

# Journal of the Senate

SECOND REGULAR SESSION

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**SIXTY-SECOND DAY—MONDAY, MAY 5, 2014**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence, for out of it are the issues of life.” (Proverbs 4:23)

Gracious God, it is a beautiful day that You have given to us to enjoy and have brought us safely here to do our work. Help us to keep our hearts in line with You, so our decisions and convictions are held fast in keeping with Your will for us. At this time of our session our lives; our soul; and our conscience are under fire by those who would have us hesitate in what we know is true and in keeping with Your teachings. So we pray, bless and guide us this week that amid all the pressures to get things done we remain faithful. 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, May 1, 2014 was read and approved.

Senator Richard announced photographers from The New York Times, Missouri Digital News, The Missouri Times and 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	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—31	

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Emery offered Senate Resolution No. 1993, regarding Scott Dobson, Raymore, which was adopted.

Senator Emery offered Senate Resolution No. 1994, regarding Kris Schuler, which was adopted.

Senator Nasheed offered Senate Resolution No. 1995, regarding India Bloom, which was adopted.

Senator Kraus offered Senate Resolution No. 1996, regarding James Devine, Lee's Summit, which was adopted.

Senator Schaefer offered Senate Resolution No. 1997, regarding American Bikers Aimed Towards Education, which was adopted.

Senator Sifton offered Senate Resolution No. 1998, regarding Hayley Bohnert, which was adopted.

Senator Sifton offered Senate Resolution No. 1999, regarding Dylan T. Kriegshauser, which was adopted.

Senator Kraus offered Senate Resolution No. 2000, regarding Kyle Daniel Jegen, Lee's Summit, which was adopted.

Senator Pearce offered Senate Resolution No. 2001, regarding M. Naomi Williamson, which was adopted.

Senator Pearce offered Senate Resolution No. 2002, regarding Kathy Borgman, which was adopted.

Senators Brown and Nieves offered Senate Resolution No. 2003, regarding Christopher Brozyna, Ballwin, which was adopted.

Senator Dempsey offered Senate Resolution No. 2004, regarding Velora Alvis "Val" Cummings, Saint Charles, which was adopted.

Senator Schmitt offered Senate Resolution No. 2005, regarding Edward N. Lisciandra, Valley Park, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1090**, entitled:

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to state employees.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **HCS** for **HB 1090** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed

Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2002**, as amended. Representatives: Stream, Flanigan, Lair, Montecillo and Kirkton.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2003**, as amended. Representatives: Stream, Flanigan, Lair, Montecillo and Kelly (45).

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2004**. Representatives: Stream, Flanigan, Hough, Webber and McManus.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2005**. Representatives: Stream, Flanigan, Burlison, Kelly (45) and McManus.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2006**. Representatives: Stream, Flanigan, Redmon, Schupp and Kirkton.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2007**. Representatives: Stream, Flanigan, Korman, Kelly (45) and McCann Beatty.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2008**, as amended. Representatives: Stream, Flanigan, Haefner, Rizzo and Kelly (45).

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2009**, as amended. Representatives: Stream, Flanigan, Haefner, Rizzo and Kirkton.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2010**. Representatives: Stream, Flanigan, Allen, Kirkton and LaFaver.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 2011**. Representatives: Stream, Flanigan, Allen, Kirkton and LaFaver.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2012**. Representatives: Stream, Flanigan, Parkinson, Kelly (45) and Kirkton.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2013**. Representatives: Stream, Flanigan, Parkinson, Kirkton and Webber.

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 **SCS** for **SB 530**, entitled:

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to termination of parental rights.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House

Amendment No. 2, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 530, Page 5, Section 211.447, Line 151, by deleting the word “**and**” and inserting in lieu thereof the word “**or**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 530, Page 1, Line 7, by deleting the phrase “**the legal limit**”, and inserting in lieu thereof “**.08 blood alcohol content pursuant to testing under section 577.020**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 530, Page 5, Section 211.447, Line 129, by deleting the phrase “**while the child was in utero or**”; and

Further amend said bill, section and page, Line 130, by deleting all of said line and inserting in lieu thereof the following:

“**hours after the child's birth, the child's birth mother tested positive and over the legal limit for alcohol, or tested positive for cocaine,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2021**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds herein designated for the fiscal period beginning July 1, 2014 and ending June 30, 2015.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Pearce assumed the Chair.

**MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

May 1, 2014

TO THE SECRETARY OF THE SENATE  
97<sup>th</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 entitled:

AN ACT

To repeal sections 143.011, 143.021, and 143.151, RSMo, and to enact in lieu thereof four new sections relating to income taxes.

I disapprove of Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496. My reasons for disapproval are as follows:

Much like last year's Senate Substitute for House Bill No. 253 (2013), Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 is an ill-conceived, fiscally irresponsible experiment. This unaffordable, unfair and potentially dangerous legislation will irreparably harm public education and the vital public services upon which Missourians rely, undermine our state's long-term fiscal health, and provide extraordinary benefits to the few with little for the many. For these reasons and to protect the long-term economic prosperity of our state, Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 cannot receive my approval.

**I. Senate Bill 509 Is Unaffordable**

Although the true fiscal impact of Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 could be far greater, even the legislature's estimated \$620 million annual general revenue reduction would dramatically undercut the state's ability to meet its obligations to support K-12 schools, higher education, and vital public services. As I said last year in my veto of Senate Substitute for House Bill No. 253 (2013):

Although Missourians expect to have low and predictable taxes, they also want good jobs, quality schools, and safe and healthy communities, and they are not willing to gamble these priorities on unproven experiments. With our taxes already among the lowest in the nation, the additional reductions called for by [the legislation] would leave a gaping budget hole for decades to come, requiring cuts of such magnitude that meeting even our basic obligations for K-12 education, for our colleges and universities, for public safety and for other vital services would be out of reach.

It is troubling that proponents have portrayed Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 as a way to grow our economy when it would undermine the foundation of our long-term economic growth—public education. The obligation to support public schools has long been part of our shared values as Missourians.<sup>1</sup> Our fiscal discipline and growing economy have put us within striking distance of meeting the legal obligation to fund schools embodied by the school foundation formula. However, by permanently and fundamentally altering the tax code, Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 would reduce the revenue available to meet this legal obligation and leave our schools unable to provide the skilled, educated workforce necessary for the long-term growth of our economy.

**a. Delaying the Tax Cuts Fails to Protect Education and Vital Public Services**

Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 superficially attempts to protect education and vital public services from drastic cuts by delaying the proposed tax cuts until 2017. Although such a delay would clearly shield many of the lawmakers who voted for the bill from ever having to put together a budget based upon it, the delay does nothing but postpone the difficult fiscal choices that will have to be made if this bill becomes law. Moreover, a two-year delay before the tax cuts take effect contradicts the economic argument advanced by proponents that immediate tax relief is needed in order to stimulate economic growth. It is difficult to see how a tax cut of \$32 for the average Missouri family in the year 2022 would provide the immediate economic shot of adrenaline supporters have made this bill out to be. Even if postponing the revenue reductions resulting from the legislation would enable the foundation formula to be fully-funded at least once before revenues begin to erode, a single year of full funding does not meet our legal obligation to schools. This obligation must be sustained year after year to ensure an education system capable of producing the workforce necessary for the jobs of today and the jobs of tomorrow. Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 jeopardizes our ability

<sup>1</sup> Missouri's Territorial Charter of 1812 provided "Knowledge, being necessary to good government and the happiness of mankind, schools and the means of public education shall be encouraged and provided for." *Territorial Laws of Missouri*, vol. I, ch. IV, sec. 14 (page 13) (approved June 4, 1812). Similarly, Missouri's Constitution provides: "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools in this state within ages not excess of twenty-one years as prescribed by law." Mo. Const. Art. IX.

to live up to this obligation, whether the bill's impacts begin tomorrow or a decade from now.

