

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 2, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For he will hide me in his shelter in the day of trouble; he will conceal me under the cover of his tent; he will set me high on a rock.”
(Psalm 27:5)

Almighty God, You have commanded us to pray and You promise to hear us. So we ask, hear the prayers of Your people and grant us all that we need. Comfort and sustain us and be with us who pray and study Your word. And, cast out doubts and fears and keep us under Your wing, teaching us to trust You. 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.

Senator Kehoe announced photographers from the Missouri net 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	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

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

RESOLUTIONS

Senator Onder offered Senate Resolution No. 1373, regarding former Missouri Senator Tom Dempsey, which was adopted.

Senator Hegeman offered Senate Resolution No. 1374, regarding the Fiftieth Wedding Anniversary of Richard and Sharon Lanning, Lathrop, which was adopted.

INTRODUCTION OF BILLS

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

SB 1012—By Dixon.

An Act to repeal section 488.2206, RSMo, and to enact in lieu thereof one new section relating to court surcharges collected for the construction and maintenance of judicial facilities.

SB 1013—By Dixon.

An Act to repeal sections 542.296, 544.250, 545.400, and 545.490, RSMo, and to enact in lieu thereof four new sections relating to criminal procedure.

SB 1014—By Dixon.

An Act to repeal section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.037 as enacted by house bill nos. 302 & 38, ninety-first general assembly, first regular session, RSMo, and to enact in lieu thereof one new section relating to admission of chemical test results in intoxication related proceedings, with an emergency clause.

SB 1015—By Nasheed.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the use of electronic wireless communications devices while operating a motor vehicle, with existing penalty provisions.

SB 1016—By Wieland.

An Act to amend chapter 292, RSMo, by adding thereto one new section relating to establishing a state plan for occupational safety and health standards.

SB 1017—By Wieland.

An Act to repeal sections 334.700, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, and 334.725, RSMo, and to enact in lieu thereof thirteen new sections relating to athletic trainers, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 655** be taken up for perfection, which motion prevailed.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 655, Page 6, Section 266.336, Line 131, by striking “advisory council” and inserting in lieu thereof the following: “**fertilizer control board**”.

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

Senator Onder assumed the Chair.

Senator Munzlinger offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 655, Page 1, In the Title, Line 4, by inserting after the word “board” the following: “, with existing penalty provisions”.

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

Senator Holsman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 655, Page 4, Section 266.336, Line 66, by inserting immediately after the word “sections” the following:

“;

(9) Institute and prosecute through the attorney general of the state suits to collect any fees due under sections 266.301 to 266.347 which are not promptly paid”.

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

On motion of Senator Munzlinger, **SB 655**, as amended, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 657**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 657

An Act to repeal sections 319.114, 414.036, and 414.255, RSMo, and to enact in lieu thereof three new sections relating to liability for the use of incompatible motor fuel.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 657** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 657**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 657

An Act to repeal sections 319.114, 414.036, and 414.255, RSMo, and to enact in lieu thereof three new sections relating to liability for the use of incompatible motor fuel.

Senator Munzlinger moved that **SS** for **SCS** for **SB 657** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 657, Page 9, Section 414.255, Line 9 of said page, by inserting immediately after the word “with” the following: “**state and federal**”; and further amend line 10 of said page, by inserting immediately after the word “laws” the following: “, **including Clean Air Act Section 211,**”; and further amend line 17 of said page, by inserting immediately after the word “with” the following: “**Clean Air Act Section 211 and**”; and further amend line 26 of said page, by inserting immediately after said line the following:

“12. No motor fuel refiner, supplier, terminal, wholesaler, distributor, retailer, or other vendor of motor fuel shall be liable under this section or any other state or local law, including common law, for any claim alleging that an underground storage tank, underground storage tank system, or associated dispensing equipment is not compatible with a motor fuel if the underground storage tank system was issued either:

(1) A certification or listing of the UST system equipment or components by a nationally recognized, independent testing laboratory; or

(2) Written approval by the UST system equipment or component manufacturers for that motor fuel to be stored therein.”.

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

Senator Munzlinger moved that **SS** for **SCS** for **SB 657** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 657** was declared perfected and ordered printed.

Senator Munzlinger moved that **SJR 19**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 19

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation commission.

Was taken up.

Senator Munzlinger moved that **SCS** for **SJR 19** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SJR 19**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 19

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation commission.

