

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let days speak and many years teach wisdom. But it is the spirit in a man, the breath of the Almighty, that makes him understand.” (Job 32:7-8)

Gracious God, we know that all life continues only as long as it is renewed and we pray daily that we might be renewed by Your Holy Spirit so that we are capable of performing the work You have given us to do. We pray that You will inspire with wisdom and accomplish that which is well pleasing in Your sight. 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 and 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	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 law enforcement members from

Marion, Ralls and Grundy Counties to enter the Chamber with side arms, which request was granted.

RESOLUTIONS

Senator Richard offered Senate Resolution No. 1375, regarding D&D Sexton, Incorporated, Carthage, which was adopted.

Senator Kraus offered Senate Resolution No. 1376, regarding Stacey Edmonson, which was adopted.

Senator Schupp offered Senate Resolution No. 1377, regarding the National Council on Alcoholism and Drug Abuse, which was adopted.

Senator Kehoe offered Senate Resolution No. 1378, regarding Twehous Excavating Co., Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1379, regarding the One Hundred Fiftieth Anniversary of Lincoln University, Jefferson City, which was adopted.

Senators Holsman and Curls offered Senate Resolution No. 1380, regarding Marsha Morgan, which was adopted.

Senator Nasheed offered Senate Resolution No. 1381, regarding XPO Logistics, which was adopted.

Senator Cunningham offered Senate Resolution No. 1382, regarding the Fiftieth Wedding Anniversary of Joe and Shirley Shockey, Gainesville, which was adopted.

Senator Schatz offered Senate Resolution No. 1383, regarding Sheriff Gary F. Toelke, Franklin County, which was adopted.

Senator Schatz offered Senate Resolution No. 1384, regarding Major/Chief Deputy Michael F. Copeland, Franklin County, which was adopted.

Senator Riddle offered Senate Resolution No. 1385, regarding Pamela Anne Walker, Holts Summit, which was adopted.

Senator Wasson offered Senate Resolution No. 1386, regarding Wil-Trans, Stafford, which was adopted.

Senator Wallingford offered Senate Resolution No. 1387, regarding Hull Trucking, Inc., Old Appleton, which was adopted.

Senator Silvey offered Senate Resolution No. 1388, regarding American Central Transport, Liberty, which was adopted.

Senator Silvey offered Senate Resolution No. 1389, regarding Kirk L. Davis, Gladstone, which was adopted.

Senator Brown offered Senate Resolution No. 1390, regarding Eagle Scout Harrison Burton Colbert, Steelville, which was adopted.

REFERRALS

President Pro Tem Richard referred **SCR 62** and **SCR 63** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

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

SB 1018—By Schmitt.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an earned income tax credit.

Senator Pearce assumed the Chair.

SB 1019—By Sater.

An Act to repeal section 334.253, RSMo, and to enact in lieu thereof one new section relating to physician referral for physical therapy.

SB 1020—By Sifton.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for certain small businesses.

SB 1021—By Parson.

An Act to repeal section 110.010, RSMo, and to enact in lieu thereof one new section relating to security of ambulance district funds.

SB 1022—By Parson.

An Act to repeal section 324.001, RSMo, and to enact in lieu thereof eleven new sections relating to the licensing of roofing contractors, with penalty provisions.

SB 1023—By Parson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to predetermination of health care benefits, with an effective date.

SB 1024—By Parson.

An Act to amend chapter 273, RSMo, by adding thereto one new section relating to animals.

SB 1025—By Kraus.

An Act to repeal sections 144.010, 144.018, and 144.020, RSMo, and to enact in lieu thereof three new sections relating to the taxation of instrumental classes.

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 **HCS** for **HBs 1366** and **1878**, entitled:

An Act to repeal sections 338.056, 338.059, and 338.100, RSMo, and to enact in lieu thereof four new sections relating to interchangeable biological products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 655** and **SS** for **SCS** for **SB 657**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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

RECESS

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

INTRODUCTION OF BILLS

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

SB 1026—By Schatz.

An Act to repeal section 571.126, RSMo, and to enact in lieu thereof seven new sections relating to lifetime permits that allow the concealed carrying of firearms, with penalty provisions.

SB 1027—By Schatz.

An Act to repeal sections 287.020, 287.149, 287.170, and 287.390, RSMo, and to enact in lieu thereof four new sections relating to maximum medical improvement under workers' compensation laws.

SB 1028—By Silvey, Kehoe, Emery, Parson and Richard.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to ratemaking for public utilities.

SENATE BILLS FOR PERFECTION

Senator Keaveny moved that **SB 578**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 578

An Act to repeal sections 515.240, 515.250, and 515.260, RSMo, and to enact in lieu thereof thirty-four new sections relating to commercial receiverships.

Was taken up.

Senator Keaveny moved that **SCS** for **SB 578** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 578, Page 2, Section 515.505, Line 24, by striking the word "with".