**b. The Revenue Triggers Fail to Protect Education and Vital Public Services**

Some have relied on the so-called revenue “triggers” in the legislation that must occur before tax reductions take effect in order to claim that their vote in favor of this measure is not a vote against public education. However, as I pointed out last year in my veto of Senate Substitute for House Bill No. 253 (2013), such revenue triggers fail to protect against cuts to education and vital public services because they allow for permanent changes in the tax code based on a single year's increase in revenue collections. In addition, the triggers are drafted so as to allow a reduction in taxes even during the depths of an economic recession. For example, if Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 had been in effect at the time, the more than \$150 million revenue collection increase in Fiscal Year 2008 would have triggered a tax rate reduction in 2009, despite the fact that there was a \$553 million reduction in revenue during Fiscal Year 2009 due to the economic recession that had begun in December 2007. Had this bill been in effect, steep cuts to education and vital public services would have been unavoidable, as the tax cuts would have continued reducing revenue regardless of objective economic conditions and the resulting decline in revenue collections.

Moreover, the revenue triggers in the legislation only apply until the tax cuts are fully phased-in. After that time, under the legislature's own estimates, there would be at least \$620 million less in general revenue available each and every year, regardless of whether revenue collections are going up or down. In addition, the legislation's annual cost would continue to grow above the legislature's \$620 million annual estimate because the income bracket adjustments in the bill for increases in the consumer price index would continue indefinitely. *See* Section 143.011.3. This provision alone would result in an additional \$128 million in annual revenue reductions ten years after the legislation is fully phased-in, increasing each year into perpetuity.

**II. Senate Bill 509 Is Unfair**

Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 provides extraordinarily generous benefits to the wealthy while providing little to working Missourians. Much of this inequity is due to the business income exemption, which as in last year's Senate Substitute for House Bill No. 253 (2013), gives disproportionate tax benefits to select business owners without any requirement that they create jobs and no proof that they would.

**a. The Business Income Exemption Is Poor Tax Policy**

Many have recognized that the business income exemption in Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 is poor tax policy.<sup>2</sup> It would provide a strong incentive to game the tax code through creative accounting, even to the point of forming a “business” simply to gain this generous new tax benefit. A special carve-out like this rewards tax avoidance without concomitant economic activity and makes our tax code less efficient without any empirical evidence that it would improve our economy. In addition, creating a new loophole for select businesses violates the well-established principle of sound tax policy to ensure a broad tax base so that the overall tax burden remains low. Like the state's costly and inefficient tax credit programs, this new exemption narrows the tax base, thereby shifting a greater tax burden to the majority of taxpayers unable to utilize such loopholes.

**b. The Business Income Exemption Treats Certain Businesses Better than Others**

The business income exemption also provides preferential treatment for a select group of businesses, while discriminating against many others based solely on the paperwork the business filed to organize. Under this provision, businesses organized as “pass-through entities”—e.g., LLCs, partnerships, s-corps—would see up to a quarter of their taxable income treated as tax free, while other businesses would see no benefit at all. Privileging one form of business organization over another would create a perverse incentive for businesses to restructure for tax avoidance, not economic efficiency, while penalizing businesses that do not lend themselves to the pass-through form. This kind of governmental manipulation through the tax code unduly interferes with the free market by incentivizing economically inefficient behavior. There is no principled economic justification for the tax code to pick winners and losers based solely on elevating the form of a business's organizational structure over its economic substance.

**c. The Business Income Exemption Treats Business Owners Better Than Workers**

The business income exemption would result in a worker paying higher taxes than his or her employer, even if the worker and the employer reported exactly the same taxable income. For example, under this bill an owner of a pass-through business reporting \$40,000 in Missouri adjusted gross income would pay \$704 in income tax, while their employee reporting that same amount would pay \$1,123 in tax—more than 50 percent more in tax than the employer. No legislation that gives two taxpayers with identical incomes—one who happens to own a business and one who happens to work at one—such drastically different tax treatments can be called fair.

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<sup>2</sup> *See, e.g., “Tax Foundation Pans Missouri Income Tax Bills,” available at [http://www.stltoday.com/business/columns/david-nicklaus/tax-foundation-pans-missouri-tax-cut-bills/article\\_cc6b6b3a-7733-512d-9cb4-a9f57307ae82.html](http://www.stltoday.com/business/columns/david-nicklaus/tax-foundation-pans-missouri-tax-cut-bills/article_cc6b6b3a-7733-512d-9cb4-a9f57307ae82.html)*

**d. The Business Income Exemption Is Not Targeted to Help Small Businesses**

While supporters contend that the business income exemption is designed to benefit small businesses, there is no such limitation in the law.<sup>3</sup> Indeed, the benefits of the exemption would go disproportionately to the wealthiest business owners. Less than one percent of all business income tax filers reported taxable income in excess of \$1 million, but they are projected to receive nearly 30 percent of the tax savings from the bill. Such individuals with taxable income in excess of \$1 million are projected to see an average tax cut of \$32,000 annually when the bill is fully phased-in. On the other side of the coin, more than 70 percent of all business income filers reported taxable income of \$50,000 or less, and they would see just 13 percent of the tax savings, with an average annual tax cut of \$135 by 2022.

**e. The Overall Bill Disproportionately Benefits the Wealthy**

Just as the business income exemption disproportionately benefits the wealthy, so does the overall bill. Taxpayers reporting more than \$100,000 in taxable income make up just seven percent of all Missouri tax returns filed. However, this small subset of taxpayers is projected to receive 52 percent of the total tax savings under the bill, with an average annual tax savings of \$1,145. Meanwhile, the 93 percent of Missouri taxpayers with taxable incomes below \$100,000 would see an average annual tax savings of just \$78. Under this bill, the owner of a casino organized as a pass-through entity with \$1 million in covered business income could write off \$250,000 of that income and receive a tax cut worth more than \$18,000. Meanwhile, an average Missouri family making \$44,000 a year would see a tax cut of about \$32 in 2022. Senior citizens on Social Security or receiving a pension would see little benefit from the bill, since Missouri law already exempts such income from tax, but they would feel the negative impacts of cuts to home-delivered meals and transportation to doctor appointments from the resulting revenue reductions.

**III. Senate Bill 509 Creates Dangerous Uncertainty**

The most far-reaching and potentially damaging aspect of Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 is the clear and unambiguous language eliminating the income tax altogether on Missourians with taxable incomes over \$9,000:

The bracket for income subject to the top rate of tax **shall be eliminated** once the top rate of tax has been reduced to five and one-half percent.

