding Ariana Stein, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 366**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

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

Senator Schmitt assumed the Chair.

Senator Chappelle-Nadal offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 366, Page 3, Section 33.295, Lines 16-20, by striking all of said lines and inserting in lieu thereof the following: “**disaster, including, but not limited to, the**”.

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

Senator Dempsey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 366, Page 4, Section 33.295, Line 15, by inserting immediately after all of said line the following:

“67.1020. Nongovernmental agencies congressionally mandated to provide disaster relief services shall be exempt from paying a transient guest tax imposed under this chapter and chapters 66, 92, and 94. No such tax shall be imposed on any person where payment is being made by such an agency.

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public

highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision "motor vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total

cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(19) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations

which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or

unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by

the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or

college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, “neutral site” means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority’s cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) Beginning January 1, 2009, but not after January 1, 2015, materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) Sales made to any person where payment is being made by a nongovernmental agency as part of a disaster relief service.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lamping moved that **SS** for **SB 366**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS** for **SB 366**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 432**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 432

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 432** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 432**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 432

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the preparation of food for a charitable purpose.

Senator Cunningham moved that **SS** for **SCS** for **SB 432** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 2, Section 196.056, Line 3, by inserting after all of said line the following:

“5. This section shall not apply to any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.”

Senator McKenna moved that the above amendment be adopted.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 2, Section 196.050, Line 3, by inserting after all of said line the following:

“5. This section shall not apply to any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any city not within a county, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants.”

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 432, Page 1, Section 196.056, Lines 12-13, by striking the following: “at least seven calendar days”.

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

Senator Cunningham moved that **SS** for **SCS** for **SB 432**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 432**, 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 report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 366**, 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.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SB 366** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Romine moved that **SB 317** and **SB 319**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 317** and **319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 317 and 319

An Act to repeal section 303.024, RSMo, and to enact in lieu thereof four new sections relating to providing and presenting certain insurance documents through electronic means, with penalty provisions.

Was taken up.

Senator Romine moved that **SCS** for **SBs 317** and **319** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 317 and 319, Page 6, Section 379.011, Line 96, by striking the word “from” and inserting in lieu thereof the following: “**between the insurer and**”; and

Further amend said bill, page 7, section 379.012, line 20, by inserting immediately after the word “endorsements” the following: “**for a period of five years**”.

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

Senator LeVota offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 317 and 319, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “relating to the regulation of motor vehicles.”; and

Further amend said bill, page 2, section 301.149, line 22, by inserting immediately after said line the following:

“301.301. [1. Any person replacing a stolen license plate tab issued on or after January 1, 2009, may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report that is corresponding with the stolen license plate tab.

2.] Any person replacing a stolen license plate tab [issued prior to January 1, 2009,] may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen.”; and

Further amend the title and enacting clause accordingly.

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

Senator Romine moved that **SCS** for **SBs 317** and **319**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **SBs 317** and **319**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 749, regarding Professor Gerald L. Early, which was adopted.

COMMUNICATIONS

Senator Brown submitted the following:

April 17, 2013

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Rule 45, I hereby request that SCS for HB 702 be removed from the Consent Calendar.

Sincerely,
/s/ Dan W. Brown
DAN W. BROWN
STATE SENATOR, 16th DISTRICT

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Carol Gregg, Chillicothe.

Senator Richard introduced to the Senate, Kirby Newport, Walter Wickland and students: Holly Powell, Joseph Perdomo, Mackenzie Smart, Clarence Hill, Carhryn Siebert, Mary Riley, Mercedes Murray and Angela Davis, Carthage High School.

Senator Romine introduced to the Senate, Doug Watson, Ste. Genevieve.

Senator Lamping introduced to the Senate, Mindy Rugger, Chip Lanaki and fourth grade students from Drummond Elementary, St. Louis.

Senator Schaaf introduced to the Senate, 2012-2013 Leadership Academy from Breckenridge, Lawson, Maryville, Mid Buchanan, North Daviess, Richmond, Savannah, Southwest Livingston and Winston school districts.

Senator Pearce introduced to the Senate, Licensed Practical Nurses from Lex-La Ray Technical Center, Lexington.

Senator Richard introduced to the Senate, fourth grade students from McKinley Elementary School, Joplin.

Senator Silvey introduced to the Senate, former State Representative Tim Flook, Liberty; and eighth grade students from St. Andrew the Apostle School, Gladstone.

Senator Munzlinger introduced to the Senate, Robert Scanlon, D.O., Margaret Wilson, D.O., Mark Hahn, D.O., Justin Puckett, D.O., Jeff Kerr, Malorie Howe and Dr. James Tucker, representatives of Osteopath Week.

