

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 8, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will thank you because I am marvelously made; your works are wonderful and I know it well.” (Psalm 139:13)

Wondrous God, you are a God of rest and rejuvenation who has nurtured us and help us to do that which is healthy and appropriate for us. You provide us with what we need to lead and inspire others; You open our mind and heart to assist those in need and allow us to write those laws which are beneficial. We are thankful for all You do for us and bring us to another week to serve. 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, February 4, 2016 was read and approved.

Senator Onder announced photographers from the Columbia Missourian 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	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senator Schatz—1

Vacancies—2

The Lieutenant Governor was present.

Senator Onder requested unanimous consent of the Senate to allow members of Lawrence County law enforcement to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Parson offered Senate Resolution No. 1394, regarding St. Louis AgriBusiness Club, which was adopted.

Senator Kraus offered Senate Resolution No. 1395, regarding the seventh-grade class at Summit Lakes Middle School, Lee's Summit, which was adopted.

Senator Kraus offered Senate Resolution No. 1396, regarding the 2015 World Series Champion Kansas City Royals, which was adopted.

Senator Sifton offered Senate Resolution No. 1397, regarding Michael Petty, which was adopted.

Senator Sifton offered Senate Resolution No. 1398, regarding John Furrer, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 1399, regarding the Nipher Middle School orchestra program, Saint Louis County, which was adopted.

Senator Schmitt offered Senate Resolution No. 1400, regarding the Oak Brook Elementary School, Saint Louis County, which was adopted.

Senators Schmitt and Sifton offered Senate Resolution No. 1401, regarding the Ninetieth Anniversary of the Kirkwood Public Library, which was adopted.

Senators Schmitt and Schupp offered Senate Resolution No. 1402, regarding Rob Steeples, which was adopted.

Senator Kraus offered Senate Resolution No. 1403, regarding Eagle Scout Cameron Tecce, Blue Springs, which was adopted.

Senator Kraus offered Senate Resolution No. 1404, regarding Eagle Scout Orion Radford, Blue Springs, which was adopted.

CONCURRENT RESOLUTIONS

Senator Nasheed offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 64

Whereas, the St. Louis area has recently suffered a tremendous loss, both financial and otherwise, due to Stan Kroenke and his associates; and

Whereas, Alan Bornstein serves as a key member of Stan Kroenke's support staff and actively helped Stan Kroenke relocate the city's former NFL franchise; and

Whereas, in an effort to relocate said NFL franchise, Stan Kroenke and his associates acted solely in their own interest without regard for the city and citizens that have supported the franchise for the last 20 years; and

Whereas, Stan Kroenke and his associates have chosen not to provide a balanced picture of the area and instead characterized the area as struggling, but decided to cause the area direct economic harm by relocating the city's former NFL franchise; and

Whereas, Stan Kroenke and his associates have received enough benefit to the detriment and at the expense of Missouri taxpayers:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Maryland Heights City Council to provide no tax incentives for Alan Bornstein or UTW Realty, through the use of tax increment financing or otherwise; 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 the Maryland Heights City Council.

INTRODUCTION OF BILLS

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

SB 1033—By Pearce.

An Act to amend chapter 10, RSMo, by adding thereto two new sections relating to the designation of state dogs.

SB 1034—By Romine.

An Act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to taxes paid under protest.

SB 1035—By Romine.

An Act to amend chapter 444, RSMo, by adding thereto one new section relating to land reclamation.

SB 1036—By Keaveny.

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to the reduction of violent crime in St. Louis city.

SB 1037—By Schaefer.

An Act to repeal section 563.031, RSMo, and to enact in lieu thereof one new section relating to the duty to retreat.

SJR 38—By Schaefer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to parental rights.

CONCURRENT RESOLUTIONS

Senator Keaveny moved that **SCR 58**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 58** was taken up.

