

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—TUESDAY, MARCH 10, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“How precious is your steadfast love, O Lord All people may take refuge in the shadow of your wings.” (Psalm 36:10)

O God, help us to prioritize spiritual realities over temporal ones, for that is not easy for us to do. The physical realities around us are tangible; as we hold stacks of bills in our hands that we can either vote up or down or control their passage. But the spiritual realities are not easy to recognize or see in the moment. So, help us Lord to stay calm in each moment, help us to keep seeking and drawing closer to You, and help us reach out to others with Your love. 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 of the previous day was read and approved.

Photographers from Missouri Digital News 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	Dempsey	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

Dixon	LeVota	Riddle—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 583, regarding Christopher D. Cooper, Wardsville, which was adopted.

Senator Walsh offered Senate Resolution No. 584, regarding Robert A. Soutier, Bridgeton, which was adopted.

On behalf of Senator Dixon, Senator Richard offered Senate Resolution No. 585, regarding Verniquia Foster, which was adopted.

Senator Schupp offered Senate Resolution No. 586, regarding Eli Gabriel Goldstein, Olivette, which was adopted.

Senator Schupp offered Senate Resolution No. 587, regarding Jody Eichacker, which was adopted.

Senator Schupp offered Senate Resolution No. 588, regarding Joan Bible, which was adopted.

Senator Schupp offered Senate Resolution No. 589, regarding Stan Williams, which was adopted.

Senator Schupp offered Senate Resolution No. 590, regarding Lori Maddox, which was adopted.

Senator Schupp offered Senate Resolution No. 591, regarding Michael Herrmann, which was adopted.

Senator Schupp offered Senate Resolution No. 592, regarding Tim Morrison, which was adopted.

Senator Schupp offered Senate Resolution No. 593, regarding Frances Leverenz, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 233**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 233**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 233

An Act to repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 233** be adopted.

Senator Pearce assumed the Chair.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 233, Page 2, Section 490.065, Lines 19-27, by striking said lines and inserting in lieu thereof the following: “**the form of an opinion or otherwise if the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.**”.

Senator Schupp moved that the above amendment be adopted.

Senator Kraus assumed the Chair.

At the request of Senator Kehoe, **SB 233**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

SENATE BILLS FOR PERFECTION

At the request of Senator Schaaf, **SB 10**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 119**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 152**, with **SCS**, was placed on the Informal Calendar.

SB 58 was placed on the Informal Calendar.

At the request of Senator Romine, **SB 224**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 326**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 56**, with **SCS**, was placed on the Informal Calendar.

SB 201 was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 216** was placed on the Informal Calendar.

At the request of Senator Sifton, **SB 164** was placed on the Informal Calendar.

Senator Brown moved that **SB 239** be taken up for perfection, which motion prevailed.

Senator Brown offered **SS** for **SB 239**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 239**

An Act to repeal sections 1.010, 538.205, and 538.210, RSMo, and to enact in lieu thereof three new sections relating to a statutory cause of action against healthcare providers.

Senator Brown moved that **SS** for **SB 239** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 239, Page 5, Section 538.210, Line 16, by striking the word “five” and inserting in lieu thereof the following: “**seven**”.

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

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 239, Page 2, Section 538.205, Line 23, by striking the words “twenty-two/two-hundredths” and inserting in lieu thereof the following: “**twenty/two-hundred**”.

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

Senator Brown moved that **SS** for **SB 239**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SB 239**, as amended, was declared perfected and ordered printed.

Senator Pearce assumed the Chair.

Senator Kehoe moved that **SB 233**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Kehoe, **SB 233**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

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

SB 501—Judiciary and Civil and Criminal Jurisprudence.

SB 502—Veterans' Affairs and Health.

SB 503—Small Business, Insurance and Industry.

SB 504—Governmental Accountability and Fiscal Oversight.

SB 505—Financial and Governmental Organizations and Elections.

SB 506—Jobs, Economic Development and Local Government.

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SB 508—Commerce, Consumer Protection, Energy and the Environment.

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SB 510—Commerce, Consumer Protection, Energy and the Environment.

