

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY—MONDAY, APRIL 14, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the hills sing for joy.” (Psalm 98:8)

Lord God, as we drove here today it seems that winter and spring cannot make up their mind whose season it is, but in this holiest week in the Christian calendar and prepare for Passover we sense that new life is about us. So thank You, Lord, for the promise of spring and new life, for the assurance that life moves forward from death to life, from winter to spring from dark to light. Help us share this promise with those about us, those in pain that have trouble with seeing joy about them and those whose lives seem marginized. May the promise be strong in us and provide hope for those who see our witness. 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 10, 2014 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1832, regarding Lukas Erickson, which was adopted.

Senator Dixon offered Senate Resolution No. 1833, regarding Lucinda Poe, which was adopted.

Senator Libla offered Senate Resolution No. 1834, regarding William Alton Bohannon, Morehouse, which was adopted.

Senator Dixon offered Senate Resolution No. 1835, regarding Paige Oxendine, Neosho, which was adopted.

Senator Kraus offered Senate Resolution No. 1836, regarding the 2013-2014 state champion Summit Lakes Middle School archery team, which was adopted.

Senator Emery offered Senate Resolution No. 1837, regarding Braden “Brady” Niswonger, which was adopted.

Senator Schaefer offered Senate Resolution No. 1838, regarding the Class 5 State Champion 2013-2014 Rock Bridge Girls Basketball Team, which was adopted.

Senator Libla offered Senate Resolution No. 1839, regarding Ava Fowler, Advance, which was adopted.

Senator Schaaf offered Senate Resolution No. 1840, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Billy L. Catron, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1841, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Chester Dietderich, St. Joseph, which was adopted.

Senator Kehoe offered Senate Resolution No. 1842, regarding the Ninetieth Birthday of Mary Ann Hoelscher, Wardsville, 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

April 11, 2014

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:

James Buford, Republican, 1 Kingsbury Place, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2018, and until his successor is duly appointed and qualified; vice, Arteveld J. McCoy II, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 11, 2014

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:

Karisha Devlin, Republican, Rural Route 1 Box 103, Edina, Knox County, Missouri 63537, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2015, and until her successor is duly appointed and qualified; vice, Rosanne M. Hays, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 11, 2014

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:

Ronald Norwood, Independent, 311 Magna Carta Drive, Creve Coeur, Saint Louis County, Missouri 63141, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2018, and until his successor is duly appointed and qualified; vice, Wayman F. Smith, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

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 1144**, entitled:

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the prevailing wage on low-income housing.

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 **HB 1918**, entitled:

An Act to repeal section 442.571, RSMo, and to enact in lieu thereof one new section relating to foreign ownership of agricultural land, with an emergency clause.

Emergency clause defeated.

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 **HB 1539**, entitled:

An Act to repeal sections 84.340, 563.031, 571.030, and 571.111, RSMo, and to enact in lieu thereof

six new sections relating to public safety, with existing penalty provisions and an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Dempsey referred **HB 1495**, with **SCS**; **HCS** for **HB 1501**; **HJR 72**; **HCS** for **HJR 47**; **HCS** for **HB 1295**, with **SCS**; and **HB 2029** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

At the request of Senator Sater, **SB 754** was placed on the Informal Calendar.

At the request of Senator Parson, **SB 617**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 755** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 769**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **SB 830** was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 841**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Justus, **SB 919** was placed on the Informal Calendar.

At the request of Senator Justus, **SB 787** and **SB 804**, with **SCS**, were placed on the Informal Calendar.

SB 795 was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 887** was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 538** was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 786** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 638** and **SB 647**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Kraus, **SB 578** was placed on the Informal Calendar.

At the request of Senator Kraus, **SB 655** was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 659**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 717** was placed on the Informal Calendar.

At the request of Senator Chappelle-Nadal, **SB 794** was placed on the Informal Calendar.

At the request of Senator Wasson, **SB 866** was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 824**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **SB 724** was placed on the Informal Calendar.

At the request of Senator Sater, **SB 550**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 819**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 836** and **SB 800**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Parson, **SB 842** was placed on the Informal Calendar.

At the request of Senator Cunningham, **SB 860** was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 891** was placed on the Informal Calendar.

At the request of Senator Schaefer, **SB 762**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 875**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 671** was placed on the Informal Calendar.

At the request of Senator Parson, **SB 634**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Romine, **SB 642**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator LeVota, **SB 848**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sifton, **SB 566** was placed on the Informal Calendar.

