

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—MONDAY, MARCH 9, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“But the wisdom that is from above is first pure, then peaceable, gentle, and willing to yield, full of mercy and good fruits, without partiality, or hypocrisy.” (James 3:17)

Gracious God, help us to remember that we are called to focus our energies on what is important, cultivating what is gentle and having a quiet spirit that is precious in Your sight. We come together this day to do what we can that is helpful and needed, and together we can accomplish much. Having done all that we can, we leave the rest to You, trusting that You will bring all to fruition. 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, March 5, 2015 was read and approved.

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

Present—Senators

Brown	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman	Holsman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schatz	Schmitt
Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson	Wieland—31	

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal LeVota Riddle—3

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 568, regarding the death of Shirley L. Thomas, Gary, Indiana, which was adopted.

Senator Dixon offered Senate Resolution No. 569, regarding Lieutenant Gregory Wheelen, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 570, regarding Nicole Shah, Springfield, which was adopted.

Senator Libla offered Senate Resolution No. 571, regarding Emily Sullenger, which was adopted.

Senator Holsman offered Senate Resolution No. 572, regarding David A. Leone, which was adopted.

On behalf of Senator Riddle, Senator Richard offered Senate Resolution No. 573, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Pugh, Mexico, which was adopted.

On behalf of Senator Riddle, Senator Richard offered Senate Resolution No. 574, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ed McCurdy, Wellsville, which was adopted.

Senator Libla offered Senate Resolution No. 575, regarding Richard Deason, Poplar Bluff, which was adopted.

Senator Hegeman offered Senate Resolution No. 576, regarding Class 1 State Champion Austin Ward, South Harrison High School Wrestling Team, which was adopted.

Senator Hegeman offered Senate Resolution No. 577, regarding Class 1 State Champion Michael Stanley, Gallatin High School Wrestling Team, which was adopted.

Senator Hegeman offered Senate Resolution No. 578, regarding Class 2 State Champion Luke Sachs, Smithville High School, which was adopted.

Senator Hegeman offered Senate Resolution No. 579, regarding Class 2 State Champion Alex Rivera, Smithville High School, which was adopted.

Senator Hegeman offered Senate Resolution No. 580, regarding Class 1 State Champion Jesse Bundy, Gallatin High School Wrestling Team, which was adopted.

Senators Hegeman, Emery, Schmitt, Keaveny, Parson, Richard, Kehoe, Onder, Wallingford, Sater, Cunningham, LeVota, Schatz, Dixon, Brown, Riddle, Wasson, Romine, Schaefer, Wieland, Sifton, Libla, Pearce, Holsman and Kraus offered Senate Resolution No. 581, regarding the One Hundredth Anniversary of the Missouri Farm Bureau Federation, which was adopted.

Senator Munzlinger offered Senate Resolution No. 582, regarding Kobbe Short, Bethel, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cunningham offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

Whereas, all state governments and the federal government endorse educational excellence and student achievement as essential to a democratic society; and

Whereas, the Congress of the United States enacted Title VIII of the Elementary and Secondary Education Act of 1965 (Impact Aid law)

in order to provide funding for local school districts that have lower property tax revenues due to tax-exempt federal lands; and

Whereas, the Congress of the United States enacted the Secure Rural Schools and Community Self-Determination Act of 2000 (Secure Rural Schools Act) in order to supplement funding for schools; and

Whereas, funding under the Impact Aid law and the Secure Rural Schools Act is critical for local school districts, which rely on state and local property taxes as a significant source of their funding; and

Whereas, tax-exempt federal lands can greatly reduce the state and local property taxes that support local school districts; and

Whereas, funding to local school districts in Missouri under the Secure Rural Schools Act totaled over three million dollars for the 2013-14 school year; and

Whereas, the Secure Rural Schools program expired on September 30, 2014. The absence of reauthorization of the Secure Rural Schools Act has resulted in significantly decreased payments to states; and

Whereas, the 114th Congress has not yet ensured continuation of funding under the Impact Aid law by reauthorization of the Elementary and Secondary Education Act; and

Whereas, the children of Missouri should not suffer due to federal tax immunities that are distributed in a random and unequal fashion among the local school districts in Missouri; and