Section 143.011.2(4) (emphasis added). This single provision could blow a \$4.8 billion annual hole in the state budget—eliminating 97 percent of all income tax collections, cutting 65 percent of the state’s general revenue budget, and obliterating even basic funding for education and vital public services. Although legislators have portrayed this legislation as being free of the defects, unintentional or otherwise, that plagued last year’s Senate Substitute for House Bill No. 253 (2013), the \$1.2 billion drafting error in last year’s bill that caused the independent credit rating agencies to warn of a downgrade to the state’s spotless AAA credit rating, pales in comparison to the risk to our credit rating created by this year’s defect and its \$4.8 billion annual price tag.

**a. The Language of Senate Bill 509 is Clear and Unambiguous**

Under Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496, Section 143.011 provides the income tax rates applicable to various levels—or brackets—of Missouri taxable income. As under current law, the bracket for income subject to the top rate of tax applies to taxpayers with Missouri taxable incomes of “Over \$9,000.” See Section 143.011. Section 143.011.2(1) of this legislation would reduce this top rate of tax by one-tenth of a percent each year until the top tax rate is reduced to five and one-half percent.

After the top tax rate has been reduced to five and one-half percent, Section 143.011.2(4), added by an amendment on the Senate floor, provides that the “bracket for income subject to the top rate of tax **shall be eliminated** . . .” (emphasis added). This language is clear and unambiguous—once the top rate of tax has been reduced to five and one-half percent, the “bracket for income subject to the top rate of tax”—“Over \$9,000”—would be eliminated. With this former top income bracket eliminated, Section 143.011.1 would have a new top tax bracket—“Over \$8,000 **but not over** \$9,000” (emphasis added). This new top tax bracket has an upper income limit—“but not over \$9,000”—and there is no language in the bill eliminating this upper income limit. With this new top tax bracket capped at \$9,000 in taxable income, Section 143.011.1 would no longer contain an income bracket or corresponding tax rate applicable to taxable incomes over \$9,000, leaving such taxpayers with no tax liability.

Further support for the clear and unambiguous language eliminating income tax on taxpayers with taxable income over \$9,000 is found when Section 143.011.2(4) is read *in pari materia* with the changes to Section 143.021, also added to the bill in the Senate floor amendment:

143.021. Every resident having a taxable income [of less than nine thousand dollars] shall determine his **or her** tax from [a tax table prescribed by the director of revenue and based upon] the rates provided in section 143.011. [The tax table shall be on the basis of one hundred dollar increments of taxable income below nine thousand dollars. The tax provided in the table shall be the amount rounded to the nearest whole dollar by applying the rates in section

<sup>3</sup> The lack of any limitation targeting the exemption to small businesses is in sharp contrast to previous tax relief measures I have signed that were directly targeted to small businesses. See, e.g., Section 143.173, RSMo (providing a tax deduction for small businesses consisting of fifty or fewer employees); Section 147.010, Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 191 (2009) (eliminating the franchise tax for small businesses).

143.011 to the taxable income at the midpoint of each increment, except] There shall be no tax on a taxable income of less than one hundred dollars. Every resident having a taxable income of nine thousand dollars or more shall determine his tax from the rate provided in section 143.011.

Section 143.021 (emphasis added). With the above change to Section 143.021, the General Assembly not once, but *twice* in just over four pages of legislative text, eliminated the reference to an income tax for individuals with taxable income in the top tax bracket. The elimination of all references to a tax on taxpayers with taxable income in the top income bracket in Section 143.021, confirms the clear and unambiguous language of Section 143.011.2(4) eliminating the top income bracket entirely.<sup>4</sup>

**b. Legislative Intent Is Derived From the Words Enacted**

Legislators have speculated in public comments that a court might ignore this clear and unambiguous language to avoid the dramatic consequences to the state's fiscal well-being that would result. However, post-enactment statements of individual legislators after a problem has been identified do not constitute legislative intent. "Legislative intent can only be derived from the words of the statute itself." *State v. Rowe*, 63 S.W.3d 647, 650 (Mo. banc 2002); *see also Spradlin v. City of Fulton*, 982 S.W.2d 255, 261 (Mo. banc 1998) (Price, J.) ("[C]ourts must give effect to the language as written."). Once a law has been enacted, a court must enforce the law by its terms and not by what individual legislators believed they were enacting. *See, e.g., Pipe Fabricators, Inc. v. Director of Revenue*, 654 S.W.2d 74, 76 (Mo. banc 1983) (affidavit of a former state senator as to the intent of use tax provision was inadmissible since court is bound by express written law, and not what may have been intended).

More fundamentally, passing a bill with a problem and then hoping a judge will fix it is an abdication of the legislature's responsibility under our tripartite system of government. Under our Constitution, "[t]he legislative branch is exclusively vested with the power to make laws." Mo. Const. Art. III, Section 1. This means that lawmakers must enact *laws*, not merely *ideas* for a court to one day mold into something workable. The words on the page are what matter, for those are the words that guide the conduct of Missourians. The test is not what individual legislators say they meant—the test is what the words actually *say*. Here, the clear and unambiguous language of Section 143.011.2(4) says to eliminate the top income bracket, the change to Section 143.021 reinforces the clear and unambiguous language of Section 143.011.2(4), and there is nothing in the words enacted to the contrary.<sup>5</sup>

If Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 were to become law, it could be years from now before the court upon which legislators have pinned their hopes determines whether a taxpayer is correct that his or her income tax was eliminated by this bill. Even if, as legislators hope, this hypothetical court finds the language eliminating the income tax to be ambiguous, the court would still be required to construe that ambiguity in favor of the taxpayer and against the taxing authority. *Street v. Director of Revenue*, 361 S.W.3d 355 (Mo. banc 2012) (interpreting an ambiguous tax statute in favor of the taxpayer to invalidate long-standing local taxes on out-of-state motor vehicle purchases). Although by that time most of the legislators who voted for this bill will no longer be in the General Assembly, it will nonetheless be their handiwork that lies in wait to undermine the fiscal foundation of our state. And if this future court, with its thumb on the scale in favor of the taxpayer, does not rule the way that legislators hope, the Hancock Amendment would make the drastic consequences its ruling extremely difficult to undo—asking voters to approve a nearly \$5 billion tax increase. Risking the long term fiscal stability of the state, our perfect AAA credit rating, funding for our education system, and the future of our economy on what a judge might someday do is an unconscionable dereliction of duty, a disservice to the people of Missouri, and one in which I will not be complicit.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute No. 3 for Senate Committee Substitute for Senate Bills Nos. 509 & 496 without my approval.

Sincerely,  
Jeremiah W. (Jay) Nixon  
Governor

<sup>4</sup> The first time during the legislative process that the language in Section 143.011.2(4) eliminating the bracket for income subject to the top rate of tax and the change to Section 143.021 eliminating the reference to incomes of \$9,000 or greater appeared in the bill was in the Senate floor amendment. Had the Senate floor amendment retained the reference in Section 143.021 to taxpayers with taxable incomes greater than \$9,000, as prior versions of the bill had done, the language in Section 143.011.2(4) eliminating the top income bracket might have been ambiguous, since Section 143.021 would have continued to imply that such taxpayers may still be subject to tax.