SB 922 was placed on the Informal Calendar.

Senator Lager moved that **SB 966** be taken up for perfection, which motion prevailed.

Senator Kehoe assumed the Chair.

Senator Lager offered **SS** for **SB 966**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 966

An Act to repeal sections 105.450, 105.470, 105.477, 105.483, 105.487, and 105.494, RSMo, section 105.473 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, section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, section 105.485 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, section 105.485 as enacted by senate substitute for senate committee substitute for house bill no. 2058, ninety-fourth general assembly, second regular session, section 130.031 as enacted by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.031 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, section 130.041 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 130.041 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof thirteen new sections relating to regulating the ethical behavior of professionals engaged in political activities.

Senator Lager moved that **SS** for **SB 966** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 966, Page 57, Section 130.031, Line 25, by inserting immediately after said line, the following:

“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from any committee, or any person other than the candidate in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor, or attorney general, ten thousand dollars;

(2) To elect an individual to the office of state senator, five thousand dollars;

(3) To elect an individual to the office of state representative, two thousand five hundred dollars.

2. For purposes of this subsection “base year amount” shall be the contribution limits prescribed in this section on January 1, 2015. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010 and rounded to the nearest twenty-five-dollar amount.

3. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

4. Contributions received and expenditures made prior to August 28, 2014, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after August 28, 2014, shall be reported as a separate account from the aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

5. Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143.”; and

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Lager raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who took it under advisement, which placed **SB 966**, with **SS, SA 1** and the point of order (pending) on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

April 14, 2014

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

The following addendum should be made to the appointment of Jennifer L. Schoonover as a member of the Child Abuse and Neglect Review Board, submitted to you on February 19, 2014. Line 3 should be amended to read:

ending April 7, 2017, and until her successor is duly appointed and qualified; vice,

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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 **HCR 29**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 29

Relating to submission of a proposed federal balanced budget amendment to the United States Constitution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, under Article V of the Constitution of the United States:

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress”; and

WHEREAS, the following Amendment to the United States Constitution is proposed:

“Section 1. The annual expenditures of the Congress shall not exceed the annual revenue for any year, save for the use of monetary reserves, except as provided for in Sections 2 and 3.

Section 2. The Congress shall not borrow from any source, including its own funds and trusts, for any expense, except for the extraordinary costs of a declared war or armed conflict, or for a fiscal emergency declared by Congress and signed by the President of the United States.

Section 3. The Congress may issue special bonds for specific capital projects, which shall, in turn, be extinguished within twenty years of issuance. The cumulative total of all bonds issued in this manner shall never exceed twenty percent of the total private sector earned income.

Section 4. This amendment shall take effect beginning the third fiscal year after its ratification.

Section 5. This resolution shall not be construed as an application for a constitutional convention to the United States Constitution pursuant to Article V thereof.”:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-seventh General Assembly,

Second Regular Session, the Senate concurring therein, hereby submit this resolution for a federal balanced budget Amendment to the United States Constitution and, pursuant to Article V of the United States Constitution, respectfully urge the United States Congress to submit the proposed Amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution; and

BE IT RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Romine submitted the following:

Ms. Terry Spieler
201 W. Capitol Ave, Room 325
Jefferson City MO 65101

April 14, 2014

Dear Ms. Spieler:

I respectfully request that HB 1791, a bill authorizing the Governor to convey specified state properties, be removed from the consent calendar under Senate Rule 45. If you have any questions, please call 751-4008 or email me at gary.romine@senate.mo.gov.

Sincerely,

/s/ Gary Romine

Senator Gary Romine

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

SENATE CALENDAR

FIFTY-SECOND DAY—TUESDAY, APRIL 15, 2014

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1372-Cox, et al
HCS for HB 1371
HB 1594-Davis, et al
HCS for HBs 1179 & 1765

HB 1490-Bahr, et al
HB 1144-White, et al
HCS for HB 1918
HB 1539-Kelley (127), et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt (In
Fiscal Oversight)