Senator Munzlinger moved that **SS** for **SCS** for **SJR 19** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 19, Page 2, Section 40 (a), Lines 5-9, by striking all of said lines and inserting in lieu thereof the following: “party. **Of the nine members, eight members shall**”.

Senator Holsman moved that the above amendment be adopted.

At the request of Senator Munzlinger **SJR 19** with **SCS**, **SS** for **SCS** and **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, after examination of **SB 665**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

INTRODUCTIONS OF GUESTS

Senator Pearce introduced to the Senate, Neal Bredehoeft, Lafayette County.

Senator Hegeman introduced to the Senate, representatives of Great Northwest Day.

Senator Holsman introduced to the Senate, Teresa Hensley, Raymore.

Senator Munzlinger introduced to the Senate, Sheriff David Parrish, Lewis County.

Senator Onder introduced to the Senate, members of the Missouri Society of Anesthesiologists.

On behalf of Senator Libla and himself, the President introduced to the Senate, Peter Rost, New Madrid; and Christine Tew.

Senator Pearce introduced to the Senate, Jerry Phenix and his wife, Shelley, Holden; and Jim Towery, North Kansas City.

Senator Schaaf introduced to the Senate, Shana Meyer, Ida Hafener, Megan Helt, Handen McDonald, Cierra Edwards, Alec Guy, and Brad Stanton, St. Joseph.

Senator Schaaf introduced to the Senate, Harry Roberts and R.T. Turner, St. Joseph.

Senator Holsman introduced to the Senate, the Physician of the Day, Dr. Jim Kelly; Dr. John Dollerschell, and Dr. Melissa Meiners, Kansas City.

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

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2016

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 991-Onder, et al	SB 1005-Walsh
SB 992-Brown	SB 1006-Munzlinger
SB 993-Curls	SB 1007-Munzlinger
SB 994-Munzlinger	SB 1008-Munzlinger
SB 995-Riddle	SB 1009-Riddle
SB 996-Pearce, et al	SB 1010-Curls
SB 997-Pearce	SB 1011-Cunningham and Romine
SB 998-Romine	SB 1012-Dixon
SB 999-Wallingford	SB 1013-Dixon
SB 1000-Wallingford	SB 1014-Dixon
SB 1001-Wallingford	SB 1015-Nasheed
SB 1002-Hegeman	SB 1016-Wieland
SB 1003-Onder	SB 1017-Wieland
SB 1004-Onder	

HOUSE BILLS ON SECOND READING

HB 1870-Hoskins	HB 1473-Dugger
HB 2226-Barnes	HB 2203-Barnes

THIRD READING OF SENATE BILLS

SCS for SB 765-Schmitt and Nasheed

SENATE BILLS FOR PERFECTION

1. SB 578-Keaveny, with SCS	11. SB 703-Munzlinger, with SCS
2. SB 579-Schaaf, et al	12. SB 847-Emery and Richard
3. SB 635-Hegeman	13. SB 608-Sater
4. SB 677-Sater	14. SB 621-Romine
5. SBs 620 & 582-Romine, with SCS	15. SB 581-Schaaf
6. SB 711-Brown	16. SB 607-Sater
7. SB 816-Wieland, et al	17. SB 619-Wallingford
8. SB 639-Riddle	18. SB 644-Onder, with SCS
9. SB 825-Munzlinger	19. SB 682-Cunningham and Romine
10. SB 664-Parson	20. SB 704-Munzlinger, with SCS

21. SB 838-Silvey and Walsh, with SCS
22. SB 783-Onder
23. SB 640-Schatz
24. SB 656-Munzlinger
25. SB 732-Munzlinger

26. SB 641-Schatz
27. SB 706-Dixon
28. SB 794-Wallingford, with SCS
29. SB 799-Kraus
30. SB 875-Schaefer

HOUSE BILLS ON THIRD READING

HB 1575-Rowden, with SCA 1 (Onder)

HB 1979-Rowden, with SCS (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Schaaf, with SCS, SA 2 & point of
order (pending)

SJR 19-Munzlinger, with SCS, SS for SCS
& SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 660-Wasson
SB 887-Walsh

SB 818-Schatz and Riddle, with SCS

RESOLUTIONS

To be Referred

SCR 62-Emery

SCR 63-Curls and Munzlinger

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