

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 26, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“On the day I called, you answered me, you increased my strength of soul.” (Psalm 138:3)

Like the psalmist we call upon You, O Lord, for strength to deal with the demands that are on us this week, to persist when it is easy to procrastinate, and to push forward in new relationships when it is easier to be alone. So answer our petitions and help us to see ourselves and others as valued in Your eyes so we may be better able to walk with them the path that You require, O Lord. 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, January 22, 2015 was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 135, regarding Shatto Milk Company, Osborn, which was adopted.

Senator Hegeman offered Senate Resolution No. 136, regarding Maycie Mayfield, Trenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 137, regarding Maddie Enright, Princeton, which was adopted.

Senator Hegeman offered Senate Resolution No. 138, regarding Elizabeth Miller, Princeton, which was adopted.

Senator Hegeman offered Senate Resolution No. 139, regarding Joshua Schoonover, Princeton, which was adopted.

Senator Sifton offered Senate Resolution No. 140, regarding J W Fuller Construction, LLC, Brentwood, which was adopted.

Senator Sifton offered Senate Resolution No. 141, regarding David Joseph Mueller, Saint Louis, which was adopted.

Senator Wallingford offered Senate Resolution No. 142, regarding Major Custom Cable, Incorporated, Jackson, which was adopted.

Senator Kehoe offered Senate Resolution No. 143, regarding STI Technology Solutions, Inc., Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 144, regarding Barb Crowder, Eldon, which was adopted.

Senator Kehoe offered Senate Resolution No. 145, regarding Randy E. Manville, Flower Mount, Texas, which was adopted.

Senator Onder offered Senate Resolution No. 146, regarding Drake Arthur Kamp, Augusta, which was adopted.

Senator Emery offered Senate Resolution No. 147, regarding Downtown Peculiar Arts and Culture District, which was adopted.

Senator Sater offered Senate Resolution No. 148, regarding Dona Lewis, Hurley, which was adopted.

Senator Sater offered Senate Resolution No. 149, regarding Henry Grider, Aurora, which was adopted.

Senator Wallingford offered Senate Resolution No. 150, regarding Annie Laurie's Antiques, LLC, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 151, regarding Paula Myers, which was adopted.

Senator Wallingford offered Senate Resolution No. 152, regarding Jay B. Knudtson, Cape Girardeau, which was adopted.

Senator Schaefer offered Senate Resolution No. 153, regarding Logan Matthew Rodgers, Columbia,

which was adopted.

Senator Schaefer offered Senate Resolution No. 154, regarding Logan Ryan Garton, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 155, regarding Andrew Thomas Cunningham, Columbia, which was adopted.

Senator Schaefer offered Senate Resolution No. 156, regarding Weaver Manufacturing, Incorporated, Columbia, which was adopted.

Senator Schmitt offered Senate Resolution No. 157, regarding Mercury Communications, Incorporated, Fenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 158, regarding Ellen O'Brien, which was adopted.

Senator Schmitt offered Senate Resolution No. 159, regarding James Gura, which was adopted.

Senator Schmitt offered Senate Resolution No. 160, regarding Joseph T. Walsh, which was adopted.

Senator Schmitt offered Senate Resolution No. 161, regarding Scott Mosby, which was adopted.

Senator Sater offered Senate Resolution No. 162, regarding Branson Travel Office, which was adopted.

Senator Sater offered Senate Resolution No. 163, regarding the Ninety-second Birthday of Hazel Murray, Crane, which was adopted.

Senator Sater offered Senate Resolution No. 164, regarding the Ninety-fifth Birthday of Georgia Washam, Miller, which was adopted.

Senator Sater offered Senate Resolution No. 165, regarding the Clifford Thornton Family, which was adopted.

Senator Sifton offered Senate Resolution No. 166, regarding Douglas "Doug" Kullman, St. Louis, which was adopted.

Senator Kraus offered Senate Resolution No. 167, regarding Dylan Ray Gunderson, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 168, regarding John Ryan Cross, Oak Grove, which was adopted.

Senator Dixon offered Senate Resolution No. 169, regarding Amanda Morrison, Springfield, which was adopted.

Senator Brown offered Senate Resolution No. 170, regarding Albion Seth "Al" Hayman, Salem, which was adopted.

Senator Hegeman offered Senate Resolution No. 171, regarding the One Hundredth Birthday of Ruth Allen, Burlington Junction, which was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 172

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-eighth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 3, 2015, for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 172** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 172** was adopted.