Senator Keaveny moved that **SCS** for **SCR 58** be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SCR 58** was adopted by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Hegeman	Holsman
Keaveny	Kraus	Libla	Munzlinger	Nasheed	Onder	Parson
Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senator Chappelle-Nadal—1

Absent—Senators—None

Absent with leave—Senators

Kehoe Schatz—2

Vacancies—2

SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 711** be taken up for perfection, which motion prevailed.

Senator Romine assumed the Chair.

On motion of Senator Brown, **SB 711** was declared perfected and ordered printed.

Senator Wieland moved that **SB 816** be taken up for perfection, which motion prevailed.

At the request of Senator Wieland, **SB 816** was placed on the Informal Calendar.

President Pro Tem Richard assumed the Chair.

Senator Romine assumed the Chair.

Senator Riddle moved that **SB 639** be taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 639** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 825** be taken up for perfection, which motion prevailed.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 825, Page 1, Section A, Line 1, by inserting after all of said line the following:

“142.028. 1. As used in this section, the following terms mean:

(1) “Fuel ethanol”, a fuel which meets ASTM International specification number D 4806 or subsequent specifications for blending with gasoline for use as automotive spark-ignition engine fuel and where the ethanol is made from cereal grains, cereal grain by-products, or qualified biomass;

(2) “Fuel ethanol blends”, a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the ASTM International specification number D 4814;

(3) “Missouri qualified fuel ethanol producer”, any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes, and which has made formal application, posted a bond, and conformed to the requirements of this section;

(4) “Professional forester”, any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

(5) “Qualified biomass”, any wood-derived organic material harvested in accordance with a site specific forest management plan focused for long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the Missouri agricultural and small business development authority.

2. The “Missouri Qualified Fuel Ethanol Producer Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products or qualified biomass for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products or qualified biomass in the fiscal year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products or qualified biomass in the fiscal year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified fuel ethanol producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if applicable;

(3) The number of bushels of Missouri agricultural commodities or green weight tons of qualified biomass used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;

(4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;

(5) A copy of the qualified fuel ethanol producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that

such grants shall be made only to Missouri qualified fuel ethanol producers.

5. The director of the department of agriculture, in consultation with the department of revenue and the department of conservation, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

6. 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, 2002, shall be invalid and void.

7. Notwithstanding any other provision of this section to the contrary, beginning January 1, 2009, through December 31, [2019] **2020**, the economic subsidies provided under this section to Missouri qualified fuel ethanol producers of fuel ethanol made from qualified biomass shall only be provided to two qualified fuel ethanol producers and shall not cumulatively exceed seven and one-half million dollars per qualified fuel ethanol producer. Prior to January 1, 2009, and after December 31, [2019] **2020**, Missouri qualified fuel ethanol producers of fuel ethanol made from qualified biomass shall be ineligible for economic subsidies under this section.”; and

Further amend said bill and page, section 142.029, line 1, by deleting the opening bracket “[”]; and further amend said line, by deleting “2015.]” and inserting in lieu thereof the following: “[2015] **2020.**”; and

Further amend said bill and page, section B, line 3, by striking the following: “the repeal of section 142.029 of”; and further amend line 6, by striking the following: “the repeal of section 142.029 of”; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted.

At the request of Senator Munzlinger, **SB 825**, with **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 711**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 8, 2016

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

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

Stephen Douglas Bonney, 5542 Crestwood Drive, Kansas City, Jackson County, Missouri 64110, as a member of the Board of Geologist Registration, for a term ending April 11, 2018, and until his successor is duly appointed and qualified; vice, Stephen Douglas Bonney, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 8, 2016

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

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

Stephanie D. Briscoe, 16 Hubbard Place, Lathrop, Clinton County, Missouri 64465, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2016 and until her successor is duly appointed and qualified; vice, Stephanie D. Briscoe, term withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 8, 2016

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

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

Jacque A. Cowherd, Independent, 3402 Tanglewood Way, Fulton, Callaway County, Missouri 65251, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2017, and until his successor is duly appointed and qualified; vice, Jacque A. Cowherd, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