SB 511—Governmental Accountability and Fiscal Oversight.

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SB 513—Small Business, Insurance and Industry.

SB 514—Rules, Joint Rules, Resolutions and Ethics.

SB 515—Veterans' Affairs and Health.

SB 516—Commerce, Consumer Protection, Energy and the Environment.

SB 517—Financial and Governmental Organizations and Elections.

SB 518—Seniors, Families and Children.

SB 519—Jobs, Economic Development and Local Government.

SB 520—Commerce, Consumer Protection, Energy and the Environment.

SB 521—Commerce, Consumer Protection, Energy and the Environment.

SB 522—Commerce, Consumer Protection, Energy and the Environment.

SB 523—Financial and Governmental Organizations and Elections.

SB 524—Financial and Governmental Organizations and Elections.

SB 525—Seniors, Families and Children.

SB 526—Commerce, Consumer Protection, Energy and the Environment.

SB 527—Judiciary and Civil and Criminal Jurisprudence.

SB 528—Small Business, Insurance and Industry.

SB 529—Transportation, Infrastructure and Public Safety.

SB 530—Education.

SB 531—Education.

SB 532—Judiciary and Civil and Criminal Jurisprudence.

SB 533—Seniors, Families and Children.

SB 534—General Laws and Pensions.

SB 535—General Laws and Pensions.

SB 536—General Laws and Pensions.

SB 537—General Laws and Pensions.

SB 538—General Laws and Pensions.

SB 539—Jobs, Economic Development and Local Government.

SB 540—Transportation, Infrastructure and Public Safety.

SB 541—Jobs, Economic Development and Local Government.

REFERRALS

President Pro Tem Dempsey referred **SCR 31** and **SCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 233**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Kraus assumed the Chair.

Senator Wallingford assumed the Chair.

President Pro Tem Dempsey assumed the Chair.

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

Senator Pearce assumed the Chair.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 233, Page 2, Section 490.065, Line 46, by inserting after all of said line the following:

“5. Notwithstanding any other provision of law, an individual with five or more years of practical experience in the area of scientific, technical or other specialized knowledge at issue shall be presumed qualified under this section.”

Senator Sifton moved that the above amendment be adopted.

Senator Romine assumed the Chair.

At the request of Senator Kehoe, **SB 233**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SS** for **SB 239**, 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.

RESOLUTIONS

Senator Schmitt offered Senate Resolution No. 594, regarding Aileen Markovitz, Wildwood, which was adopted.

Senator Nasheed offered Senate Resolution No. 595, regarding Kaitlyn Davis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, teachers Joshua Byler and JoAnn Schlabach; Keith and Rhoda Kramer, Lavern and Evelyn Schlabach, David, Anna and Connor Beachy; and students, Dylan Miller, Christina Byler, Bethany Eicher, Jared Schlabach and Kendra Miller, Bethel Mennonite Church, Richmond.

Senator Parson introduced to the Senate, County Treasurers from the 28th Senatorial District and around the state.

Senator Parson introduced to the Senate, Kevin Spaulding and Kylee Fredrickson, Springfield.

Senator Parson introduced to the Senate, Principal David Geurin; and students Brooklyn Nance, Anthony Azzun, Sylvia Ofori-Yeboha, Shelby Hayes, and Drew Geurin, Bolivar High School Rotary Club.

Senator Parson introduced to the Senate, Shane and Jenny Deppe, and their daughter, Chloe, Brighton.

Senator Wallingford introduced to the Senate, Jillian Rushin, University of Missouri Undergraduate Research representative.

Senator Dempsey introduced to the Senate, representatives of University of Missouri Undergraduate Research Day.

Senator Emery introduced to the Senate, Sarah Byers, Sarah Creasy, McCade Gordon, Eli Householder, Clay Landoll and Luke Sudkamp, Nevada High School; and Sandra Holt, Deepwater.

Senator Holsman introduced to the Senate, Theresa Torres, Paola Vera, Britany Mojica, Christina Jasso, Ricky Oliveras and Diane and Paul Rojas, Kansas City.