Senator Holsman offered Senate Resolution No. 173, regarding Paul Mesner, Kansas City, which was adopted.

Senator LeVota offered Senate Resolution No. 174, regarding Shirley Baker, which was adopted.

Senator LeVota offered Senate Resolution No. 175, regarding Katharine Moseley, Independence, which was adopted.

CONCURRENT RESOLUTIONS

Senator Schmitt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Whereas, a college education provides students with a significant advantage in achieving the American dream; and

Whereas, individuals with higher levels of education regularly benefit from lower unemployment, better jobs, increased chances for career advancement, and higher earning potential; and

Whereas, college graduates age 25 and over earn nearly twice as much as workers who stopped with a high school diploma; and

Whereas, the median earnings gap of graduates of a four-year college versus high school graduates has been increasing since the 1970's and continues to increase; and

Whereas, the pathway to a better life goes directly through college, but only if college is affordable for the student and the family; and

Whereas, the cost of a college education has increased twelve-fold over the last thirty years; and

Whereas, in 2012 63% of students graduating from a four-year institution in Missouri had student loan debt; and

Whereas, the average student loan debt for students graduating from a four-year institution in Missouri in 2012 was over \$24,000; and

Whereas, nearly 99,000 Missourians are currently making student loan payments; and

Whereas, 12.6% of students default on their student loan payments; and

Whereas, individuals who are not making student loan payments will be more active participants in a free-market economy; and

Whereas, 529 plans are a powerful investment tool for families and individuals to save funds for their children's future education expenses; and

Whereas, 529 plans are used as the "Pathway to College" for individuals who could not otherwise attend college; and

Whereas, 529 plans are readily available to any Missouri citizen; and

Whereas, minimum contributions can be as little as \$10, making it accessible for any person to save a little at a time, which will add up significantly once the student enters college; and

Whereas, by saving for college through a 529 plan, families can reduce their reliance on student loans, earn interest instead of paying interest and help their student leave college debt-free; and

Whereas, 529 plans can be used at almost any college or university in the country, giving every student the opportunity to attend the school that fits their needs; and

Whereas, 529 plans are an attractive investment tool because the funds invested grow deferred from federal and state taxation; and

Whereas, families which save with 529 plans can save an average of \$15,000 more over a 18-year period than if they were to save through a taxable account; and

Whereas, the number of 529 plans accounts have increased by over 700% since 2001, when qualified distributions became tax-free; and

Whereas, the President of the United States has proposed a budget which would tax earnings accrued from a 529 plan, thus hindering students' chances of fulfilling the American dream:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to not remove the tax-deferred treatment of 529 college savings plans; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 300—By Silvey.

An Act to repeal sections 86.1270 and 86.1630, RSMo, and to enact in lieu thereof two new sections relating to the election by nonspouse beneficiaries to rollover eligible distributions.

SB 301—By Silvey.

An Act to repeal 191.411, 191.1056, 197.305, 197.310, 197.315, 197.330, 208.010, 208.080, 208.151, 208.647, 208.650, 208.655, 208.657, 208.658, 208.659, 208.670, 208.950, 208.952, 208.955, 208.975, 208.985, 208.990, and 208.991, RSMo, and to enact in lieu thereof thirty-three new sections relating to public assistance, with penalty provisions.

SB 302—By Riddle.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to out of state abortion referrals.

SB 303—By Keaveny.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to eyewitness identification procedures, with an effective date.

SB 304—By Keaveny.

An Act to repeal section 590.700 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to custodial interrogations.

SB 305—By Onder.

An Act to repeal section 153.030, RSMo, and to enact in lieu thereof one new section relating to property taxation of telephone companies.

SB 306—By Onder.

An Act to amend chapter 188, RSMo, by adding thereto six new sections relating to regulation of economic incentives.

SB 307—By Curls.

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of records.

SB 308—By Curls.

An Act to repeal section 67.399, RSMo, and to enact in lieu thereof one new section relating to Kansas City housing ordinances.

SB 309—By Curls.

An Act to repeal section 535.300, RSMo, and to enact in lieu thereof one new section relating to security deposits held by landlords.

SB 310—By Emery.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to cost recovery for electrical corporations.

SB 311—By Emery.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to religious student groups at public institutions of higher education.