SS for SB 575-Dixon (In Fiscal
Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|-----------------------------------|
| 1. SB 852-Schmitt, with SCS | 11. SB 888-Parson, with SCS |
| 2. SB 704-Lager, with SCS | 12. SB 964-Lager |
| 3. SB 758-Justus | 13. SB 770-Wallingford, with SCS |
| 4. SB 873-Brown, with SCS | 14. SB 884-Wallingford and Sater |
| 5. SB 844-Dixon | 15. SB 958-Nieves |
| 6. SB 641-Emery | 16. SB 858-Kraus |
| 7. SB 869-Schmitt | 17. SB 669-Schaaf |
| 8. SB 494-Pearce | 18. SB 821-Schaefer |
| 9. SB 912-Wasson and Justus, with SCS | 19. SB 823-Dixon, et al, with SCS |
| 10. SB 896-Wallingford, with SCS | 20. SB 973-Brown |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HB 1495-Torpey and Hicks, with SCS
(Dixon) (In Fiscal Oversight) | 6. HB 1361-Gosen and Wieland (Parson) |
| 2. HCS for HB 1501 (Schmitt) (In Fiscal
Oversight) | 7. HCS for HB 1079 (Parson) |
| 3. HJR 72-Richardson, et al (In Fiscal
Oversight) | 8. HCS for HB 1295, with SCS (Kraus) (In
Fiscal Oversight) |
| 4. HCS for HB 1218 (Wasson) | 9. HB 2029-Cierpiot (Nieves) (In Fiscal
Oversight) |
| 5. HCS for HJR 47 (Kraus) (In Fiscal
Oversight) | 10. HCS for HRB 1298 (Lager) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 490-Lager and Kehoe, with SCS | SB 566-Sifton |
| SB 501-Keaveny | SB 573-Munzlinger, with SCS |
| SB 518-Sater, with SCS, SA 2 & SA 1 to
SA 2 (pending) | SB 578-Kraus |
| SB 519-Sater, with SS & SA 1 (pending) | SB 589-Brown, with SCS, SA 2 & SA 1 to
SA 2 (pending) |
| SB 538-Keaveny and Holsman | SB 599-Kraus, with SCS & SA 2 (pending) |
| SS for SB 543-Munzlinger | SB 617-Parson, with SCS |
| SB 550-Sater, with SCS | SB 634-Parson, with SCS |
| SB 553-Emery, with SCS (pending) | SBs 638 & 647-Romine, with SCS |
| SB 555-Nasheed, with SS & SA 1 (pending) | SB 642-Romine, with SCS |

SB 644-LeVota	SB 824-Dixon, with SCS
SB 655-Kraus	SB 830-Parson
SB 659-Wallingford, with SCS	SBs 836 & 800-Munzlinger, with SCS
SB 663-Munzlinger, with SCS	SB 841-Wasson, with SCS
SB 671-Sater	SB 842-Parson
SB 692-Wasson, with SA 1 (pending)	SB 846-Richard
SB 712-Walsh, with SCS & SS for SCS (pending)	SB 848-LeVota, with SCS
SB 717-Brown	SB 850-Munzlinger and Holsman, with SCS & SS for SCS (pending)
SB 724-Parson	SB 860-Cunningham
SB 739-Romine, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 866-Wasson and Cunningham
SB 754-Sater and Justus	SB 875-Sater, with SCS
SB 755-Wallingford	SB 887-Schaefer
SB 762-Schaefer, with SCS	SB 891-Kehoe
SB 769-Pearce, with SCS	SB 919-Justus
SB 786-Schmitt	SB 966-Lager, with SS, SA 1 & point of order (pending)
SBs 787 & 804-Justus, with SCS	SB 992-Dempsey
SB 790-Dixon, with SA 3 & point of order (pending)	SJR 25-Lager, with SS, SA 2 & SA 1 to SA 2 (pending)
SB 794-Chappelle-Nadal	SJR 26-Lager, with SS & SA 1 (pending)
SB 795-Lager	SJR 34-Emery
SB 814-Brown	SJR 42-Schmitt, with SS (pending)
SB 819-Wallingford, with SCS	

HOUSE BILLS ON THIRD READING

HB 1173-Burlison, et al, with SA 1, SA 1
to SA 1 & point of order (pending) (Brown)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1206-Wilson (Pearce)	HCS for HB 1376 (Keaveny)
HCS for HB 1389 (Pearce)	HCS for HB 1523 (Pearce)
HCS for HB 1426 (Schmitt)	HB 1633-Franklin, et al (Brown)
HCS for HB 1300 (Schaefer)	HB 1602-Engler and Black (Romine)

HB 1651-Fraker (Cunningham)

RESOLUTIONS

To be Referred

HCR 29-Scharnhorst

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