Senator Justus introduced to the Senate, Miss Missouri USA Ellie Holtman and her father, Jack Holtman, Montgomery County.

Senator Sater introduced to the Senate, Harrison Jobes, Springfield; and Harrison was made an honorary page.

Senator Kehoe introduced to the Senate, Ms. Laura Van Dyke and Ms. Dayna Limbach, parents and thirty-five fourth grade students from Eugene Elementary School.

Senator Curls introduced to the Senate, Liz Flook and her daughter, Cassie Flook, Kansas City.

Senator Brown introduced to the Senate, Jenny Pherigo and Licenced Practical Nurses from Rolla Technical Center.

Senator Richard introduced to the Senate, Coach Brian Scott, Mr. Aldrich and Mrs. Thogmartin and FFA students: Nate Van Dorn, Nickolas Manley, Zayne Aldrich, Amanda Gannan and Kaitlyn Sage, Neosho.

Senator Walsh introduced to the Senate, Rose Sigears, Melissa Rechten and thirty-one eighth grade students from St. Rose Philippine Duchesne, Florissant; and Andrew Flynn, Veronica Loomis, Derek Rechten and Kendra Southard were made honorary pages.

Senator Sater introduced to the Senate, students from College of the Ozarks, Point Lookout.

Senator Pearce introduced to the Senate, Superintendent Aerin O'Dell, Orrick School District.

Senator Nieves introduced to the Senate, the Physican of the Day, Dr. Stephen R. Smith, Chesterfield.

On behalf of Senator Pearce, the President introduced to the Senate, his brother, Mark and Eddie Osborne, Lisa Irle, Kayla Mathews, Anne Mallinson and Paula Hertwig Hopkins, representatives of Johnson County Historical Society.

Senator Schmitt introduced to the Senate, representatives of West County Chamber of Commerce, St. Louis.

Senator Kehoe introduced to the Senate, Laura Hardecke, Jefferson City; and Jessica Dudenhoeffer, Freeburg.

Senator Libla introduced to the Senate, Barry Aycock, Parma; Ted Maltbia, New Madrid; and Burley McIntyre, Bell City.

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

SENATE CALENDAR

FIFTY-SECOND DAY—THURSDAY, APRIL 18, 2013

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 787
 HB 533-Riddle, et al
 HCS for HB 345
 HCS for HB 28

HCS for HB 30
 HB 47-Cross
 HCS for HB 137
 HB 217-Cox, et al

HCS for HB 215	HCS for HBs 374 & 434
HB 103-Kelley (127), et al	HCS for HBs 373 & 435
HCS for HB 114	HB 322-Gosen, et al
HCS for HB 621	HCS for HB 722
HCS for HB 505	HB 218-Cox, et al
HB 148-Davis, et al	HCS for HB 197
HCS for HB 257	HB 526-Franklin, et al
HB 326-Fitzwater	HCS for HBs 404 & 614
HCS for HB 418	HCS for HB 343
HCS for HB 850	HCS for HB 194

THIRD READING OF SENATE BILLS

SS for SB 282-Wasson	SB 205-Sater
SCS for SB 226-Schaefer	SS for SB 366-Lamping (In Fiscal Oversight)
SCS for SB 256-Silvey (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

1. SB 401-Rupp	11. SB 175-Wallingford
2. SB 396-Holsman and Chappelle-Nadal, with SCS	12. SB 285-Romine
3. SB 378-Pearce, with SCS	13. SB 339-Romine
4. SB 410-Kehoe	14. SB 174-Parson, with SCS
5. SB 133-Keaveny and Holsman, with SCS	15. SB 441-Dempsey
6. SB 210-Lamping and Nieves, with SCS	16. SJR 2-Lager
7. SB 455-Nieves, with SCS	17. SB 315-Pearce
8. SB 167-Sater and Wallingford, with SCS	18. SB 419-Lager, with SCS
9. SB 343-Parson	19. SB 411-Kehoe, with SCS
10. SB 250-Schaaf, with SCS	20. SB 141-Dempsey
	21. SB 403-Rupp, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

SB 48-Lamping	SB 239-Emery, with SCS & SA 2 (pending)
SB 61-Keaveny, with SCA 1 (pending)	SB 272-Nieves, with SA 2 (pending)
SB 65-Dixon, with SCS	SB 291-Rupp
SB 82-Schaefer, with SCS	SB 292-Rupp
SB 207-Kehoe, et al, with SCS	SB 364-Parson
SB 231-Munzlinger, with SA 1 (pending)	

HOUSE BILLS ON THIRD READING

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

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)	HB 498-Jones (50), et al, with SCS
HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)

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