SB 312—By Schmitt.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to persons licensed to sell intoxicating liquor in the original package at retail.

SB 313—By Wallingford.

An Act to repeal sections 195.070 and 334.104, RSMo, and to enact in lieu thereof two new sections relating to controlled substances prescribed by advanced practice registered nurses.

SB 314—By Wallingford.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation of short term rental merchandise.

SB 315—By Dixon.

An Act to repeal section 162.481, RSMo, and to enact in lieu thereof one new section relating to urban school districts.

SB 316—By Brown.

An Act to repeal section 376.1235, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for occupational therapy services.

SB 317—By Brown.

An Act to authorize the conveyance by the governor of property owned by the state of Missouri to the state highways and transportation commission.

SB 318—By Cunningham and Libla.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

SB 319—By Schaaf.

An Act to repeal section 67.657, RSMo, and to enact in lieu thereof one new section relating to extension of existing bonds.

SJR 12—By Onder.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to parental rights.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 12**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 12

An Act to repeal sections 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 12** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 12**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 12

An Act to repeal sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof fourteen new sections relating to agriculture.

Senator Munzlinger moved that **SS** for **SCS** for **SB 12** be adopted.

Senator Pearce assumed the Chair.

Senator Schmitt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 12, Page 30, Section 414.300, Line 9 of said page, by striking the following: “renewable fuels and” and further amend line 10 of said page, by inserting immediately after the word “pumps” the following: “**dispensing motor fuel containing greater than ten percent ethanol**”.

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

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 6, by inserting immediately after all of said line the following:

“196.1150. 1. Beginning September 1, 2017, all meat and fish produced in this state that is genetically modified and sold in this state for human consumption shall bear on its label a statement indicating that it is genetically modified.

2. For the purposes of this section, “genetically modified” shall mean any animal or fish whose genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes, including recombinant DNA and RNA techniques, cell fusion, gene deletion or doubling, introduction of exogenous genetic material, alteration of the position of a gene, or similar procedure. The progeny of a genetically modified animal or fish shall be considered genetically modified.

3. Violations of this section shall be a class C misdemeanor. Each transaction shall be considered a separate violation.

4. The penalty in this section shall not apply to animals or fish that have been raised without the knowing and intentional use of genetic modification. Animals or fish shall be deemed to comply with this section if the person otherwise responsible for complying with the requirements of this section obtains from whoever sold the animals or fish a sworn statement that the animals or fish have not been knowingly or intentionally genetically modified.

5. The department of agriculture may promulgate rules to implement 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, 2015, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger moved that **SS for SCS for SB 12**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS for SCS for SB 12**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 26, 2015

To the Senate of the 98th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Larry D. Hale as a member of the Missouri Gaming Commission, submitted to you on January 7, 2015. Line 4 should be amended to read:

term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 26, 2015

To the Senate of the 98th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Brian Jamison as a member of the Missouri Gaming Commission, submitted to you on January 7, 2015. Line 4 should be amended to read:

Merritt, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 22, 2015

The Honorable Tom Dempsey
Missouri Senate, President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Mr. President:

Please consider this letter to be my resignation from the Joint Committee on Administrative Rules.

Thank you for your time and consideration of this matter.

Respectfully,



Bob Dixon
State Senator
30th District

Also,

January 26, 2015

Ms. Adriane Crouse
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Ms. Crouse,

Please be advised that I am appointing Senators Jill Schupp and Jeanie Riddle to the Missouri Children's Services Commission.

Please don't hesitate to contact my office if you have any questions.

Sincerely,



Tom Dempsey
President Pro Tempore

INTRODUCTIONS OF GUESTS

On behalf of Senator Cunningham and himself, Senator Libla introduced to the Senate, Billy and Nancy Yates and their son, Grayson, Nashville, Tennessee; and Bill and Norma Yates, Doniphan.