Whereas, state and local school districts should retain sufficient educational funding to achieve both federal and state educational goals and mandates; and

Whereas, a sudden loss of funds would significantly damage the ability of state and local school districts to achieve both federal and state educational goals and mandates:

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 encourage the 114th Congress of the United States to reinstate the Secure Rural Schools program at its previous funding levels and maintain funding under the Impact Aid law; and

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

Senator Hegeman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

Whereas, the profession of lineworker is steeped in personal, family, and professional tradition; and

Whereas, lineworkers are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes; and

Whereas, lineworkers work with thousands of volts of electricity high atop power lines twenty-four hours a day, 365 days a year, to keep electricity flowing; and

Whereas, lineworkers often work under dangerous conditions far from their families to construct and maintain the energy infrastructure of this state; and

Whereas, lineworkers put their lives on the line every day with little recognition from the community regarding the danger of their work; and

Whereas, April 13, 2015 would be an appropriate date to designate as Missouri Lineworker Appreciation Day:

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 recognize April 13, 2015 as "Missouri Lineworker Appreciation Day" in support of the contributions of the brave men and women who keep the power on and protecting public safety; and

Be It Further Resolved that the General Assembly encourages the citizens of this state to devote some portion of Missouri lineworker appreciation day to recognition and contemplation of the sacrifices undertaken by lineworkers in performance of their duties and to observe the day with appropriate events and activities.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 118**, entitled:

An Act to repeal sections 1.010 and 538.210, RSMo, and to enact in lieu thereof two new sections relating to claims arising out of the rendering of or failure to render health care services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Romine moved that **SB 37**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 37

An Act to amend chapters 511 and 514, RSMo, by adding thereto five new sections relating to settlement offers.

Was taken up.

Senator Romine moved that **SCS** for **SB 37** be adopted.

Senator Pearce assumed the Chair.

Senator Keaveny offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 37, Page 2, Section 511.804, Line 10, by striking “or” at the end of said line; and further amend line 11, by inserting immediately after “court” the following: “; **or**

(7) Any case where a jury awards punitive damages”; and

Further amend said bill and page, section 511.808, line 6, by striking “sixty”; and inserting in lieu thereof the following: “**ninety**”; and

Further amend said bill, page 4, section 511.812, line 19, by inserting at the end of said line the following: “**and**”; and further amend lines 22-23, by striking all of said lines.

Senator Keaveny moved that the above amendment be adopted.

Senator Keaveny offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 37, Page 1, Line 7, by inserting after the word “and” the following: “further amend said bill and section, page 3, line 23, by striking the word “sixty” and inserting in lieu thereof the following: “**ninety**”; and”.

Senator Keaveny moved that the above amendment be adopted.

At the request of Senator Keaveny, the above amendment was withdrawn.

Senator Schaefer offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 37, Page 1, Line 1, by inserting after “section 511.804,” the following: “line 6, by striking all of said line; and further renumber the remaining subdivisions accordingly; and further amend”.

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

Senator Keaveny offered **SA 3** to **SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 37, Page 1, Line 7, by inserting after the word “and” the following: “further amend said bill and section, page 3, line 23, by striking the word “sixty” and inserting in lieu thereof the following: “**ninety**”; and”.

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

SA 1, as amended, was again taken up.

At the request of Senator Romine, **SB 37**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Schatz introduced to the Senate, students from St. Francis Borgia, Washington.

Senator Emery introduced to the Senate, Aaron Creed, his mother, LuAnn, and his son, Anthony, Springfield; and Anthony was made an honorary page.

Senator Holsman introduced to the Senate, Dr. Jennifer Williams, Nixa.

Senator Wasson introduced to the Senate, his wife, Retha, Nixa.

