

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 25, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Dixon offered the following prayer:

In the 29th Psalm, we read: “Give unto the Lord, O you mighty ones. Give unto the Lord glory and strength. Give unto the Lord the glory due to His name.”

Architect of each one of us, we pause and humble ourselves before You. We remind ourselves that we are not the masters of our own destiny nor the hope of Your people. We enthrone You in those places. We ascribe glory and strength to Your name, we ask for help and enlightenment as we try to best serve Your people, and we resound, “Blessed Be The Name Of The Lord!” Baruch HaShem Adonai. 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 21, 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
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senator Onder—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Keaveny offered Senate Resolution No. 1287, regarding Okley Clark, Saint Louis, which was adopted.

Senator Schatz offered Senate Resolution No. 1288, regarding the Stages Saint Louis, Chesterfield, which was adopted.

Senator Emery offered Senate Resolution No. 1289, regarding the 2015 State Champion Lamar High School football team, which was adopted.

Senator Pearce offered Senate Resolution No. 1290, regarding the death of Shermaine Riggins, Marshall, which was adopted.

Senator Curls offered Senate Resolution No. 1291, regarding the death of Judith Ann Groves, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 1292, regarding Judy Jett, Warrensburg, which was adopted.

Senator Libla offered Senate Resolution No. 1293, regarding John William Ringer, Dexter, which was adopted.

Senator Cunningham offered Senate Resolution No. 1294, regarding the Piney River Brewing, Bucyrus, which was adopted.

Senator Cunningham offered Senate Resolution No. 1295, regarding Hazel Redburn, West Plains, which was adopted.

Senator Pearce offered Senate Resolution No. 1296, regarding Chillicothe, which was adopted.

Senators Schatz, Romine, Walsh and Wieland offered Senate Resolution No. 1297, regarding the SITE Improvement Association, St. Charles, which was adopted.

Senator Holsman offered Senate Resolution No. 1298, regarding Eagle Scout David Bradfield “Brad” Parker, which was adopted.

Senator Holsman offered Senate Resolution No. 1299, regarding John L. Schaefer, Kansas City, which was adopted.

Senator Pearce offered Senate Resolution No. 1300, regarding Eagle Scout Jake A. Reed, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1301, regarding Eagle Scout Trevor James Reynolds, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1302, regarding Eagle Scout Sam S. Espey, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1303, regarding Eagle Scout David Ross Westenhaver, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1304, regarding Eagle Scout Landon K. Demel, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1305, regarding Eagle Scout Matthew W. Bissen, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1306, regarding Eagle Scout Christopher Lee Underwood,

Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1307, regarding Eagle Scout Robert Leo Burgess, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1308, regarding Eagle Scout Adrian Dale, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1309, regarding Eagle Scout Jonathan James Larimore, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1310, regarding Eagle Scout Ryan Michael Sheehan, Warrensburg, which was adopted.

Senator Pearce offered Senate Resolution No. 1311, regarding Eagle Scout Miles Drake Barry, Warrensburg, which was adopted.

CONCURRENT RESOLUTIONS

Senator Richard moved that **SCR 43**, with **SCS**, be taken up for adoption, which motion prevailed. **SCS** for **SCR 43** was taken up.

Senator Richard moved that **SCS** for **SCR 43** be adopted, which motion prevailed.

On motion of Senator Richard, **SCS** for **SCR 43** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Onder—1

Vacancies—2

Senators Keaveny, Pearce, Walsh, Wieland, Richard, Sifton, Schmitt, Nasheed, Kehoe and Onder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 58

Whereas, the National Geospatial-Intelligence Agency West Campus Headquarters, now located in the southern area of St. Louis, is currently considering a new site in the St. Louis region to build a new facility; and

Whereas, the state of Missouri has shown its resolve to build a new facility in Missouri by authorizing an additional twelve million dollars per year to the tax increment financing cap to be used solely for projects for the retention of the National Geospatial-Intelligence Agency in Missouri; and

Whereas, the new National Geospatial-Intelligence Agency facility would result in major benefits to the visual character of the site and other non-major benefits such as health and safety improvement, construction spending, induced employment, cleanup of existing hazardous contamination, and land use improvements; and

Whereas, the short-term and long-term economic potential of this project will leave a positive impact on the city and the state for years and generations to come; and

Whereas, the North St. Louis building site is the preferred location for the next National Geospatial Agency West facility as the state seeks to rebuild North St. Louis through jobs, safety, and more economic development opportunities; and

Whereas, both the St. Louis County Executive and the Mayor of St. Louis agree the North St. Louis site is ideal:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the National Geospatial Intelligence Agency to remain in Missouri and construct a new facility at the proposed St. Louis building site; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Director of the National Geospatial-Intelligence Agency, Robert Cardillo.