<sup>5</sup> Proponents of the bill have also parroted the canon of statutory construction whereby a court might ignore the plain language of a statute to avoid an "absurd result." Eliminating 97 percent of income tax collections and 65 percent of the state's general revenue budget would certainly be dramatic and fiscally damaging. However, this result would be consistent with recent proposals advanced in the Missouri General Assembly and by initiative petition aimed at eliminating the income tax, defunding public education, and otherwise "starving" government. Indeed, as proponents of such proposals have pointed out, there are a number of states that have no income tax and instead rely on expanded sales taxes, higher property taxes, severance taxes, or other revenue streams to fund education and necessary public services.

**HOUSE BILLS ON THIRD READING**

**HB 1092**, introduced by Representative Lant, et al, with **SCS**, entitled:

An Act to repeal section 210.145, RSMo, and to enact in lieu thereof one new section relating to child abuse investigations.

Was called from the Informal Calendar and taken up by Senator Dixon.

**SCS** for **HB 1092**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1092**

An Act to repeal sections 210.145, 210.152, 210.183, and 334.950, RSMo, and to enact in lieu thereof four new sections relating to child abuse investigations, with an existing penalty provision.

Was taken up.

Senator Dixon moved that **SCS** for **HB 1092** be adopted.

At the request of Senator Dixon, **HB 1092**, with **SCS** (pending), was placed on the Informal Calendar.

**VETOED BILLS**

Senator Kraus moved that **SS No. 3** for **SCS** for **SBs 509** and **496** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

## YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

## NAYS—Senators

Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton	Walsh—8
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Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

**REFERRALS**

President Pro Tem Dempsey referred **HCS** for **HBs 1861** and **1864**, with **SCS**; **HCS** for **HB 1326**, with **SCS**; **HCS** for **HB 1336**, with **SCS**; **HJR 48**; and **SS** for **SB 538** to the Committee on Governmental Accountability and Fiscal Oversight.

**HOUSE BILLS ON THIRD READING**

Senator Dixon moved that **HB 1092**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 1092** was again taken up.

Senator Brown offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1092, Page 1, In the Title, Line 3, by striking “child abuse investigations” and inserting in lieu thereof the following: “child protection”; and

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

“21.771. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Child Abuse and Neglect” to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member’s term of office as a member of the general assembly or until a successor has been appointed to fill the member’s place. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee’s duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;

(2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

(3) Determine the additional personnel and resources necessary to adequately protect the children of this state and improve their welfare and the welfare of families;

(4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;

(5) Determine from its study and analysis the need for changes in statutory law; [and]

(6) Make any other recommendation to the general assembly necessary to provide adequate protections for the children of our state; **and**

**(7) Make recommendations on how to improve abuse and neglect proceedings including examining the role of the judge, children’s division, the juvenile officer, the guardian ad litem, and the foster parents.**

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee’s organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson

City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on January 15, 2018.

37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child, **or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;**

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child

advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

3. For any information obtained from a state agency or entity under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the state agency or entity providing such information to the office of child advocate. For information obtained directly by the office of child advocate under sections 37.700 to 37.730, the office of child advocate shall be subject to the same disclosure restrictions and confidentiality requirements that apply to the children's division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report."; and

Further amend said bill, page 11, section 210.152, line 109, by inserting immediately after said line the following:

"210.160. 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165 **except proceedings under subsection 6 of section 210.152**, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, or sections 453.005 to 453.170.

**2. The judge, either sua sponte or upon motion of a party, may appoint a guardian ad litem to appear for and represent an abused or neglected child involved in proceedings arising under subsection 6 of section 210.152.**

[2.] **3.** The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

[3.] **4.** The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The

appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] 5. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513.

[5.] 6. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

[6.] 7. Any person appointed to perform guardian ad litem duties shall have completed a training program in permanency planning and shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child. A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require.”; and

Further amend said bill, page 14, section 334.950, line 50, by inserting immediately after said line the following:

“431.056. 1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence, as defined in section 455.200, or a homeless shelter, and receipt of services as a victim of domestic [and] **violence or sexual [violence] abuse**, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

(1) The minor is sixteen or seventeen years of age; and

(2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section 455.200, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and

(4) The minor’s parent or legal guardian has consented to the minor living independent of the parents’ or guardians’ control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent’s or guardian’s control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110 **or committing an act or acts of domestic violence against the minor, as defined in section 455.010.**

**2. A minor who is sixteen years of age or older and who is in the legal custody of the children’s division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the purchase of automobile insurance with the consent of the children’s division or the juvenile court. The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.**

**Section 1. A foster parent shall have standing to participate in all court hearings pertaining to a child in their care.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Dixon moved that **SCS for HB 1092**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS for HB 1092**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	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—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1631**, with **SCS**, entitled:

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to the air conservation commission.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS** for **HCS** for **HB 1631**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1631

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to the air conservation commission.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HB 1631** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1631, Page 1, In the Title, Lines 2-3, by striking “the air conservation commission” and inserting in lieu thereof the following: “energy”; and

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

“393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

- (1) No less than two percent for calendar years 2011 through 2013;
- (2) No less than five percent for calendar years 2014 through 2017;
- (3) No less than ten percent for calendar years 2018 through 2020; and

(4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 of this section. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

3. As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a solar rebate for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June thirtieth operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection 2 of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. **In determining the maximum average retail rate increase, only the costs associated with electric generation, which has been placed into service directly related to the renewable energy standard compliance, shall be counted toward the maximum average retail rate increase.** The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection 2 of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

4. The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

5. In carrying out the provisions of this section, the commission and the department shall include

methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

6. The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.”; 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 in that it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Nieves assumed the Chair.

Senator Lager moved that **SCS** for **HCS** for **HB 1631** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HCS** for **HB 1631** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus	Lager
Lamping	LeVota	Libla	Munzlinger	Nieves	Parson	Pearce	Richard
Romine	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Curls	Holsman	Justus	Keaveny	Nasheed	Sifton	Walsh—7
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Absent—Senator Sater—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Schaefer moved that the Senate conferees on **SS** for **SCS** for **HCS** for **HB 2011** be allowed to exceed the differences in Section 11.440, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HB 1190**, introduced by Representative Kelley (127), et al, with **SCS**, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to emergency utility response permits.

Was called from the Informal Calendar and taken up by Senator Kehoe.

**SCS** for **HB 1190**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1190**

An Act to repeal sections 143.041, 143.071, 143.191, 144.610, 285.230, 285.232, 285.233, 285.234, and 304.180, RSMo, and to enact in lieu thereof thirteen new sections relating to facilitating rapid response to disasters, with an existing penalty provision.

Was taken up.

Senator Kehoe moved that **SCS** for **HB 1190** be adopted.

Senator Kehoe offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 1190, Page 7, Section 190.285, Line 28, by inserting after all of said line the following:

**“190.286. The provisions of sections 190.270 to 190.285 shall not grant exemptions authorized by the facilitating business rapid response to state declared disasters act to any out of state business performing work pursuant to a request for bid or request for proposal by a state agency or political subdivision.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Kehoe moved that **SCS** for **HB 1190**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS** for **HB 1190**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	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—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HCS for HRB 1299, with SCS, entitled:**

An Act to repeal sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.700, 160.545, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.156, 208.157, 208.164, 208.165, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525,

660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, and to enact in lieu thereof three hundred forty new sections for the sole purpose of codifying previous executive branch reorganizations, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Lager.