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

SENATE CALENDAR

THIRTY-FOURTH DAY—TUESDAY, MARCH 10, 2015

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 501-Riddle
SB 502-Schmitt

SB 503-Wieland
SB 504-Wieland

SB 505-Wieland	SB 539-Brown
SB 506-Riddle	SB 540-Libla
SB 507-Silvey	SB 541-Pearce
SB 508-Holsman and Riddle	SB 542-Sater
SB 509-Holsman	SB 543-Schupp
SB 510-Holsman	SB 544-Schaefer
SB 511-Schaaf	SB 545-Schaefer
SB 512-Schaaf	SB 546-Schaefer
SB 513-Parson	SB 547-Riddle
SB 514-Parson	SB 548-Sifton
SB 515-Sater	SB 549-Onder
SB 516-Sifton	SB 550-Dixon
SB 517-Wasson	SB 551-Hegeman
SB 518-Wallingford	SB 552-Munzlinger
SB 519-Richard, et al	SB 553-Munzlinger
SB 520-Kehoe	SB 554-Munzlinger
SB 521-Kehoe	SB 555-Emery
SB 522-Kehoe	SB 556-Pearce
SB 523-Kraus	SB 557-LeVota
SB 524-Cunningham	SB 558-Brown
SB 525-Brown	SB 559-Chappelle-Nadal, et al
SB 526-Riddle	SB 560-Chappelle-Nadal
SB 527-Keaveny	SB 561-Wasson
SB 528-Sater	SB 562-Wieland
SB 529-Onder	SB 563-Wieland
SB 530-Onder	SB 564-Kehoe
SB 531-Emery	SB 565-Wallingford
SB 532-Riddle	SB 566-Silvey
SB 533-Riddle	SB 567-Chappelle-Nadal, et al
SB 534-Schaaf	SB 568-Munzlinger
SB 535-Schaaf	SJR 13-Schaaf
SB 536-Schaaf	SJR 14-Dixon
SB 537-Schaaf	SJR 15-Cunningham
SB 538-Schaaf	

HOUSE BILLS ON SECOND READING

HCS for HB 130
HCS for HB 50
HB 32-Hoskins

HCS for HB 141
HB 29-Dugger
HB 100-Gosen

HB 233-Franklin
HB 41-Wood
HB 179-Chipman
HB 533-Dugger
HCS for HB 388
HB 149-Fitzpatrick
HB 88-Walton Gray
HB 361-Spencer
HB 391-Gosen
HB 400-Peters

HB 402-Phillips
HB 404-Phillips
HB 562-Davis
HB 111-Crawford
HCS for HB 112
HCS for HB 777
HB 384-Flanigan
HB 468-Berry
HB 118-Burlison

THIRD READING OF SENATE BILLS

SCS for SB 19-Kraus (In Fiscal Oversight)
SS for SCS for SB 122-Walsh
(In Fiscal Oversight)
SCS for SBs 1, 22, 49 & 70-Pearce
(In Fiscal Oversight)

SS for SCS for SB 67-Cunningham
SCS for SB 107-Sater

SENATE BILLS FOR PERFECTION

- | | |
|--|-----------------------------------|
| 1. SB 233-Kehoe, with SCS | 8. SB 56-Munzlinger, with SCS |
| 2. SB 10-Schaaf, with SCS | 9. SB 201-Dixon |
| 3. SB 119-Brown and Chappelle-Nadal,
with SCS | 10. SB 216-Keaveny |
| 4. SB 152-Wallingford, with SCS | 11. SB 164-Sifton |
| 5. SB 58-Dixon | 12. SB 239-Brown |
| 6. SB 224-Romine and Dixon, with SCS | 13. SJR 7-Richard and Wallingford |
| 7. SB 326-Sater, with SCS | 14. SB 256-Sater, et al |

HOUSE BILLS ON THIRD READING

HCS#2 for HB 63, with SCS (Wasson)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 37-Romine, with SCS & SA 1 (pending)

SB 59-Dixon

SB 142-Romine, with SCS & SS for SCS
(pending)
SB 227-Emery, with SS (pending)

SB 330-Parson
SB 424-Pearce, with SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 276-Walsh

SB 277-Walsh

Reported 2/26

SB 211-Walsh and Dixon

Reported 3/5

SB 270-Nasheed, with SCS
SB 282-Parson
SB 156-Nasheed

SB 166-Nasheed
SB 231-Kehoe
SB 278-Schatz, with SCS

RESOLUTIONS

To be Referred

SCR 31-Cunningham

SCR 32-Hegeman

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