

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 22, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have taught you the way of wisdom. I have led you in the paths of uprightness. When you walk your step will not be hampered and if you run you will not stumble.” (Proverbs 4:11-12)

Gracious God, we remember Your servant, Martin Luther King, who walked in the path You led him to take to teach us to love one another and not let race or color or labels get in the way of doing what is right. Help each of us to continue along this path so our work here may help and direct all men and women to the path of righteousness and courage. 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 17, 2013 was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of former St. Louis Cardinal and Hall of Famer Stanley Frank “Stan the Man” Musial.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 67, regarding the Springfield chapter of the National Association for the Advancement of Colored People (NAACP), which was adopted.

Senator Kehoe offered Senate Resolution No. 68, regarding the late Oscar Darnell Dunbar, Jefferson City, which was adopted.

Senator Dempsey offered Senate Resolution No. 69, regarding Larry Jacobs, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 70, regarding the Fiftieth Anniversary of the University of Missouri-St. Louis, which was adopted.

Senator Holsman offered Senate Resolution No. 71, regarding Henry R. Bloch, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 72, regarding Pat Jordan, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 73, regarding Lynda Johnson, Lexington, which was adopted.

Senator Munzlinger offered Senate Resolution No. 74, regarding Mark Twain Cave, Incorporated, Hannibal, which was adopted.

Senator Holsman offered Senate Resolution No. 75, regarding Hufft Projects, LLC, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 76, regarding Prier Products, Inc., Grandview, which was adopted.

Senator Munzlinger offered Senate Resolution No. 77, regarding Silverlight Marketing Group, LLC, Moberly, which was adopted.

Senators Parson and LeVota offered Senate Resolution No. 78, regarding the late Herbert Eldon Zucca, Independence, which was adopted.

Senator Sater offered Senate Resolution No. 79, regarding Orlin Browning, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 80, regarding Hal VanDaGriff, Verona, which was adopted.

Senator Nasheed offered Senate Resolution No. 81, regarding Habitata Building Products, LLC, St. Louis, which was adopted.

Senator Dempsey offered the following resolution:

SENATE RESOLUTION NO. 82

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-seventh General Assembly, First Regular Session, that Senate Rule 25, be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 7 members.
3. Committee on Appropriations, [10] **11** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 10 members.
5. Committee on Education, 10 members.
6. Committee on Financial and Governmental Organizations and Elections, 10 members.
7. Committee on General Laws, 7 members.
8. Committee on Governmental Accountability and Fiscal Oversight, 7 members.
9. Committee on Gubernatorial Appointments, 10 members.
10. Committee on Jobs, Economic Development and Local Government, 10 members.
11. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
12. Committee on Progress and Development, 5 members.
13. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
14. Committee on Seniors, Families and Pensions, 7 members.
15. Committee on Small Business, Insurance and Industry, 7 members.
16. Committee on Transportation and Infrastructure, 7 members.
17. Committee on Veterans' Affairs and Health, 10 members.
18. Committee on Ways and Means, 10 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Senator Pearce offered Senate Resolution No. 83, regarding Tristan Wendel, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 84, regarding Linda Ording, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 85, regarding Billie Winter, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 86, regarding Butterfield Youth Services, Marshall, which was adopted.

CONCURRENT RESOLUTIONS

Senator Walsh offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

Relating to recognition of September 26th as Mesothelioma Awareness Day
in Missouri

WHEREAS, mesothelioma is a rare form of cancer of the smooth lining of the chest, lungs, heart, and abdomen that is difficult to detect in its early stages and may be associated with many other conditions; however, when vital organs are involved or disease is identified outside of the operative field, surgery is no longer an option and patients are referred to chemotherapy or clinical trials; and

WHEREAS, approximately 2,500 to 3,000 cases of mesothelioma are reported annually in the United States, and because it occurs in such a small number of patients, mesothelioma is often referred to as an orphan disease, but the number of affected persons is steadily rising every year in North America, Europe, Australia, and Asia; and

WHEREAS, according to the American Cancer Society, mesothelioma is caused by exposure to asbestos fibers and characterized by a latency period that usually lasts for decades, although the exact method by which asbestos causes the disease is not known; and

WHEREAS, the American Cancer Society indicates that “most people who develop mesothelioma have worked on jobs where they inhaled asbestos particles, or have been exposed to asbestos dust and fibers in other ways, such as by washing the clothes of a family member who worked with asbestos, or by home renovation using asbestos products”; and