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 59

Whereas, the growth and abuse of federal regulatory authority threaten our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth, and Fifth Amendments to our Constitution; and

Whereas, federal regulators must be more accountable to elected representatives of the people, and not immune from such accountability; and

Whereas, the United States House of Representatives has passed with bipartisan support the Regulations from the Executive in Need of Scrutiny (REINS) Act to require that Congress approve major new federal regulations before they can take effect; and

Whereas, even if enacted, a law may be repealed or waived by a future Congress and President:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge that the United States Congress vote to propose the Regulation Freedom Amendment to the United States Constitution as follows:

“Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation.”; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

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

SB 965—By Schaaf.

An Act to repeal section 376.451, RSMo, and to enact in lieu thereof one new section relating to health insurance discrimination.

SB 966—By Schaaf.

An Act to repeal sections 37.005, 103.005, 103.008, 103.010, 103.014, 103.016, 103.019, 103.020, 103.023, 103.025, 103.027, 103.029, 103.032, 103.036, 103.039, 103.042, 103.045, 103.047, 103.050, 103.055, 103.059, 103.061, 103.064, 103.070, 103.075, 103.079, 103.080, 103.083, 103.084, 103.085, 103.095, 103.098, 103.100, 103.105, 103.110, 103.115, 103.130, 103.133, 103.145, 103.155, 103.158, 103.163, 103.165, 103.175, and 103.178, RSMo, and to enact in lieu thereof twenty-nine new sections relating to the Missouri consolidated health care plan, with an effective date for certain sections.

SB 967—By Pearce.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the establishment of a specialized department of higher education website.

SB 968—By Brown.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition rates for members of the Missouri National Guard.

SB 969—By Brown.

An Act to repeal section 173.900, RSMo, and to enact in lieu thereof one new section relating to tuition assistance for combat veterans.

SB 970—By Brown.

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to licensure of boat manufacturers and dealers.

SB 971—By Dixon.

An Act to repeal section 595.226, RSMo, and to enact in lieu thereof four new sections relating to the records of victims of sexual offenses.

SB 972—By Silvey.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet reimbursement for behavior assessment and intervention, with an emergency clause.

SB 973—By Wasson.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to dispensing maintenance medication.

SB 974—By Wasson.

An Act to repeal sections 375.004 and 379.118, RSMo, and to enact in lieu thereof two new sections relating to transfer of insurance policies between insurer affiliates.

SB 975—By Wasson.

An Act to repeal sections 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof four new sections relating to extended service contracts.

SB 976—By Nasheed.

An Act to repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to racial bias in policing.

SB 977—By Nasheed.

An Act to amend chapters 211 and 217, RSMo, by adding thereto two new sections relating to the use of restraints on certain persons.

SB 978—By Sater.

An Act to amend chapter 454, RSMo, by adding thereto one new section relating to state debt owed by noncustodial parents.

SB 979—By Hegeman.

An Act to amend chapter 210, RSMo, by adding thereto five new sections relating to the children's division.

SB 980—By Keaveny.

An Act to repeal sections 105.661, 105.666, and 105.683, RSMo, and to enact in lieu thereof three new sections relating to public pension plans.

SB 981—By Keaveny, Sifton, Holsman and Nasheed.

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to tax credits for earnings taxes in certain cities.

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 1631**, entitled:

An Act to repeal sections 115.427 and 115.430, RSMo, and to enact in lieu thereof two new sections relating to elections, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

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

Office of the Governor
State of Missouri
PROCLAMATION

WHEREAS, Article IV, Section 24, of the Missouri Constitution was amended by the voters on November 4, 2014; and

WHEREAS, Article IV, Section 24, requires the Governor to submit to the General Assembly a budget for the ensuing appropriation period, containing the estimated available revenues and proposed expenditures of the state; and

WHEREAS, Article IV, Section 24 was amended to specify that the Governor will not determine estimated available revenues using any new revenues created from proposed legislation that has not been passed into law by the General Assembly.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, do hereby submit the following proposal for the General Assembly's action during the 2016 legislative session.

That the General Assembly pass fiscally responsible legislation to reform and expand Medicaid, providing access to health care for nearly 300,000 Missourians, bringing our tax dollars home, and yielding \$101 million in revenue and savings.

Further, I call on the General Assembly to pass legislation to transfer general revenue in an amount equal to the revenue and savings

generated by reforming and expanding Medicaid into a Healthcare Protection Fund to be used solely to pay the general revenue share of costs for individuals eligible for Medicaid services as a result of expansion of eligibility to one hundred thirty-three percent of the federal poverty level.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 20th day of January, 2016.

Seal

Jeremiah W. (Jay) Nixon
Governor

Attest

Jason Kander
Secretary of State

Senator Pearce assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Kraus moved that **SCR 51** and **SCR 52**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCRs 51** and **52**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NOS. 51 and 52**

Relating to the disapproval of the Missouri State Tax Commission’s recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

Was taken up.