Senator Brown introduced to the Senate, Abigail Campbell, Adrian Black, Anthony Wellnitz, Rebekah Harrah, Kevin Bird, and Alec Page, University of Missouri-Rolla Undergraduate Research representatives.

Senator Brown introduced to the Senate, Jared Dover, Lyle Watson, Rebekah Leslie, Andy Offutt and Randy Becht, Pulaski County Rotary students.

Senator Kehoe introduced to the Senate, teacher Jessica Baumhoer; and fourth grade students from St. Francis Xavier, Taos.

Senator Onder introduced to the Senate, Katelyn Waidmann, O'Fallon.

Senator Cunningham introduced to the Senate, Leslie Thomas and Jenny Gardner, Rotary Club, Marshfield; and Haley Venolia and David Champlin, Niangua High School.

Senator Brown introduced to the Senate, students from Rolla High School Rotary Club.

Senator Wallingford introduced to the Senate, Carol Tobias.

On behalf of Senator Pearce, the President introduced to the Senate, representatives of the Missouri Federation of Republican Women, Lana Crain and Doris Strickler, Lafayette County; and Debbie Phillips and Virginia Campbell, Johnson County.

Senator Holsman introduced to the Senate, Ellen Pittman, Micah Fritz, and students from Redbridge Elementary, Kansas City; and Winston Apple, Independence.

Senator Dempsey introduced to the Senate, Lauren Murphy, Payton Wilson and Maria Wilson, St. Charles.

Senator Munzlinger introduced to the Senate, Debbie Sears; and students from Scotland County High School, Memphis.

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

SENATE CALENDAR

THIRTY-FIFTH DAY—WEDNESDAY, MARCH 11, 2015

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 542-Sater
SB 543-Schupp

SB 544-Schaefer
SB 545-Schaefer

SB 546-Schaefer	SB 559-Chappelle-Nadal, et al
SB 547-Riddle	SB 560-Chappelle-Nadal
SB 548-Sifton	SB 561-Wasson
SB 549-Onder	SB 562-Wieland
SB 550-Dixon	SB 563-Wieland
SB 551-Hegeman	SB 564-Kehoe
SB 552-Munzlinger	SB 565-Wallingford
SB 553-Munzlinger	SB 566-Silvey
SB 554-Munzlinger	SB 567-Chappelle-Nadal, et al
SB 555-Emery	SB 568-Munzlinger
SB 556-Pearce	SJR 13-Schaaf
SB 557-LeVota	SJR 14-Dixon
SB 558-Brown	SJR 15-Cunningham

HOUSE BILLS ON SECOND READING

HCS for HB 130	HB 361-Spencer
HCS for HB 50	HB 391-Gosen
HB 32-Hoskins	HB 400-Peters
HCS for HB 141	HB 402-Phillips
HB 29-Dugger	HB 404-Phillips
HB 100-Gosen	HB 562-Davis
HB 233-Franklin	HB 111-Crawford
HB 41-Wood	HCS for HB 112
HB 179-Chipman	HCS for HB 777
HB 533-Dugger	HB 384-Flanigan
HCS for HB 388	HB 468-Berry
HB 149-Fitzpatrick	HB 118-Burlison
HB 88-Walton Gray	

THIRD READING OF SENATE BILLS

SCS for SB 19-Kraus (In Fiscal Oversight)	SS for SCS for SB 67-Cunningham
SS for SCS for SB 122-Walsh (In Fiscal Oversight)	SCS for SB 107-Sater
SCS for SBs 1, 22, 49 & 70-Pearce (In Fiscal Oversight)	SS for SB 239-Brown

SENATE BILLS FOR PERFECTION

SJR 7-Richard and Wallingford

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 10-Schaaf, with SCS

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

SB 56-Munzlinger, with SCS

SB 58-Dixon

SB 59-Dixon

SB 119-Brown and Chappelle-Nadal, with SCS

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

SB 152-Wallingford, with SCS

SB 164-Sifton

SB 201-Dixon

SB 216-Keaveny

SB 224-Romine and Dixon, with SCS

SB 227-Emery, with SS (pending)

SB 233-Kehoe, with SCS & SA 2 (pending)

SB 326-Sater, with SCS

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

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