February 8, 2016

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

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

Charles A. Juden III, 614 Laurelwood, Sikeston, Scott County, Missouri 63801, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2018, and until his successor is duly appointed and qualified; vice, Charles A. Juden III, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 8, 2016

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

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

Michala Stoker, 8119 Northeast 97th Street, Kansas City, Clay County, Missouri 64157, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Michala Stoker, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 8, 2016

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

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

Tjitske G. Tubbergen-Maglio, 24169 State Highway F, Kirksville, Adair County, Missouri 63501, as a member of the State Committee for Social Workers, for a term ending October 23, 2017, and until her successor is duly appointed and qualified; vice, Tjitske G. Tubbergen-Maglio, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

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

RESOLUTIONS

Senator Parson offered Senate Resolution No. 1405, regarding Robert W. Garrett, Tunas, which was adopted.

Senator Parson offered Senate Resolution No. 1406, regarding David H. Brown, Pleasant Hope, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sater introduced to the Senate, Sheriff Brad Delay, Mt. Vernon.

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

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 9, 2016

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1029-Schupp	SB 1034-Romine
SB 1030-Schupp	SB 1035-Romine
SB 1031-Sater	SB 1036-Keaveny
SB 1032-Wieland	SB 1037-Schaefer
SB 1033-Pearce	SJR 38-Schaefer

HOUSE BILLS ON SECOND READING

HCS for HBs 1366 & 1878	HB 1619-McCaherty
HCS for HB 1562	HB 1478-Entlicher
HCS for HB 1658	HB 1668-Gosen
HB 1594-Crawford	HB 1733-Davis

THIRD READING OF SENATE BILLS

SB 579-Schaaf, et al (In Fiscal Oversight)	SB 711-Brown
SB 677-Sater	

SENATE BILLS FOR PERFECTION

1. SB 664-Parson	14. SB 640-Schatz
2. SB 703-Munzlinger, with SCS	15. SB 656-Munzlinger
3. SB 847-Emery and Richard	16. SB 732-Munzlinger
4. SB 608-Sater	17. SB 641-Schatz
5. SB 621-Romine	18. SB 706-Dixon
6. SB 581-Schaaf	19. SB 794-Wallingford, with SCS
7. SB 607-Sater	20. SB 799-Kraus
8. SB 619-Wallingford	21. SB 875-Schaefer
9. SB 644-Onder, with SCS	22. SB 573-Schmitt
10. SB 682-Cunningham and Romine	23. SB 919-Schmitt, with SCS
11. SB 704-Munzlinger, with SCS	24. SB 879-Brown
12. SB 838-Silvey, et al, with SCS	25. SB 665-Parson
13. SB 783-Onder	26. SB 835-Wasson

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| 27. SBs 865 & 866-Sater, with SCS | 32. SBs 688 & 854-Romine, with SCS |
| 28. SB 700-Schatz | 33. SB 802-Sater |
| 29. SB 823-Kraus, with SCS | 34. SB 804-Onder, with SCS |
| 30. SB 814-Wallingford, et al, with SCS | 35. SB 623-Libla |
| 31. SB 612-Cunningham | |

HOUSE BILLS ON THIRD READING

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| HB 1575-Rowden, with SCA 1 (Onder) | HB 1979-Rowden, with SCS (Onder) |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 580-Schaaf, with SCS, SA 2 & point of
order (pending) | SB 816-Wieland, et al |
| SBs 620 & 582-Romine, with SCS & SA 1
(pending) | SB 825-Munzlinger, with SA 1 (pending) |

CONSENT CALENDAR

Senate Bills

Reported 1/28

- | | |
|---------------|------------------------------------|
| SB 660-Wasson | SB 818-Schatz and Riddle, with SCS |
| SB 887-Walsh | |

Reported 2/4

- | | |
|-------------------------|----------------|
| SB 650-Pearce, with SCS | SB 833-Nasheed |
| SB 627-Nasheed | SB 864-Sater |
| SB 646-Schupp, with SCS | SB 738-Parson |
| SB 831-Wasson | |

RESOLUTIONS

To be Referred

- SCR 64-Nasheed