**SCS** for **HCS** for **HRB 1299**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE REVISION BILL NO. 1299

An Act to repeal sections 3.070, 8.700, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 36.030, 37.005, 37.010, 37.020, 37.110, 43.251, 64.090, 89.020, 135.326, 135.335, 135.339, 143.782, 143.790, 143.1002, 160.545, 160.700, 161.418, 161.424, 167.034, 167.122, 167.123, 169.520, 172.875, 181.110, 186.019, 189.095, 191.737, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.601, 192.935, 193.075, 193.215, 196.1103, 197.312, 197.318, 197.367, 198.018, 198.026, 198.029, 198.077, 198.080, 198.087, 198.090, 198.189, 198.421, 198.428, 198.510, 198.515, 199.025, 205.960, 205.961, 205.962, 205.964, 205.965, 207.010, 207.020, 207.030, 207.070, 207.080, 208.015, 208.030, 208.041, 208.042, 208.047, 208.050, 208.060, 208.070, 208.072, 208.075, 208.080, 208.100, 208.120, 208.125, 208.130, 208.145, 208.150, 208.152, 208.154, 208.157, 208.168, 208.175, 208.176, 208.180, 208.182, 208.190, 208.204, 208.210, 208.217, 208.225, 208.300, 208.325, 208.337, 208.345, 208.400, 208.405, 208.471, 208.477, 208.533, 208.606, 208.609, 208.621, 208.636, 208.780, 209.010, 209.020, 209.030, 209.050, 209.060, 209.070, 209.080, 209.090, 209.100, 209.110, 209.240, 209.251, 210.001, 210.115, 210.165, 210.166, 210.167, 210.192, 210.196, 210.254, 210.481, 210.536, 210.537, 210.543, 210.545, 210.551, 210.560, 210.720, 210.829, 210.830, 210.834, 210.843, 210.846, 210.870, 210.900, 210.950, 211.081, 211.180, 211.183, 211.455, 211.477, 217.575, 226.008, 226.805, 251.100, 251.240, 253.320, 261.010, 285.300, 288.220, 288.270, 301.020, 302.133, 302.134, 302.135, 302.137, 302.171, 302.178, 311.650, 313.210, 320.260, 324.032, 334.125, 338.314, 361.010, 376.819, 452.345, 452.346, 452.347, 452.350, 452.370, 452.416, 453.005, 453.014, 453.015, 453.026, 453.065, 453.070, 453.074, 453.077, 453.102, 453.110, 453.400, 454.400, 454.403, 454.405, 454.408, 454.415, 454.420, 454.425, 454.430, 454.432, 454.433, 454.435, 454.440, 454.445, 454.450, 454.455, 454.460, 454.465, 454.472, 454.478, 454.490, 454.495, 454.496, 454.500, 454.505, 454.513, 454.530, 454.531, 454.565, 454.600, 454.700, 454.853, 454.902, 454.1000, 454.1003, 454.1023, 454.1027, 454.1029, 483.163, 487.080, 487.150, 513.430, 516.350, 577.608, 590.040, 595.030, 595.036, 595.037, 595.060, 610.029, 610.120, 620.010, 620.483, 620.490, 620.556, 620.558, 620.560, 620.562, 620.566, 620.570, 620.572, 620.1100, 620.1580, 630.097, 632.070, 650.005, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.075, 660.130, 660.225, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.523, 660.525, 660.526, 660.600, 660.603, 660.605, 660.608, 660.620, 660.690, and 701.336, RSMo, and to enact in lieu thereof three hundred thirty-seven new sections for the sole purpose of codifying previous executive branch reorganizations, with penalty provisions.

Was taken up.

Senator Lager moved that **SCS** for **HCS** for **HRB 1299** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HCS** for **HRB 1299** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	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—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HB 1791**, introduced by Representative Fitzwater, et al, with **SCS**, entitled:

An Act to authorize the conveyance of certain state properties.

Was called from the Informal Calendar and taken up by Senator Romine.

**SCS** for **HB 1791**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1791

An Act to authorize the governor to convey property owned by the state.

Was taken up.

Senator Romine moved that **SCS** for **HB 1791** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1791, Page 17, Section 18, Line 31, by inserting after all of said line the following:

**“Section 19. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in property located the City of St. Joseph, Buchanan County, Missouri, described as follows:**

**Tract 1**

That part of the northwest quarter of section thirty-four (34), Township fifty-eight (58) north, range thirty-five (35) west, described as follows: Beginning at a point three hundred sixty-six and nine hundredths (366.9) feet north of the center of said Section thirty-four (34), thence north one hundred forty-and seventy-one hundredths (140.71) feet, thence west twenty-six and seventeen hundredths (26.17) feet, thence southeasterly on a curve to the left having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet, one hundred forty-three and forty-four hundredths (143.44) feet to the point of beginning and containing forty-three thousandths (0.043) of an acre.

Also beginning at a point six hundred eighty-five and sixty-one hundredths (685.61) feet north of the center of said Section thirty-four (34), thence north three hundred twenty and twenty-eight hundredths (320.28) feet to present right of way line of State highway Route 4, thence southwesterly along said right of way line one hundred eighty and one hundred sixty-two thousandths (180.162) feet, thence east fifty-seven and fifty-nine hundredths (57.59) feet, thence south fifty-three and eight hundredths (53.08) feet, thence southerly to the left on a curve having a radius of one thousand nine hundred fifty and eight hundredths (1950.08) feet, one hundred nineteen and eight-five hundredths (119.85) feet to a point thirty-nine and twenty-seven hundredths (39.27) west of point of beginning, thence east thirty-nine and twenty-seven hundredths (39.27) feet to point of beginning and containing three hundred twenty-four thousandths (0.324) of an acre.

**Tract 2**

That part of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, more particularly described as

Tract #1, being bounded by a line beginning at a point which is two hundred sixty-two and four tenths (262.4) feet north of the center of said Section thirty-four (34), thence west five (5) feet, thence northwesterly to right on the arc of a curve having a radius of one thousand nine hundred eighty-five and eight hundredths (1985.08) feet and extending a distance of two hundred fifty and thirty-seven hundredths (250.37) feet, thence east thirty and thirty-six hundredths (30.36) feet to the westerly right of way line of existing highway, thence southeasterly to left on the arc of a curve having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet and extending a distance of one hundred forty-three and forty-four hundredths (143.44) feet, thence south one hundred three and sixty-nine hundredths (103.69) feet to said point of beginning.

Tract #1A, being bounded by a line beginning at a point which is five hundred six and eight tenths (506.8) feet north and one hundred sixty-five and fifty-four hundredths (165.54) feet west of the center of said Section thirty-four (34), thence west one hundred thirty-one and nine hundredths (131.09) feet to the easterly right of way line of City Route U.S. 71, thence southwesterly along said right of way line two hundred seventy-

nine and seventy-eight hundredths (279.78) feet to grantor's south property line, thence east forty-five and sixty-three hundredths (45.63) feet, thence northeasterly to right on the arc of a curve having a radius of nine hundred and thirty-seven hundredths (900.37) feet and extending a distance of three hundred thirty-one and eighty-two hundredths (331.82) feet to said point of beginning.

