

# Journal of the Senate

FIRST REGULAR SESSION

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TWENTY-SECOND DAY—MONDAY, FEBRUARY 13, 2017

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The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

**“Nearly all men can stand adversity, but if you want to test a man’s character, give him power.” (Abraham Lincoln)**

Gracious Lord, You have called us into positions to provide laws that will govern the people of our state. It is humbling to have such power and we are grateful to be able to share it with our colleagues as together we provide what is truly needed. So we pray for guidance and direction so we may always do what is our very best. 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 9, 2017 was read and approved.

Senator Kehoe announced photographers from 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	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Kraus	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 227, regarding the National Multiple Sclerosis Society, Saint Louis, which was adopted.

Senator Brown offered Senate Resolution No. 228, regarding the death of Geneva Irene Goodrich, Crocker, which was adopted.

Senator Sifton offered Senate Resolution No. 229, regarding Justin Behlmann, which was adopted.

Senator Sifton offered Senate Resolution No. 230, regarding Stephanie Percich, which was adopted.

Senator Kehoe offered Senate Resolution No. 231, regarding Eagle Scout David Michael Shelden, Russellville, which was adopted.

Senator Kehoe offered Senate Resolution No. 232, regarding Eagle Scout Colin Michael Walters, Lohman, which was adopted.

Senator Riddle offered Senate Resolution No. 233, regarding Mark Samm, Mexico, which was adopted.

Senator Schatz offered Senate Resolution No. 234, regarding Steven C. Walli, St. Albans, which was adopted.

Senator Kehoe offered Senate Resolution No. 235, regarding Bill Thompson, St. Louis, which was adopted.

Senator Schatz offered Senate Resolution No. 236, regarding Rudolph E. “Rudy” Kuhlmann, Ellisville, which was adopted.

Senator Schatz offered Senate Resolution No. 237, regarding Michael Joseph Joyce, Jr., Union, which was adopted.

Senator Kehoe offered the following resolution:

**SENATE RESOLUTION NO. 238**

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June, 2017, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, hereby grant the adult leaders and participants of the Seventy-seventh Session of Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 28, 2017 from 8:00 am to 12:30 pm.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 238** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 238** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 239

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

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

WHEREAS, the 2017 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-ninth General Assembly, hereby grant the 2017 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Thursday, July 20, 2017 from 1:45 p.m. to 3:45 p.m. for the purpose of holding a mock legislative session.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 239** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 239** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 240

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 5:00 p.m. Thursday, October 19, 2017 and 8:00 am to 12:00 pm Friday, October 20, 2017.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 240** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 240** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 241

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its Youth in Government program on November 9, 2017 through November 11, 2017 and November 30, 2017 through December 2, 2017.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose

of taking **SR 241** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 241** was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Hoskins offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 14

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

Whereas, Article V of the Constitution of the United States requires a Convention to be called by the Congress of the United States for the purpose of proposing an amendment to the Constitution upon application of two-thirds of the Legislatures of the several states; and

Whereas, the Legislature of the State of Missouri favors a proposal and ratification of an amendment to said Constitution, which shall set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Be It Further Resolved that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Be It Further Resolved that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States of America until the legislatures of at least two-thirds of the several states have made applications on the same subject; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

**Read 1st time.**

Senator Hoskins offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 15

Whereas, on August 21, 2017, the moon will orbit between the earth and the sun and obstruct the light of the sun, thus creating a total solar eclipse; and

Whereas, the last total solar eclipse visible in the continental United States occurred in 1979; and

Whereas, this total solar eclipse will travel across the continental United States from Oregon to South Carolina; and

Whereas, the last total solar eclipse visible in Missouri occurred in 1869; and

Whereas, the center of this solar eclipse will travel directly from St. Joseph, Missouri to Perryville, Missouri, and the moon will cast a seventy-mile-wide shadow over the cities of Rock Port, Savannah, Kansas City, Chillicothe, Marshall, Moberly, Sedalia, Columbia, Jefferson City, Chesterfield, Farmington, and Cape Girardeau; and

Whereas, the moment when the moon's leading edge first obstructs the sun's light and the moon begins to cast a partial shadow is called first contact; and

Whereas, the moment when the moon's leading edge obstructs the other edge of the sun and the moon first fully obstructs the sun and casts a full shadow is called second contact; and

