

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 19, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“..if you indeed cry out for insight, and raise your voice for understanding,..then you will understand righteousness and justice, equity and every good path.” (Proverbs 2:3,9)

Heavenly Father, we remember Your servant Martin Luther King who walked in the path You led him, to teach us to love one another and not let race, color or religious affiliation get in our way of doing what You have taught us is right. Help us to walk this path also, and direct us to help all people to share Your righteous directions. 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 14, 2016, was read and approved.

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	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senator Pearce—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 1235, regarding Jo Mueller, Carl Junction, which was adopted.

Senator Romine offered Senate Resolution No. 1236, regarding Cecil Meredith Hulsey, Farmington, which was adopted.

Senator Cunningham offered Senate Resolution No. 1237, regarding Bob and Janice Adams, Doniphan, which was adopted.

Senator Cunningham offered Senate Resolution No. 1238, regarding Matthew Morin, Naylor, which was adopted.

Senator Hegeman offered Senate Resolution No. 1239, regarding the Fiftieth Wedding Anniversary of Steve and Cheryl Knab, Weatherby, which was adopted.

Senator Hegeman offered Senate Resolution No. 1240, regarding the Sixtieth Wedding Anniversary of Billy Jo and Dorothy Meeker, Laredo, which was adopted.

Senator Hegeman offered Senate Resolution No. 1241, regarding the Fiftieth Wedding Anniversary of Richard and Akiko Vencill, Galt, which was adopted.

Senator Silvey offered Senate Resolution No. 1242, regarding John Dillingham, Kansas City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1243, regarding Lillie Hegeman, which was adopted.

Senator Hegeman offered Senate Resolution No. 1244, regarding Phillip Hegeman, which was adopted.

Senator Hegeman offered Senate Resolution No. 1245, regarding Rod Auxier, Maryville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1246, regarding Glenda Hunt, Kirksville, which was adopted.

Senator Wallingford offered Senate Resolution No. 1247, regarding Sam Bearden, Piedmont, which was adopted.

Senator Wallingford offered Senate Resolution No. 1248, regarding Sid Naramore, Chaffee, which was adopted.

Senator Wallingford offered Senate Resolution No. 1249, regarding Richard L. Ayers, Piedmont, which was adopted.

Senator Schaefer offered Senate Resolution No. 1250, regarding Halcyone Ewalt Perlman, Columbia, which was adopted.

Senator Sifton offered Senate Resolution No. 1251, regarding Karl Keller, which was adopted.

Senator Sifton offered Senate Resolution No. 1252, regarding Amy Rose, which was adopted.

Senator Sifton offered Senate Resolution No. 1253, regarding Karen Czaicki, which was adopted.

Senator Sifton offered Senate Resolution No. 1254, regarding Officer Paul Gordon, which was adopted.

Senator Sifton offered Senate Resolution No. 1255, regarding Mark Bryant, which was adopted.

Senator Sifton offered Senate Resolution No. 1256, regarding Lorraine Sullivan, which was adopted.

Senator Sifton offered Senate Resolution No. 1257, regarding Dr. Steve Brotherton, which was adopted.

Senator Sifton offered Senate Resolution No. 1258, regarding Mike and Mary Leeper, which was adopted.

Senator Sifton offered Senate Resolution No. 1259, regarding Lisa Carnehl, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1260, regarding Shannon Smyka, High Ridge, which was adopted.

Senator Sifton offered Senate Resolution No. 1261, regarding Anna Barton, O'Fallon, which was adopted.

Senator Sifton offered Senate Resolution No. 1262, regarding Scout DeNoyer, O'Fallon, which was adopted.

Senator Sifton offered Senate Resolution No. 1263, regarding Cortney Forgarty, OD, which was adopted.

Senator Libla offered Senate Resolution No. 1264, regarding the Lion's Club, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1265, regarding Tyson, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1266, regarding The Loft, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1267, regarding Laura Lee Stone, Dexter, which was adopted.

Senator Kraus offered Senate Resolution No. 1268, regarding the Veterans of Foreign Wars Post 5844, Holden, which was adopted.

Senator Silvey offered Senate Resolution No. 1269, regarding Eagle Scout Adam M. Larson, Kansas City, which was adopted.