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

Senator Keaveny moved that **SCS** for **SB 578**, as amended, be adopted, which motion prevailed.

On motion of Senator Keaveny, **SCS** for **SB 578**, as amended, was declared perfected and ordered

printed.

Senator Schaaf moved that **SB 579** be taken up for perfection, which motion prevailed.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 579, Page 8, Section 192.667, Line 247, by inserting after all of said line the following:

“208.207. 1. Beginning January 1, 2017, individuals age nineteen to sixty-four, who are not otherwise eligible for MO HealthNet services under this chapter, who qualify for MO HealthNet services under section 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) and as set forth in 42 CFR 435.119, and who have income at or below one hundred thirty-three percent of the federal poverty level plus five percent of the applicable family size as determined under 42 U.S.C. 1396a(e)(14) and as set forth in 42 CFR 435.603, shall be eligible for medical assistance under MO HealthNet and shall receive coverage for the health benefits service package.

2. For purposes of this section, “health benefits service package” shall mean, subject to federal approval, benefits covered by the MO HealthNet program as determined by the department of social services to meet the benchmark or benchmark-equivalent coverage requirement under 42 U.S.C. 1396a(k)(1).

3. The reimbursement rate to MO HealthNet providers for MO HealthNet services provided to individuals qualifying under the provisions of this section shall be comparable to commercial reimbursement payment levels with trend adjustment for comparable services. The rates shall be determined annually by the department of social services, and the department may develop such rates through a contracted actuary. The higher commercial comparable rates shall only apply for services provided to individuals qualifying under this section.

4. (1) The department of social services shall discontinue eligibility for persons who are eligible under subsection 1 of this section if:

(a) The federal medical assistance percentage established under 42 U.S.C. Section 1396d(y) or 1396d(z) is less than ninety percent as specified for 2020 and each year thereafter or an amount determined by the MO HealthNet oversight committee to be necessary to maintain state budget solvency, whichever is lower; and

(b) The general assembly votes to discontinue eligibility for persons who are eligible under subsection 1 of this section. Prior to any vote under this paragraph, the MO HealthNet oversight committee and the department of social services shall provide the general assembly with information on the current and projected expenses incurred due to expanding eligibility to persons under subsection 1 of this section in relation to health-related savings and revenues and health outcomes of individuals and families receiving benefits under subsection 1 of this section;

(2) The department of social services shall inform persons eligible under subsection 1 of this section that their benefits may be reduced or eliminated if federal funding decreases or is eliminated.

5. The MO HealthNet oversight committee shall conduct research and investigate any potential

health-related savings and revenues associated with expanding eligibility to persons under subsection 1 of this section. The committee shall investigate the federal matching rate below which the state could not maintain the expanded eligibility to persons under subsection 1 of this section. If the amount is determined to be greater than ninety percent, the committee shall report its findings to the general assembly for its consideration prior to any vote under paragraph (b) of subdivision (1) of subsection 4 of this section. In conducting its research and investigation, the committee shall also determine the feasibility of:

(1) Implementing capped cost sharing for persons eligible under subsection 1 of this section which may be reduced based on healthy behaviors of participants;

(2) Expanding Medicaid coverage for certain health care services that are currently financed by the state; and

(3) Enrolling persons under subsection 1 of this section in private health benefit plans.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill. The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Schaaf, **SB 579** was declared perfected and ordered printed.

Senator Munzlinger moved that **SJR 19**, with **SCS**, **SS** for **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 Holsman, the above amendment was withdrawn.

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 19, Page 2, Section 40 (a), Line 2 of said page, by striking the following: “nine” and inserting in lieu thereof the following: “**six**”; and further amend lines 3 to 13 of said page, by striking all of said lines and inserting in lieu thereof the following: “and with the advice and consent of the senate, not more than [two of whom] **three members** shall be of the same political party. The members shall have knowledge of and interest”; and further amend line 19 of said page, by striking “three” and inserting in lieu thereof the following: “**two**”; and

Further amend said resolution, Page 3, Section B, lines 8 to 9 of said page, by striking said lines and inserting in lieu thereof the following: “six?””

Senator Holsman moved that the above amendment be adopted, which motion prevailed on a standing division vote.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 19, Page 2, Section 40 (a), Line 21 of said page, by striking said line and inserting in lieu thereof the following: **“more than one term in twelve years. If”**

Senator Onder assumed the Chair.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Munzlinger moved that **SS** for **SCS** for **SJR 19**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SJR 19**, as amended, was declared perfected and ordered printed.

Senator Hegeman moved that **SB 635** be taken up for perfection, which motion prevailed.

On motion of Senator Hegeman, **SB 635** was declared perfected and ordered printed.