Whereas, the moment when the trailing edge of the moon begins receding from the sun's edge and the moon again casts a partial shadow is called third contact; and

Whereas, the time between second contact and third contact when the moon obstructs all of the sun's direct light is called the totality; and

Whereas, during both the second contact and third contact when the sun is not quite entirely obstructed by the moon, bits of sunlight will shine only through the valleys and craters of the moon creating bright spots called Baily's Beads; and

Whereas, during the totality day turns to night, stars can be seen in the sky, insects chirp, the temperature cools, the sun produces a halo effect around the black orb of the moon, and the sky on the horizon in every direction is the color of a sunset; and

Whereas, the moment when the moon's trailing edge fully passes away from the sun and no longer casts any shadow is called fourth contact; and

Whereas, first contact will occur at 11:40 A.M. on the western border of Missouri and at 11:51 A.M. on the eastern border of Missouri; and

Whereas, the time between first contact and fourth contact will be approximately two hours and fifty-five minutes; and

Whereas, the totality's Greatest Duration is located so that the length of the totality throughout all of Missouri will be within two seconds of the Greatest Duration: two minutes and forty seconds; and

Whereas, the rare event of a total solar eclipse will be an economic boon to the state; and

Whereas, over an estimated half million people will travel to Missouri to experience this total solar eclipse; and

Whereas, counties along the path of the eclipse expect to double and triple their populations for the day; and

Whereas, hotel rooms are already fully booked, public viewing areas have been designated, buses have been chartered, and small businesses are gearing up for large crowds; and

Whereas, Rosecrans Memorial Airport in St. Joseph was reserved as a viewing area five years in advance of the eclipse; and

Whereas, Faurot Field at the University of Missouri - Columbia has sold out its seventy-one thousand seats for viewing the eclipse; and

Whereas, over five hundred thousand special viewing glasses have been ordered for the multiple eclipse-related events across Missouri; and

Whereas, hundreds of people across the state have worked for two years in anticipation of the economic opportunity the total solar eclipse presents to the state by holding meetings, providing educational packets to schools, and creating events to inform the public; and

Whereas, various communities throughout the state will host eclipse-related celebrations, festivals, and activities; and

Whereas, schools and colleges are planning eclipse-related education lessons and events; and

Whereas, no picture can do the experience of a total solar eclipse justice, and one must be seen in person; and

Whereas, Missouri is an ideal location to view the 2017 total solar eclipse:

Now Therefore Be It Resolved that the members of the Senate of the Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate August 21, 2017, as "Total Eclipse Day" in the State of Missouri; and

BE IT FURTHER RESOLVED that the citizens of and visitors to this state are encouraged to observe the day with appropriate events and activities to witness the total solar eclipse.

## **INTRODUCTION OF BILLS**

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

**SB 413**—By Munzlinger.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to reimbursement for the cost of incarcerating prisoners.

**SB 414**—By Riddle.

An Act to repeal sections 43.505, 43.530, and 513.653, RSMo, and to enact in lieu thereof three new sections relating to the administration of public safety, with existing penalty provisions.

**SB 415**—By Hummel.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to

workers' compensation for firefighters.

**SB 416**—By Hoskins.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation of utilities used in food preparation.

**SJR 17**—By Kraus.

Join Resolution submitting to the qualified voters of Missouri an amendment repealing section 18(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the office of assessor in charter counties.

### **SECOND READING OF SENATE BILLS**

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

**SB 392**—Small Business and Industry.

**SB 393**—Local Government and Elections.

**SB 394**—Health and Pensions.

**SB 395**—Professional Registration.

**SB 396**—General Laws.

**SB 397**—Professional Registration.

**SB 398**—Judiciary and Civil and Criminal Jurisprudence.

**SB 399**—Transportation, Infrastructure and Public Safety.

**SB 400**—Judiciary and Civil and Criminal Jurisprudence.

**SB 401**—Education.

**SB 402**—Education.

**SB 403**—Commerce, Consumer Protection, Energy and the Environment.

**SB 404**—Small Business and Industry.

**SB 405**—Commerce, Consumer Protection, Energy and the Environment.

**SB 406**—Economic Development.

**SB 407**—Professional Registration.

**SB 408**—Seniors, Families and Children.

**SB 409**—Health and Pensions.

**SB 410**—Health and Pensions.

**SB 411**—Local Government and Elections.

**SB 412**—Commerce, Consumer Protection, Energy and the Environment.

**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 **HB 251**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 51**, entitled:

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to cemetery funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 54**, entitled:

An Act to repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in county elected offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**SENATE BILLS FOR PERFECTION**

Senator Rowden moved that **SB 237**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 237**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 237**

An Act to repeal section 538.205, RSMo, and to enact in lieu thereof one new section relating to the liability of an employee of a health care provider.