Senator Schmitt offered Senate Resolution No. 1270, regarding David and Sandy Donley, which was adopted.

Senator Schmitt offered Senate Resolution No. 1271, regarding Kiley Mehringer, which was adopted.

Senator Schmitt offered Senate Resolution No. 1272, regarding Warren Sauer and John Hexter, which was adopted.

Senator Sater offered Senate Resolution No. 1273, regarding Henry Grider, Aurora, which was adopted.

Senator Riddle offered Senate Resolution No. 1274, regarding Eagle Scout Caleb Fink, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1275, regarding Carla Emert, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1276, regarding Mark Cross, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1277, regarding Fred J. Statler, Jr., Troy, which was adopted.

Senator Schaaf offered Senate Resolution No. 1278, regarding Louise (Noellsch) Schaaf, Saint Joseph, which was adopted.

INTRODUCTION OF BILLS

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

SB 926—By Riddle.

An Act to repeal section 70.210, RSMo, and to enact in lieu thereof one new section relating to the authority of certain boards to cooperate with other entities.

SB 927—By Silvey.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to data storage centers.

SB 928—By Munzlinger.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to privacy protections for certain agricultural entities.

SB 929—By Dixon.

An Act to repeal section 556.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 556.046 as enacted by senate bill no. 223, ninety-first general assembly, first regular session, RSMo, and to enact in lieu thereof one new section relating to jury instructions on included offenses.

SB 930—By Emery.

An Act to amend chapter 161, RSMo, by adding thereto two new sections relating to school building accreditation.

SB 931—By Schaefer.

An Act to repeal sections 217.362, 217.735, 558.019, 559.106, 559.115, and 566.125, RSMo, and to enact in lieu thereof nine new sections relating to sexual offenses against children, with an effective date.

SB 932—By Cunningham.

An Act to repeal section 370.230, RSMo, and to enact in lieu thereof one new section relating to credit union supervisory committees.

SB 933—By Curls.

An Act to amend chapter 84, RSMo, by adding thereto one new section relating to airport police officers in certain cities.

REFERRALS

President Pro Tem Richard referred **SCR 56** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 55**. Representatives: Rone, Anderson, Allen, Flanigan, Houghton, Pace, McNeil, Kirkton, Walton Gray, and Kratky.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 56**. Representatives: Cornejo, Plocher, McGaugh, Pike, Andrews, Gardner, Mitten, Colona, Rowland (29), and McGee.

President Pro Tem Richard assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Parson moved that **SB 591**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 591**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

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 Parson moved that **SCS** for **SB 591** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 591, Page 2, Section 490.065, Line 52, by inserting after all of said line the following:

“3. In applying the provisions of this chapter, it is the intent of the legislature to uphold the rules of law expressed in *Shelby County R-IV School District et al. v. Herman*, 392 S.W.2d 609 (Mo. 1965), *Casada v. Hamby Excavating Co., Inc.*, 575 S.W.2d 851 (Mo. App. 1978), *Wood River Pipeline Co. v. Sommer*, 757 S.W.2d 265 (Mo. App. E.D. 2007), and all cases citing, interpreting, applying, or following these cases regarding how an owner of real property, while not an expert, is competent to testify as to the reasonable market value of the owner’s land.”

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

Senator Keaveny offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 591, Page 1, Section 490.065, Line 3 by inserting immediately after “487” the following: **“or in all proceedings before the probate division of the**

circuit court”

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

Senator Keaveny offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 591, Page 2, Section 490.065, Line 52, by inserting after all of said line the following:

“3. In any motion to deny or limit the admission of the testimony of an expert witness brought under subsection 2 of this section, if the court finds that such motion was frivolous or was brought without good faith, the court may award the party defending against such motion the following costs related to defending against the motion:

(1) Attorney’s fees;

(2) Expert fees;

(3) Reasonable litigation expenses;

(4) Reasonable expert travel and lodging fees related to attending the motion hearing or attending a deposition taken for the purposes of preservation of testimony at such hearing; and

(5) Court reporter fees.”.

Senator Keaveny moved that the above amendment be adopted.