Said Tracts #1 and 1A are for right of way for State Highway Route U.S. 71 and contain fifty-six hundredths (0.56) of an acre.

**Tract 3**

That part of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, described as follows:

Beginning at a point five hundred six and eight tenths (506.8) feet north of the center of said Section thirty-four (34), thence north sixty-nine and seven tenths (69.7) feet, thence west thirty-five and twenty-two hundredths (35.22) feet, thence southeasterly on a curve to the left having a radius of one thousand nine hundred fifty-five and eight hundredths (1955.08) feet, seventy and thirty-nine hundredths (70.39) feet to a point twenty-six and seventeen hundredths (26.17) feet west of the point of beginning, thence east twenty-six and seventeen hundredths (26.17) feet to point of beginning and containing forty-nine thousandths (0.049) of an acre.

Said tract of land being for right of way for said Highway.

**Tract 4**

Beginning at a point five hundred seventy-six and five tenths (576.5) feet north of the southeast corner of the northwest quarter of Section thirty-four (34), Township fifty-eight (58) north, Range thirty-five (35) west, thence west two hundred ninety-two and sixty-nine hundredths (292.69) feet to the centerline of U.S. Highway No. 71, thence southwesterly seventy-nine and eighty-five hundredths (79.85) feet along the centerline of said highway, thence east three hundred thirty-two and forty-one hundredths (332.41) feet to the east line of said northwest quarter section, thence north sixty-nine and seven tenths (69.7) feet to the point of beginning.

Said tract is for right of way for State Highway Route U.S. 71 and contains thirty-nine hundredths (0.39) of an acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, the time, place, and terms of the conveyance.

3. The attorney general shall approve as to form the instrument of conveyance.”

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

Senator Dixon offered SA 2:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1791, Page 17, Section 18, Line 31, by inserting after all of said line the following:

“Section B. Because of the need to expedite the conveyance of land in Greene County, the enactment of section 18 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 18 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title accordingly.

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

Senator Romine moved that **SCS** for **HB 1791**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HB 1791**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Kraus—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators—None

Absent—Senators

Kraus                Schmitt—2

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1779**, with **SCS**, entitled:

An Act to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to advanced practice registered nurses.

Was called from the Informal Calendar and taken up by Senator Schaaf.

**SCS** for **HCS** for **HB 1779**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1779

An Act to repeal section 630.175, RSMo, and to enact in lieu thereof one new section relating to mental health facility safety provisions.

Was taken up.

Senator Schaaf moved that **SCS** for **HCS** for **HB 1779** be adopted, which motion prevailed.

On motion of Senator Schaaf, **SCS** for **HCS** for **HB 1779** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Schaaf, title to the bill was agreed to.

Senator Schaaf moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1300**, entitled:

An Act to repeal section 321.200, RSMo, and to enact in lieu thereof one new section relating to fire

protection district board meetings.

Was called from the Informal Calendar and taken up by Senator Schaefer.

On motion of Senator Schaefer, **HCS** for **HB 1300** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Parson—1

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**HB 1206**, introduced by Representative Wilson, entitled:

An Act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by the governing bodies of certain public institutions of higher education, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Pearce.

On motion of Senator Pearce, **HB 1206** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	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—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	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—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—2

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Dixon moved that **HB 1495**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Dixon, **SS** for **SCS** for **HB 1495** was withdrawn.

Senator Dixon offered **SS No. 2** for **SCS** for **HB 1495**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1495

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to early stage business development corporations.

Senator Dixon moved that **SS No. 2** for **SCS** for **HB 1495** be adopted.

At the request of Senator Dixon, **HB 1495**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

**HOUSE BILLS ON SECOND READING**

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

**HB 1792**—Rules, Joint Rules, Resolutions and Ethics.

**HCS** for **HB 2020**—Appropriations.

**HB 1157**—Education.

**HB 2163**—Transportation and Infrastructure.

**HCS** for **HB 2141**—Transportation and Infrastructure.

### 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 **SS** for **SCS** for **SB 706**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 892**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 639**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 796**.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 796, Page 1, In the Title, Line 3, by inserting immediately after the word “provision” the phrase “, with an emergency clause”; and

Further amend said bill and said page, Section 451.040, Line 11, by inserting immediately after the word “**incarceration**” the following:

“**or because the applicant has been called or ordered to active military duty out of the state or country**”; and

Further amend said page and said section, Line 14, by inserting immediately after the word “**incarcerated**” the words “**or military**”; and

Further amend said section, Page 2, Line 19, by inserting immediately after the word “**incarcerated**” the words “**or military**”; and

Further amend said page and said section, Line 20, by inserting immediately after the word “**incarcerated**” the words “**or military**”; and

Further amend said page and said section, Line 22, by inserting immediately after the word “**incarcerated**” the words “**or military**”; and

Further amend said page and said section, Line 24, by inserting immediately after the word

**“incarcerated”** the words **“or military”**; and

Further amend said page and said section, Lines 24-30, by deleting all of said lines and inserting in lieu thereof the following:

**“(e) An attestation signed by the incarcerated or military applicant stating in substantial part that the applicant is unable to appear in the presence of the recording of deeds as a result of the applicant’s incarceration or because the applicant has been called or ordered to active military duty out of the state or country, which will be verified by the professional or official who directs the operation of the jail or prison or the military applicant’s military officer, or such professional’s or official’s designee, and acknowledged by a notary public commissioned by the state of Missouri at the time of verification. However, in the case of an applicant who is called or order to active military duty outside Missouri, acknowledge may be obtained by a notary public who is duly commissioned by a state other than Missouri or by notarial services of a military officer in accordance with the Uniform Code of Military Justice at the time of verification;”**; and

Further amend said page and said section, Line 32, by inserting immediately after the word **“incarcerated”** the words **“or military”**; and

Further amend said page and said section, Line 33, by deleting the phrase **“and proof thereof”**; and

Further amend said page and said section, Line 37, by inserting immediately after the word **“incarcerated”** the words **“or military”**; and

Further amend said page and said section, Line 37, by inserting immediately at the end of said line the following:

**“However, in such case the incarcerated applicant does not have such an identification because the jail or prison to which he or she is confined does not issue an identification with a photo his or her notarized application shall satisfy this requirement.”**; and

Further amend said bill and said section, Page 3, Line 54, by inserting immediately after said line the following:

**“Section B. Because immediate action is necessary to protect and uphold the sanctity of marriage, the enactment of section 451.040 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 451.040 is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 451.040 shall be in full force and effect upon its passage and approval.”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 859**, entitled:

An Act to repeal sections 340.381 and 340.396, RSMo, and to enact in lieu thereof six new sections relating to agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 719**.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 719, Page 3, Section 105.454, Line 59, by deleting the word “**thereof**”; and

Further amending said bill, page, and section, Line 62, by deleting the word “**dependant**” and inserting in lieu thereof the following:

“**dependent**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 719, Page 3, Section 171.181, Line 14, by inserting after all of said line the following:

“177.011. 1. The title of all schoolhouse sites and other school property is vested in the district in which the property is located, or if the directors of both school districts involved agree, a school district may own property outside of the boundaries of the district and operate upon such property for school purposes; provided that, such property may only be used for school purposes for students residing in the school district owning such property or students who are enrolled in such school district as part of a court-ordered desegregation plan. All property leased or rented for school purposes shall be wholly under the control of the school board during such time. **With the exception of lease agreements entered into under the provisions of section 177.088**, no board shall lease or rent any building for school purposes while the district schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until another site and house are provided for the school district.