Senator Sater moved that **SB 677** be taken up for perfection, which motion prevailed.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 677, Page 1, Section 196.990, Line 8, by inserting immediately after the word “arenas” the following: “. **“Authorized entity” shall not include any public school or public charter school**”; and

Further amend said bill and section, page 4, line 99, by inserting immediately after said line the following:

“10. Nothing in this section shall be construed as superceding the provisions of section 167.630.”.

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

On motion of Senator Sater, **SB 677**, as amended, was declared perfected and ordered printed.

Senator Romine moved that **SB 620** and **SB 582**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 620** and **582**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 620 & 582

An Act to repeal section 178.550, RSMo, and to enact in lieu thereof two new sections relating to career and technical education.

Was taken up.

Senator Romine moved that **SCS** for **SBs 620** and **582** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill Nos. 620 and 582, Page 2, Section 178.550, Line 6, by striking the opening bracket on said line; and further amend line 7 by striking the closing bracket on said line; and further amend lines 7 to 8 by striking all of the bolded words on said lines.

Senator Schaaf moved that the above amendment be adopted and was recognized to close.

At the request of Senator Romine, **SB 620** and **SB 582**, with **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 reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 635**; **SS** for **SCS** for **SJR 19**; **SB 579**; and **SCS** for **SB 578**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Richard referred **SS** for **SCS** for **SJR 19** and **SB 579** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1391, regarding Chinese New Year 2016, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1392, regarding James A. "Jim" Simon, Macon, which was adopted.

Senator Parson offered Senate Resolution No. 1393, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lewis Phillips, Windyville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Riddle introduced to the Senate, Mary Smith, and representatives of the American Heart Association Midwest Affiliate.

Senator Brown introduced to the Senate, Bobby Simpson, Salem.

Senator Munzlinger introduced to the Senate, Sheriff Jimmy Shinn, Marion County; Sheriff Gerry Dinwiddie, Ralls County; and Sheriff Rodney Herring, Grundy County.

Senator Romine introduced to the Senate, his wife, Kathy, Farmington.

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

SENATE CALENDAR

SEVENTEENTH DAY, THURSDAY, FEBRUARY 4, 2016

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 991-Onder, et al	SB 1010-Curls
SB 992-Brown	SB 1011-Cunningham and Romine
SB 993-Curls	SB 1012-Dixon
SB 994-Munzlinger	SB 1013-Dixon
SB 995-Riddle	SB 1014-Dixon
SB 996-Pearce, et al	SB 1015-Nasheed
SB 997-Pearce	SB 1016-Wieland
SB 998-Romine	SB 1017-Wieland
SB 999-Wallingford	SB 1018-Schmitt
SB 1000-Wallingford	SB 1019-Sater
SB 1001-Wallingford	SB 1020-Sifton
SB 1002-Hegeman	SB 1021-Parson
SB 1003-Onder	SB 1022-Parson
SB 1004-Onder	SB 1023-Parson
SB 1005-Walsh	SB 1024-Parson
SB 1006-Munzlinger	SB 1025-Kraus
SB 1007-Munzlinger	SB 1026-Schatz
SB 1008-Munzlinger	SB 1027-Schatz
SB 1009-Riddle	SB 1028-Silvey, et al

HOUSE BILLS ON SECOND READING

HB 1870-Hoskins	HB 2203-Barnes
HB 2226-Barnes	HCS for HBs 1366 & 1878
HB 1473-Dugger	

THIRD READING OF SENATE BILLS

SCS for SB 765-Schmitt and Nasheed	SS for SCS for SJR 19-Munzlinger
SB 655-Munzlinger	(In Fiscal Oversight)
SS for SCS for SB 657-Munzlinger	SB 579-Schaaf, et al (In Fiscal Oversight)
SB 635-Hegeman	SCS for SB 578-Keaveny

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------|------------------------------------|
| 1. SB 711-Brown | 14. SB 682-Cunningham and Romine |
| 2. SB 816-Wieland, et al | 15. SB 704-Munzlinger, with SCS |
| 3. SB 639-Riddle | 16. SB 838-Silvey, et al, with SCS |
| 4. SB 825-Munzlinger | 17. SB 783-Onder |
| 5. SB 664-Parson | 18. SB 640-Schatz |
| 6. SB 703-Munzlinger, with SCS | 19. SB 656-Munzlinger |
| 7. SB 847-Emery and Richard | 20. SB 732-Munzlinger |
| 8. SB 608-Sater | 21. SB 641-Schatz |
| 9. SB 621-Romine | 22. SB 706-Dixon |
| 10. SB 581-Schaaf | 23. SB 794-Wallingford, with SCS |
| 11. SB 607-Sater | 24. SB 799-Kraus |
| 12. SB 619-Wallingford | 25. SB 875-Schaefer |
| 13. SB 644-Onder, with SCS | |

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)SBs 620 & 582-Romine, with SCS & SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 660-Wasson
SB 887-Walsh

SB 818-Schatz and Riddle, with SCS

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