WHEREAS, due to the long period between exposure and diagnosis, mesothelioma results in a life expectancy of four to eighteen months after onset, and nearly 3,000 persons succumb to the disease each year; and

WHEREAS, to promote public awareness of the dangers of this deadly cancer and of asbestos exposure, the need for treatment protocols, and funding for research, Mesothelioma Awareness Day was started by Meso Foundation volunteers in 2004, and September 26th was designated as the day to (i) remember the victims of mesothelioma, (ii) publicize the dangers of asbestos exposure, (iii) offer hope for those who suffer with the disease today, and (iv) focus on and highlight the need for research support and a cure for mesothelioma; and

WHEREAS, on September 26th each year, citizens across the nation are encouraged to participate in CURE MESOTHELIOMA public awareness programs and events, and to sponsor or organize fundraising campaigns in the name of MESOTHELIOMA AWARENESS; and

WHEREAS, Mesothelioma Awareness Day provides an appropriate venue to communicate an important message to the public about this deadly cancer to ensure affected persons are accurately diagnosed and treated and connected to a support system:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-seventh General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate September 26th of every year as Mesothelioma Awareness Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 176—By Schmitt, Lamping, Walsh, McKenna, Rupp, Dempsey, Richard and Emery.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

SB 177—By Schmitt.

An Act to repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to the date of the presidential primary.

SB 178—By Schaaf.

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

SB 179—By Parson, McKenna and Richard.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for job creation for new home purchasers.

SB 180—By Kraus.

An Act to repeal section 34.074, RSMo, and to enact in lieu thereof one new section relating to service-disabled veteran business contracts.

SB 181—By Kraus.

An Act to repeal section 105.450, RSMo, section 105.456 as truly agreed to and finally passed by

conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.456 as enacted by house bill no. 1120, ninety-first general assembly, second regular session, section 105.473 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof six new sections relating to ethics, with penalty provisions.

SB 182—By Kehoe, Wasson, Richard, Silvey, Lager, Dempsey and McKenna.

An Act to repeal sections 32.087 and 144.757, RSMo, and to enact in lieu thereof two new sections relating to local taxes on motor vehicle sales, with an emergency clause.

SB 183—By Sater.

An Act to amend chapter 576, RSMo, by adding thereto one new section relating to the offense of unlawful search, with a penalty provision.

SB 184—By Sater.

An Act to repeal sections 452.075 and 452.370, RSMo, and to enact in lieu thereof two new sections relating to alimony and maintenance.

SB 185—By Sater.

An Act to repeal sections 210.125, 568.050, and 568.060, RSMo, and to enact in lieu thereof three new sections relating to substance abuse during pregnancy, with penalty provisions.

SB 186—By Brown.

An Act to repeal section 194.360, RSMo, and to enact in lieu thereof one new section relating to unclaimed veterans' remains.

SB 187—By Brown.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with existing penalty provisions.

SB 188—By Romine.

An Act to repeal section 632.498, RSMo, and to enact in lieu thereof one new section relating to petitions for conditional release of sexually violent predators.

SB 189—By Romine.

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the failure to vacate leased premises in a rent and possession case, with penalty provisions.

SB 190—By Walsh.

An Act to amend chapter 290, RSMo, by adding thereto two new sections relating to mandatory wage reporting for the purposes of determining the prevailing wage.

SB 191—By Lamping.

An Act to repeal sections 386.170 and 386.180, RSMo, and to enact in lieu thereof two new sections

relating to the public service commission.

SB 192—By Lamping, Keaveny, Dempsey, Nieves, Rupp, Walsh and Kehoe.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

SB 193—By Schaefer.

An Act to amend chapter 161, RSMo, by adding thereto two new sections relating to the education of gifted and talented children.

Senator Kehoe 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

January 17, 2013

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ann K. Covington, Independent, 1401 Torrey Pines Drive, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until her successor is duly appointed and qualified; vice, Craig Van Matre, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

REFERRALS

President Pro Tem Dempsey referred **SR 64**, **SR 65** and **SR 66** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Dempsey submitted the following:

January 22, 2013

Senator Tom Dempsey
President Pro Tem
Missouri State Capitol Building
201 W Capitol Ave., Room 326
Jefferson City, MO 65101

Senator Dempsey,

I respectfully request to be removed as a member of the Midwest Interstate Passenger Rail Commission.

I sincerely enjoyed my time on the Commission as it was a wonderful opportunity for me to learn more about passenger rail. I deeply value the knowledge I gained and look forward to following the Commission's future activities.