2. Notwithstanding the provisions of section 178.770, the provisions of this section shall not apply to community college districts. Nothing in this subsection shall be construed to impair the duty and authority of the coordinating board for higher education to approve academic programs under section 173.005.

177.088. 1. As used in this section, the following terms shall mean:

(1) “Board”, the board of education, board of trustees, board of regents, or board of governors of an educational institution;

(2) “Educational institution”, any school district, including all community college districts, and any state college or university organized under chapter 174.

2. The board of any educational institution may enter into agreements as authorized in this section [with a not-for-profit corporation formed under the general not-for-profit corporation law of Missouri, chapter 355,] in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.

3. The board may on such terms as it shall approve:

(1) Lease [from the corporation] sites, buildings, facilities, furnishings and equipment [which the corporation has] acquired or constructed; or

(2) Notwithstanding the provisions of this chapter or any other provision of law to the contrary, sell or lease at fair market value, which may be determined by appraisal, [to the corporation] any existing sites [owned by the educational institution], together with any existing buildings and facilities thereon, in order [for the corporation] to acquire, construct, improve, extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and [then] lease back or purchase such sites, buildings and facilities [from the corporation]; provided that upon selling or leasing the sites, buildings or facilities, [the corporation agrees to enter into a lease for] **any lease back to the educational institution is not more than one year [but] in length, and** with not more than twenty-five successive options by the educational institution to renew the lease under the same conditions; and provided further that [the corporation agrees] **there is an agreement** to convey or sell the sites, buildings or facilities, including any improvements, extensions, renovations, furnishings or equipment, back to the educational institution with clear title at the end of the period of successive one-year options or at any time bonds, notes or other obligations issued [by the corporation] to pay for the improvements, extensions, renovations, furnishings or equipment have been paid and discharged.

4. Any consideration, promissory note or deed of trust which an educational institution receives for selling or leasing property [to a not-for-profit corporation] pursuant to this section shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall be commingled with any other funds of the educational institutions. At such time as the title or deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated under this section is conveyed to the educational institution, the consideration shall be returned [to the corporation].

5. The board may make rental payments [to the corporation] under such leases out of its general funds or out of any other available funds, provided that in no event shall the educational institution become indebted in an amount exceeding in any year the income and revenue of the educational institution for such year plus any unencumbered balances from previous years.

6. Any bonds, notes and other obligations issued [by a corporation] to pay for the acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites, buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental thereof to the educational institution. Such bonds, notes and other obligations issued [by a corporation] shall not be a debt of the educational institution and the educational institution shall not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out of any funds or properties other than those acquired for the purposes of this section, and such bonds, notes and obligations shall not constitute an indebtedness of the educational institution within the meaning of any constitutional or statutory debt limitation or restriction.

7. The interest on such bonds, notes and other obligations [of the corporation] and the income therefrom shall be exempt from taxation by the state and its political subdivisions, except for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned [by a corporation] in connection with any project pursuant to this section shall be exempt from taxation.

8. The board may make all other contracts or agreements [with the corporation] necessary or convenient in connection with any project pursuant to this section. [The corporation shall comply with sections 290.210 to 290.340.]

9. Notice that the board is considering a project pursuant to this section shall be given by publication in a newspaper published within the county in which all or a part of the educational institution is located which has general circulation within the area of the educational institution, once a week for two consecutive weeks, the last publication to be at least seven days prior to the date of the meeting of the board at which such project will be considered and acted upon.

10. [Provisions of other law to the contrary notwithstanding, the board may refinance any lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of section 165.011 for the purpose of payment on any lease with the corporation under this section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or constructed, but such refinance shall not extend the date of maturity of any obligation, and the refinancing obligation shall not exceed the amount necessary to pay or provide for the payment of the principal of the outstanding obligations to be refinanced, together with the interest accrued thereon to the date of maturity or redemption of such obligations and any premium which may be due under the terms of such obligations and any amounts necessary for the payments of costs and expenses related to issuing such refunding obligations and to fund a capital projects reserve fund for the obligations.

11.] Provisions of other law to the contrary notwithstanding, payments made from any source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the transfer of the title of real property to the school district, other than those payments made from the capital projects fund, shall be deducted as an adjustment to the funds payable to the district pursuant to section 163.031 beginning in the year following the transfer of title to the district, as determined by the department of elementary and secondary education. No district with modular buildings leased in fiscal year 2004, with the lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any adjustment to the funds payable to the district under section 163.031 as a result of the transfer of title.

[12.] **11.** Notwithstanding provisions of this section to the contrary, the board of education of any school district may enter into agreements with the county in which the school district is located, or with a city, town, or village wholly or partially located within the boundaries of the school district, in order to provide for the acquisition, construction, improvement, extension, repair, remodeling, renovation, and financing of sites, buildings, facilities, furnishings, and equipment for the use of the school district for educational purposes. Such an agreement may provide for the present or future acquisition of an ownership interest in such facilities by the school district, by lease, lease-purchase agreement, option to purchase agreement, or similar provisions, and may provide for a joint venture between the school district and other entity or entities that are parties to such an agreement providing for the sharing of the costs of acquisition, construction, repair, maintenance, and operation of such facilities. The school district may wholly own such facilities, or may acquire a partial ownership interest along with the county, city, town, or village with which the agreement was executed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

**RESOLUTIONS**

Senator Schaaf offered Senate Resolution No. 2006, regarding Patricia JoAnne Jones, Saint Joseph, which was adopted.

Senator Lager offered Senate Resolution No. 2007, regarding the Missouri Association of Social Work Boards, which was adopted.

Senator Schaaf offered Senate Resolution No. 2008, regarding Mariah Mathews, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Justus introduced to the Senate, her sister and brother-in-law, Jaime and Mark Scribner and their children, Andy, Sophie, Samuel and Toby, Tonganoxie, Kansas; and Andy and Sophie were made honorary pages.

Senator Schaefer introduced to the Senate, Cory McMahon, and his father Brian, Columbia.

Senator Cunningham introduced to the Senate, Wayne Scharnhorst, West Plains.