Was taken up.

Senator Rowden moved that **SCS** for **SB 237** be adopted.

Senator Wallingford assumed the Chair.

President Parson assumed the Chair.

Senator Rizzo offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 237, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“198.700. 1. All facilities to which this chapter applies shall carry liability insurance with limits of no less than one million dollars per occurrence to compensate for injuries, damages, or death caused or contributed to by care received at the facility by a resident, or former resident, of the facility, and for any violation of the provisions of this chapter. The insurance shall apply to the facility and to any person or entity with which the facility contracts for the provision of care to the residents of the facility.**

**2. A facility may, in lieu of compliance with subsection 1 of this section, be self-insured if the facility posts a bond with the director of the department of insurance, financial institutions and professional registration in the amount of one million five hundred thousand dollars which will satisfy judgments or settlements against the facility for damages as described in subsection 1 of this section. The director of the department of insurance, financial institutions and professional registration shall promulgate rules and regulations to determine the information required to satisfy the requirements of this subsection. 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, 2017, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder assumed the Chair.

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

Senator Schaaf offered SA 2, which was read:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 237, Page 2, Section 538.205, Line 25, by striking the words “and who in”, and further amend by striking lines 26 through 28 and inserting in lieu thereof the following “;”.

Senator Schaaf moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Rowden offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 237, Page 1, Line 2, by inserting after the word “line” the following:

“24, by striking the word “an” and inserting in lieu thereof the following: “**a written**”; and further amend line”.

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

Senator Schaaf moved that **SA 2**, as amended, be adopted, which motion prevailed.

Senator Rowden moved that **SCS** for **SB 237**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SCS** for **SB 237**, as amended, was declared perfected and ordered printed.

### 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 **HCS** for **HB 66**, entitled:

An Act to repeal section 191.332, RSMo, and to enact in lieu thereof one new section relating to newborn screening requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HBs 190** and **208**, entitled:

An Act to repeal sections 174.709, 174.712, and 178.862, RSMo, and to enact in lieu thereof three new sections relating to community college police officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, February 14, 2017.

### SENATE CALENDAR

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TWENTY-THIRD DAY—TUESDAY, FEBRUARY 14, 2017

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 413-Munzlinger  
SB 414-Riddle  
SB 415-Hummel

SB 416-Hoskins  
SJR 17-Kraus

## HOUSE BILLS ON SECOND READING

HB 251-Taylor  
 HB 51-Andrews  
 HCS for HB 54

HCS for HB 66  
 HCS for HBs 190 & 208

## THIRD READING OF SENATE BILLS

SS for SB 182-Onder

## SENATE BILLS FOR PERFECTION

- |                                  |                            |
|----------------------------------|----------------------------|
| 1. SB 45-Romine                  | 7. SB 189-Kehoe, with SCS  |
| 2. SB 113-Schatz, with SCS       | 8. SB 28-Sater, with SCS   |
| 3. SBs 37 & 244-Silvey, with SCS | 9. SB 139-Sater, with SCS  |
| 4. SB 74-Schaaf, with SCS        | 10. SB 20-Brown            |
| 5. SB 43-Romine, with SCS        | 11. SB 6-Richard, with SCS |
| 6. SB 66-Schatz, with SCS        | 12. SB 11-Wasson, with SCS |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 5-Richard

SB 21-Brown

## CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 248-Kraus  
 SB 82-Dixon, with SCS  
 SB 108-Romine, with SCS  
 SB 52-Nasheed, with SCS  
 SB 111-Hegeman

SB 95-Sater  
 SB 146-Romine  
 SB 125-Wasson  
 SB 8-Munzlinger  
 SB 64-Schatz

RESOLUTIONS

SR 197-Richard

To be Referred

SCR 14-Hoskins

SCR 15-Hoskins

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