I highly recommend Senator David Pearce to serve as my replacement. During my time on the Commission, Senator Pearce served as an

alternate member. He was very engaged in the Commission's activities and I believe he would make an excellent representative on behalf of the Missouri Senate.

Please feel free to contact me should you have any questions.

Very Sincerely,
/s/ John Lamping
John Lamping

Also,

January 22, 2013

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

Dear Ms. Spieler:

I am appointing Senator David Pearce to the following board:

- Midwest Interstate Passenger Rail Commission

Please feel free to contact me should you have any questions.

Sincerely,
/s/ Tom Dempsey
Tom Dempsey
President Pro Tem

Senator Justus submitted the following:

January 22, 2013

Terry Spieler – Secretary of the Senate
Missouri State Capitol, Room 325
Jefferson City, Missouri 65101

Dear Terry:

Under the provisions of section 42.007 RSMo, authority rests with me as Senate Minority Floor Leader to appoint a member of the Missouri Veterans Commission. Please let this correspondence serve as my appointment of Senator Scott Sifton to this Commission.

Sincerely,
/s/ Jolie Justus
Jolie Justus

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Duane and Pat Sterling, Warrensburg; and Gianinna Caceres, Panama.

Senator Libla introduced to the Senate, Avery Bourne, Pawnee, Illinois.

Senator Kraus introduced to the Senate, Kelsey Sullivan, Lee's Summit; and Rick Skubinna, Chicago, Illinois.

The President introduced to the Senate, former State Senator Charlie Shields, St. Joseph.

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

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 23, 2013

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Wasson	SB 131-Nasheed
SB 102-Kraus	SB 132-Keaveny and Holsman
SB 103-Kraus	SB 133-Keaveny and Holsman
SB 104-Kraus	SB 134-Sater
SB 105-Brown	SB 135-Sater
SB 106-Brown	SB 136-Sater
SB 107-Lamping	SB 137-Sater
SB 108-Kraus	SB 138-Kraus
SB 109-Brown	SB 139-Kehoe
SB 110-Brown	SB 140-Brown
SB 111-Emery	SB 141-Dempsey
SB 112-Rupp and Richard	SB 142-Sifton
SB 113-Schmitt	SB 143-Walsh
SB 114-Schmitt	SB 144-Walsh
SB 115-Schmitt	SB 145-Walsh
SB 116-Kraus	SB 146-Schaaf
SB 117-Kraus	SB 147-Wasson
SB 118-Kraus	SB 148-Wasson
SB 119-Emery	SB 149-Keaveny
SB 120-Schmitt	SB 150-Munzlinger, et al
SB 121-Schaefer	SB 151-Curls
SB 122-Schaefer	SB 152-Curls
SB 123-Chappelle-Nadal	SB 153-Curls
SB 124-Chappelle-Nadal	SB 154-Richard
SB 125-Nasheed	SB 155-Nasheed
SB 126-Sater	SB 156-Sater
SB 127-Sater	SB 157-Sater
SB 128-Sater	SB 158-Sater
SB 129-Sater	SB 159-Schmitt, et al
SB 130-Schaefer	SB 160-Pearce

SB 161-Pearce	SB 184-Sater
SB 162-Keaveny	SB 185-Sater
SB 163-Kraus	SB 186-Brown
SB 164-Walsh	SB 187-Brown
SB 165-Walsh	SB 188-Romine
SB 166-Schaaf	SB 189-Romine
SB 167-Sater and Wallingford	SB 190-Walsh
SB 168-Chappelle-Nadal	SB 191-Lamping
SB 169-Chappelle-Nadal	SB 192-Lamping, et al
SB 170-Chappelle-Nadal	SB 193-Schaefer
SB 171-Chappelle-Nadal	SJR 3-Schaefer
SB 172-Chappelle-Nadal	SJR 4-Lamping
SB 173-Nasheed	SJR 5-Lamping
SB 174-Parson	SJR 6-Kraus
SB 175-Wallingford	SJR 7-Dixon
SB 176-Schmitt, et al	SJR 8-Dixon
SB 177-Schmitt	SJR 9-Emery
SB 178-Schaaf	SJR 10-Nasheed and Walsh
SB 179-Parson, et al	SJR 11-Curls
SB 180-Kraus	SJR 12-Sater
SB 181-Kraus	SJR 13-Chappelle-Nadal
SB 182-Kehoe, et al	SJR 14-Schaefer, et al
SB 183-Sater	

INFORMAL CALENDAR

RESOLUTIONS

SR 82-Dempsey

To be Referred

SCR 3-Walsh

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