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

SENATE CALENDAR

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SIXTY-THIRD DAY—TUESDAY, MAY 6, 2014

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2021

THIRD READING OF SENATE BILLS

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

SS for SB 538-Keaveny (In Fiscal  
Oversight)

SS for SCS for SB 850-Munzlinger (In  
Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 858-Kraus

2. SB 669-Schaaf

- |                                  |                            |
|----------------------------------|----------------------------|
| 3. SB 821-Schaefer               | 8. SB 865-Nieves           |
| 4. SB 823-Dixon, et al, with SCS | 9. SB 619-Nieves, with SCS |
| 5. SB 973-Brown                  | 10. SB 531-Nasheed         |
| 6. SB 815-Pearce, with SCS       | 11. SB 820-Schaefer        |
| 7. SBs 798 & 514-Emery, with SCS |                            |

### HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HB 1073-Dugger, et al (Kraus) (In Fiscal Oversight)                  | 10. HB 1372-Cox, et al (Kraus)                               |
| 2. HCS for HB 1412 (Parson)   | 11. HB 1388-Cornejo, et al, with SCS (Schaefer)              |
| 3. HCS for HBs 1861 & 1864, with SCS (Munzlinger) (In Fiscal Oversight) | 12. HCS for HB 1336, with SCS (Wasson) (In Fiscal Oversight) |
| 4. HCS for HB 1303 (Silvey)   | 13. HJR 48-Solon, et al (Wallingford) (In Fiscal Oversight)  |
| 5. HB 1504-Zerr, with SCS (Dempsey)                                     | 14. HCS for HB 1685 (Schaaf)                                 |
| 6. HB 2028-Peters, et al (Schmitt)                                      | 15. HCS for HB 1999 (Cunningham)                             |
| 7. HCS for HB 1326, with SCS (In Fiscal Oversight)                      | 16. HB 1866-Schatz, et al, with SCS (Kehoe)                  |
| 8. HB 1136-Dugger, et al, with SCS (Kraus)                              | 17. HCS for HB 1882 (Keaveny)                                |
| 9. HB 1411-Cross, et al, with SCS (Sifton)                              | 18. HCS for HB 1044, with SCS (Lamping)                      |
|   | 19. HCS for HB 1156  |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 490-Lager and Kehoe, with SCS                      | SB 578-Kraus  |
| SB 494-Pearce, with SS (pending)                      | SB 589-Brown, with SCS, SA 2 & SA 1 to SA 2 (pending) |
| SB 501-Keaveny  | SB 617-Parson, with SCS, SS for SCS & SA 1 (pending)  |
| SB 518-Sater, with SCS, SA 2 & SA 1 to SA 2 (pending) | SB 634-Parson, with SCS                               |
| SB 519-Sater, with SS & SA 1 (pending)                | SB 641-Emery  |
| SS for SB 543-Munzlinger                              | SB 644-LeVota   |
| SB 550-Sater, with SCS                                | SB 659-Wallingford, with SCS                          |
| SB 553-Emery, with SCS, SS for SCS & SA 1 (pending)   | SB 663-Munzlinger, with SCS                           |
| SB 555-Nasheed, with SS & SA 1 (pending)              | SB 671-Sater  |
| SB 566-Sifton   | SB 712-Walsh, with SCS & SS for SCS (pending)         |
| SB 573-Munzlinger, with SCS                           |   |

SB 724-Parson	SB 848-LeVota, with SCS
SB 739-Romine, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 875-Sater, with SCS
SB 755-Wallingford	SB 887-Schaefer
SB 762-Schaefer, with SCS	SB 888-Parson, with SCS
SB 769-Pearce, with SCS	SB 912-Wasson and Justus, with SCS (pending)
SB 770-Wallingford, with SCS	SB 919-Justus
SBs 787 & 804-Justus, with SCS	SB 966-Lager
SB 790-Dixon	SJR 25-Lager, with SS, SA 2 & SA 1 to SA 2 (pending)
SB 814-Brown	SJR 26-Lager, with SS & SA 1 (pending)
SB 819-Wallingford, with SCS	SJR 34-Emery
SB 830-Parson	SJR 42-Schmitt, with SS (pending)
SBs 836 & 800-Munzlinger, with SCS	
SB 846-Richard	

#### HOUSE BILLS ON THIRD READING

HB 1126-Dugger and Entlicher, with SCS & SA 6 (pending) (Kraus)	HB 1455-Hoskins and Fraker (Kraus)
HB 1173-Burlison, et al, with SA 1 & SA 1 to SA 1 (pending) (Brown)	HB 1495-Torpey and Hicks, with SCS & SS#2 for SCS (pending) (Dixon)
HB 1184-Grisamore (Justus)	HCS for HB 1501, with SS (pending) (Schmitt)
HCS for HB 1189, with SCA 1 (Kehoe)	HB 1506-Franklin, et al (Brown)
HCS for HB 1217, with SCS (Cunningham)	HCS for HB 1514, with SCS (Parson)
HB 1270-Lant, et al, with SCS (Cunningham)	HCS for HB 1557 (Munzlinger)
HCS for HB 1295, with SCS (Kraus)	HB 1617-Rehder, et al, with SCS (Brown)
HCS for HB 1296, with SCS (Kraus)	HB 1651-Fraker (Cunningham)
HCS for HBs 1307 & 1313, with SCS (Sater)	HCS for HB 1729, as amended (Parson) (In Fiscal Oversight)
HB 1359-Flanigan (Kehoe)	HCS for HBs 1735 & 1618, with SCS (Kraus)
HCS for HB 1389 (Pearce)	HCS for HJR 47 (Kraus)
HB 1390-Thomson, et al, with SCS (Pearce)	HJR 72-Richardson, et al (Silvey)
HB 1430-Jones (110), et al (Schaaf)	

#### CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1510 (Brown)

## SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 526-Cunningham, with HA 1, HA 2,  
 HA 3, as amended, HA 4, as  
 amended, HA 5 & HA 6  
 SCS for SB 530-Libla, with HCS, as amended

SB 719-Kehoe, with HA 1 & HA 2  
 SB 796-Parson, with HA 1  
 SB 859-Brown, with HCS

BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES

## In Conference

HB 1361-Gosen and Wieland, with SS, as  
 amended (Parson)  
 HCS for HB 2002, with SCS, as amended  
 (Schaefer)  
 HCS for HB 2003, with SCS, as amended  
 (Schaefer)  
 HCS for HB 2004, with SCS (Schaefer)  
 HCS for HB 2005, with SCS (Schaefer)  
 HCS for HB 2006, with SCS (Schaefer)  
 HCS for HB 2007, with SCS (Schaefer)

HCS for HB 2008, with SCS, as amended  
 (Schaefer)  
 HCS for HB 2009, with SCS, as amended  
 (Schaefer)  
 HCS for HB 2010, with SCS (Schaefer)  
 HCS for HB 2011, with SS for SCS  
 (Schaefer)  
 HCS for HB 2012, with SCS (Schaefer)  
 HCS for HB 2013, with SCS (Schaefer)

## Requests to Recede or Grant Conference

SCS for SBs 493, 485, 495, 516, 534,  
 545, 595, 616 & 624-Pearce, with  
 HCS, as amended (Senate requests  
 House recede or grant conference)  
 SCS for SB 612-Schaaf, with HA 1, HA 2,  
 HA 3, HA 4 & HA 5 (Senate requests  
 House recede or grant conference)

SCS for SB 672-Parson, with HCS, as  
 amended (Senate requests House  
 recede or grant conference)  
 SCS for SB 716-Brown, with HCS, as  
 amended (Senate requests House  
 recede or grant conference)

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