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

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 27, 2015

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 151-Sater
SB 152-Wallingford
SB 153-Wallingford
SB 154-Wallingford
SB 155-Nasheed
SB 156-Nasheed
SB 157-Wallingford
SB 158-Schaefer
SB 159-Parson
SB 160-Brown
SB 161-Nasheed
SB 162-Nasheed

SB 163-Nasheed
SB 164-Sifton
SB 165-Nasheed
SB 166-Nasheed
SB 167-Schaaf
SB 168-Munzlinger
SB 169-Schaaf
SB 170-Kraus
SB 171-Romine
SB 172-Romine
SB 173-Romine
SB 174-Schmitt

SB 175-Schmitt	SB 215-Nasheed
SB 176-Schmitt	SB 216-Keaveny
SB 177-Munzlinger	SB 217-Riddle
SB 178-Munzlinger	SB 218-Riddle
SB 179-Sater	SB 219-Wallingford
SB 180-Chappelle-Nadal	SB 220-Kehoe
SB 181-Curls	SB 221-Schatz
SB 182-Curls	SB 222-Schatz
SB 183-Curls	SB 223-Schatz
SB 184-LeVota	SB 224-Romine and Dixon
SB 185-LeVota	SB 225-Romine
SB 186-Curls	SB 226-Emery
SB 187-Curls	SB 227-Emery
SB 188-Curls	SB 228-Curls
SB 189-Curls	SB 229-Curls
SB 190-Curls	SB 230-Romine
SB 191-Curls	SB 231-Kehoe
SB 192-Munzlinger	SB 232-Kehoe
SB 193-LeVota	SB 233-Kehoe
SB 194-Richard and Holsman	SB 234-Kehoe
SB 195-Schmitt	SB 235-Dixon
SB 196-Schaaf	SB 236-Keaveny
SB 197-Brown	SB 237-Keaveny, et al
SB 198-Brown	SB 238-LeVota
SB 199-Dixon	SB 239-Brown
SB 200-Dixon	SB 240-Keaveny and Schaaf
SB 201-Dixon	SB 241-Keaveny
SB 202-Dixon	SB 242-Dixon
SB 203-Dixon	SB 243-Schmitt
SB 204-Parson	SB 244-Schmitt
SB 205-Parson	SB 245-Hegeman
SB 206-Parson	SB 246-Hegeman
SB 207-Pearce	SB 247-Sifton
SB 208-Sater	SB 248-Schaefer
SB 209-Sater	SB 249-Holsman
SB 210-Schaefer	SB 250-Onder
SB 211-Walsh and Dixon	SB 251-Onder
SB 212-Walsh	SB 252-Romine
SB 213-Wallingford	SB 253-Romine
SB 214-Pearce	SB 254-Kraus

SB 255-Schaaf and Holsman	SB 294-Schaaf
SB 256-Sater and Nasheed	SB 295-Schaaf
SB 257-Sater	SB 296-Schaaf
SB 258-Wallingford	SB 297-Holsman
SB 259-Wallingford	SB 298-Kraus
SB 260-Schaefer	SB 299-Pearce
SB 261-Schaefer	SB 300-Silvey
SB 262-Schaefer	SB 301-Silvey
SB 263-Schaefer	SB 302-Riddle
SB 264-Schaefer	SB 303-Keaveny
SB 265-Schaefer	SB 304-Keaveny
SB 266-Schaefer	SB 305-Onder
SB 267-Schaefer	SB 306-Onder
SB 268-Pearce	SB 307-Curls
SB 269-Nasheed	SB 308-Curls
SB 270-Nasheed	SB 309-Curls
SB 271-Silvey	SB 310-Emery
SB 272-Riddle, et al	SB 311-Emery
SB 273-Riddle	SB 312-Schmitt
SB 274-Schupp	SB 313-Wallingford
SB 275-Schupp	SB 314-Wallingford
SB 276-Walsh	SB 315-Dixon
SB 277-Walsh	SB 316-Brown
SB 278-Schatz	SB 317-Brown
SB 279-Brown	SB 318-Cunningham and Libla
SB 280-Keaveny	SB 319-Schaaf
SB 281-Silvey	SJR 1-Munzlinger
SB 282-Parson	SJR 2-Dixon
SB 283-Kehoe	SJR 3-Chappelle-Nadal
SB 284-Munzlinger	SJR 4-Emery
SB 285-Kehoe	SJR 5-Kraus
SB 286-Schaaf	SJR 6-Curls
SB 287-Silvey	SJR 7-Richard and Wallingford
SB 288-Schatz	SJR 8-Schmitt
SB 289-Schatz	SJR 9-Schmitt
SB 290-Schaefer	SJR 10-Sater
SB 291-Cunningham	SJR 11-Emery
SB 292-Munzlinger	SJR 12-Onder
SB 293-Parson	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 11-Schmitt

MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Chappelle-Nadal

✓