Senator Kraus moved that **SCS** for **SCRs 51** and **52** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **SCRs 51** and **52**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Parson
Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Keaveny—1

Absent—Senators—None

Absent with leave—Senator Onder—1

Vacancies—2

Senator Schmitt moved that **SCR 46** be taken up for 3rd reading and final passage, which motion prevailed.

SCR 46, entitled:

SENATE CONCURRENT RESOLUTION NO. 46

An Act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range.

Was taken up.

On motion of Senator Kraus, **SCR 46** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Curls	Dixon	Emery	Hegeman	Holsman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Parson	Pearce
Richard	Riddle	Romine	Sater	Schaaf	Schaefer	Schatz
Schmitt	Sifton	Silvey	Wallingford	Wasson	Wieland—27	

NAYS—Senators

Chappelle-Nadal	Nasheed	Schupp	Walsh—4
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Absent—Senators—None

Absent with leave—Senator Onder—1

Vacancies—2

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 **HCR 59**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 59

Relating to disapproval of the final order of rulemaking for the proposed rule 19 CSR 15-8.410.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the Department of Health and Senior Services filed proposed rule 19 CSR 15-8.410 on December 26, 2014, and filed the order of rulemaking with the Joint Committee on Administrative Rules on May 1, 2015; and

WHEREAS, the Joint Committee on Administrative Rules held a hearing on May 12, 2015, and has found 19 CSR 15-8.410 lacking in compliance with the provisions of Chapter 536, RSMo:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate concurring therein, hereby find that the Department of Health and Senior Services violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of sections 536.014, 536.200, 536.205, 536.300, and 536.303, RSMo; and

BE IT FURTHER RESOLVED that the Ninety-eighth General Assembly, Second Regular Session, upon a concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the

final order of rulemaking for 19 CSR 15-8.410 Personal Care Attendant Wage Range; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for 19 CSR 15-8.410, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-eighth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Constitution of Missouri; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Schaaf introduced to the Senate, Adam Pressler, Columbia.

Senator Pearce introduced to the Senate, Michael Haffner, Whiteman Air Force Base, Warrensburg.

Senator Schupp introduced to the Senate, Melissa Wilding; Audrey Mack; Barbara McCaslin, Stephan Gaither, and Jeff Corrigan, Columbia; Larry Glenn, Clayton; Carl Sherman, St. Louis; Mike and Carolyn Hutchko, Leeton; and Kirk Klinger, Fayette, Missouri Veterans History Project.

Senator Richard introduced to the Senate, Coach Will Keczkemethy; and Jennifer Nguyen, Stella Ndaawa, Meagan Martucci, Megan Hickey, Savannah Spencer, Michaela Koval, Amanda Amodio, Anum Ahmed, Vivian Vu, Sarah Lundstrum, Gil Salgado, Noah Chotrow, Alex Coffin and Reid Brown, Joplin High School Constitution Team.

Senator Holsman introduced to the Senate, Mayor Eileen Weir, Zach Walker and Craig Brenner, Independence.

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

SENATE CALENDAR

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ELEVENTH DAY—TUESDAY, JANUARY 26, 2016

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 945-Munzlinger

SB 946-Emery

SB 947-Parson	SB 966-Schaaf
SB 948-Parson	SB 967-Pearce
SB 949-Wasson	SB 968-Brown
SB 950-Wasson	SB 969-Brown
SB 951-Wasson	SB 970-Brown
SB 952-Walsh, et al	SB 971-Dixon
SB 953-Schupp, et al	SB 972-Silvey
SB 954-Pearce	SB 973-Wasson
SB 955-Sifton, et al	SB 974-Wasson
SB 956-Chappelle-Nadal	SB 975-Wasson
SB 957-Chappelle-Nadal	SB 976-Nasheed
SB 958-Holsman, et al	SB 977-Nasheed
SB 959-Holsman	SB 978-Sater
SB 960-Wieland	SB 979-Hegeman
SB 961-Nasheed, et al	SB 980-Keaveny
SB 962-Curls, et al	SB 981-Keaveny, et al
SB 963-Wallingford	SJR 36-Parson
SB 964-Wallingford	SJR 37-Chappelle-Nadal, et al
SB 965-Schaaf	

HOUSE BILLS ON SECOND READING

HJR 53-Dugger

HB 1631-Alferman

SENATE BILLS FOR PERFECTION

1. SB 572-Schmitt, with SCS
2. SB 765-Schmitt, with SCS
3. SB 580-Schaaf, with SCS
4. SB 655-Munzlinger
5. SB 657-Munzlinger, with SCS

6. SJR 19-Munzlinger, with SCS
7. SB 578-Keaveny, with SCS
8. SB 579-Schaaf, et al
9. SB 635-Hegeman
10. SB 677-Sater

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/21

SB 639-Riddle

RESOLUTIONS

To be Referred

SCR 58-Keaveny, et al
SCR 59-Emery

HCR 59-Barnes

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