Senator Sifton requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Schupp, Holsman, Walsh and Keaveny.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dixon	Emery	Holsman	Keaveny	Nasheed
Romine	Schaaf	Schmitt	Sifton	Silvey—12		

NAYS—Senators

Brown	Cunningham	Hegeman	Kehoe	Kraus	Libla	Munzlinger
Onder	Parson	Richard	Riddle	Sater	Schaefer	Schatz
Schupp	Wallingford	Walsh	Wasson	Wieland—19		

Absent—Senators—None

Absent with leave—Senator Pearce—1

Vacancies—2

Senator Holsman requested a roll call vote be taken on the perfection of **SCS** for **SB 591**, as amended, and was joined in his request by Senators Schaaf, Schupp, Curls and Walsh.

Senator Parson moved that **SCS** for **SB 591**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SCS for SB 591**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Cunningham	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Richard	Riddle	Sater
Schaefer	Schatz	Wallingford	Wasson	Wieland—19		

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed	Romine	Schaaf
Schmitt	Schupp	Sifton	Silvey	Walsh—12		

Absent—Senators—None

Absent with leave—Senator Pearce—1

Vacancies—2

COMMUNICATIONS

President Pro Tem Richard submitted the following:

December 7, 2015

Ms. Adriane Crouse
201 West Capitol Avenue
Room 325
Jefferson City, MO 65101

Dear Ms. Crouse,

I appoint Senator Doug Libla to the Seismic Safety Commission. This appointment is due pursuant to statute 44.227 and the position is filling a current vacancy.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Ron Richard
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Curls introduced to the Senate, former State Representative Melba Curls, Kansas City.

Senator Walsh introduced to the Senate, Mitchell McGill, Highland, Illinois; and Jonathan Connally, St. Joseph.

Senator Parson introduced to the Senate, Leroy Van Dyke, Sedalia.

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

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 20, 2016

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 851-Brown	SB 878-Brown
SB 852-Brown	SB 879-Brown
SB 853-Brown	SB 880-Brown
SB 854-Brown	SB 881-Brown
SB 855-Pearce	SB 882-Romine
SB 856-Silvey	SB 883-Riddle
SB 857-Romine	SB 884-Munzlinger
SB 858-Romine	SB 885-Munzlinger
SB 859-Munzlinger	SB 886-Walsh
SB 860-Riddle	SB 887-Walsh
SB 861-Wieland	SB 888-Walsh
SB 862-Wieland	SB 889-Onder
SB 863-Wieland	SB 890-Emery
SB 864-Sater	SB 891-Schaefer
SB 865-Sater	SB 892-Chappelle-Nadal
SB 866-Sater	SB 893-Munzlinger
SB 867-Sater	SB 894-Munzlinger
SB 868-Wasson	SB 895-Hegeman
SB 869-Schmitt	SB 896-Hegeman
SB 870-Kraus	SB 897-Hegeman
SB 871-Wallingford	SB 898-Cunningham
SB 872-Munzlinger	SB 899-Parson
SB 873-Pearce	SB 900-Holsman
SB 874-Pearce	SB 901-Holsman
SB 875-Schaefer	SB 902-Silvey and Holsman
SB 876-Schatz	SB 903-Dixon
SB 877-Schatz	SB 904-Pearce

SB 905-Sifton	SB 920-Schmitt and Kraus
SB 906-Wasson	SB 921-Riddle
SB 907-Walsh and Schupp	SB 922-Riddle
SB 908-Sater	SB 923-Hegeman
SB 909-Sater	SB 924-Schaaf, et al
SB 910-Sater	SB 925-Sifton
SB 911-Wieland	SB 926-Riddle
SB 912-Schaaf	SB 927-Silvey
SB 913-Brown	SB 928-Munzlinger
SB 914-Brown	SB 929-Dixon
SB 915-Schaefer	SB 930-Emery
SB 916-Schaefer	SB 931-Schaefer
SB 917-Schaefer	SB 932-Cunningham
SB 918-Wallingford	SB 933-Curls
SB 919-Schmitt	SJR 35-Kraus

HOUSE BILLS ON SECOND READING

HB 1452-Hoskins	HB 1983-Dogan
HB 1575-Rowden	HB 1979-Rowden

SENATE BILLS FOR PERFECTION

SB 585-Wasson and Sater, with SCS

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