

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 16, 2016

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You...will say to the Lord, ‘My refuge and my fortress; my God, in whom I put my trust.’ ” (Psalm 91:2)

Almighty God we do find refuge and strength in You who abides and comforts, who directs and leads us to live as You desire and perform the work You have given us to do. We pray that even when our days are filled with stress and complications we may live under the shadow of Your care and peace, knowing we walk safely toward the goals You have set for us. 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 MissouriNet, KRCCG-TV and St. Louis Public Radio 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.

CONCURRENT RESOLUTIONS

Senator Schaefer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 65

Relating to ride to work day in Missouri.

Whereas, scooters and motorcycles use comparatively less fuel, cause less pollution, and have less harmful impact on our infrastructure; and

Whereas, scooters and motorcycles require only a fraction of space taken by other vehicles to park; and

Whereas, future availability of fossil fuels is uncertain; and

Whereas, the use of fossil fuels continues to damage our health by adding to pollution; and

Whereas, our infrastructure repairs fail to keep pace with its degradation; and

Whereas, scooters and motorcycles, for these reasons, offer a form of daily transportation to be encouraged; and

Whereas, June 20, 2016, has been designated as Ride to Work Day to highlight the positive daily use of scooters and motorcycles:

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 designate the third Monday in June of every year as Ride to Work Day in Missouri; and

Be it Further Resolved that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1062—By Brown.

An Act to repeal section 162.685, RSMo, and to enact in lieu thereof one new section relating to special educational services.

SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 704**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 704**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 704

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the transparency and accountability of public funds.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 704** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 704**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 704

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the transparency and accountability of public funds.

Senator Munzlinger moved that **SS** for **SCS** for **SB 704** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 704, Page 2, Section 37.852, Lines 10-23 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger moved that **SS** for **SCS** for **SB 704**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 704**, as amended, was declared perfected and ordered printed.

Senator Silvey moved that **SB 838**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 838**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 838

An Act to repeal sections 455.050 and 455.523, RSMo, and to enact in lieu thereof two new sections relating to the transfer of wireless telephone numbers.

Was taken up.

Senator Silvey moved that **SCS** for **SB 838** be adopted.

Senator Silvey offered **SS** for **SCS** for **SB 838**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 838

An Act to repeal sections 455.050 and 455.523, RSMo, and to enact in lieu thereof two new sections relating to the transfer of wireless telephone numbers.

Senator Silvey moved that **SS** for **SCS** for **SB 838** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Silvey, **SS** for **SCS** for **SB 838** was declared perfected and ordered printed.

Senator Onder moved that **SB 783** be taken up for perfection, which motion prevailed.

Senator Kehoe requested unanimous consent of the Senate to allow members of Missouri State Highway Patrol to enter the Chamber with side arms, which request was granted.

Senator Riddle assumed the Chair.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 783, Page 2, Section 153.030, Lines 43-47, by striking all of said lines and inserting in lieu thereof the following:

“5. Notwithstanding any provision of law to the contrary, beginning with the 2017 tax year, a telephone company shall make a one-time election to either be assessed using the methodology for property tax purposes, as provided for pursuant to this section, or be assessed using the methodology for property”.

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

On motion of Senator Onder, **SB 783**, as amended, was declared perfected and ordered printed.

Senator Schatz moved that **SB 640** be taken up for perfection, which motion prevailed.

On motion of Senator Schatz, **SB 640** was declared perfected and ordered printed.

President Pro Tem Richard assumed the Chair.

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 was referred **HB 1452**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 682**; **SS** for **SCS** for **SB 838**; and **SS** for **SCS** for **SB 704**, 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.

Senator Riddle assumed the Chair.

REFERRALS

President Pro Tem Richard referred **SB 607**; **SB 581**; and **SS** for **SB 621** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Richard referred **HCR 63** and **SR 1449** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 4:30 p.m.

RECESS

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

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 1450, regarding Mae Pavelka, West Plains, which was adopted.

Senator Dixon offered Senate Resolution No. 1451, regarding Eagle Scout Joseph Kwoon Choi, Springfield, which was adopted.

Senator Kraus offered Senate Resolution No. 1452, regarding David C. Hacker, Independence, which was adopted.

Senator Kraus offered Senate Resolution No. 1453, regarding David L. Campbell, Bates City, which was adopted.

Senator Kraus offered Senate Resolution No. 1454, regarding Gary L. Swaim, Grain Valley, which was adopted.

Senator Kraus offered Senate Resolution No. 1455, regarding Tim Walker, Jackson County, which was adopted.

Senator Kraus offered Senate Resolution No. 1456, regarding Richelle Marie Basgall, Roeland Park, which was adopted.

Senator Schmitt offered Senate Resolution No. 1457, regarding We Rock the Spectrum Kids Gym, Fenton, which was adopted.

Senator Schmitt offered Senate Resolution No. 1458, regarding the Fenton Fire Protection District, which was adopted.

Senator Cunningham offered Senate Resolution No. 1459, regarding Lowery Farm, Lebanon, which was adopted.

Senator Cunningham offered Senate Resolution No. 1460, regarding Rumpfelt Farm, Graff, which was adopted.

The Senate observed a moment of silence in memory of Ruby Dehoff.

SENATE BILLS FOR PERFECTION

Senator Emery moved that **SB 847**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

Senator Nasheed moved that the above amendment be adopted.

Senator Onder assumed the Chair.

Senator Riddle assumed the Chair.

Senator Onder assumed the Chair.

At the request of Senator Emery, **SS** for **SB 847** was withdrawn, rendering **SA 1** and **SA 1** to **SA 1** moot.

Senator Emery offered **SS No. 2** for **SB 847**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 847

An Act to repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical care and treatment.

Senator Emery moved that **SS No. 2** for **SB 847** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 847, Page 3, Section 490.715, Line 12, by inserting after all of said line the following:

“6. Upon application of a party, the court shall make a determination whether the plaintiff’s recovery is likely to be subrogated to a health insurance plan including any state-sponsored plan. If the plaintiff’s recovery will be subrogated, subsection 5 of this section shall not apply.”

Senator Sifton moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

Senator Onder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Cunningham	Curls	Dixon	Emery	Hegeman	Holsman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Parson	Richard	Riddle	Romine	Sater	Schaefer	Schatz
Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson

Wieland—29

Absent—Senators

Chappelle-Nadal Pearce Schaaf—3

Absent with leave—Senators—None

Vacancies—2

Senator Sifton offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 847, Page 1, Line 5, by inserting after the word “subrogated” the following: **“pursuant to federal law”**.

Senator Sifton moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Curls	Dixon	Emery	Hegeman	Holsman	Keaveny
Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder	Parson
Richard	Riddle	Romine	Sater	Schaefer	Schmitt	Schupp

Sifton Silvey Wallingford Walsh Wasson Wieland—27

Absent—Senators

Chappelle-Nadal Cunningham Pearce Schaaf Schatz—5

Absent with leave—Senators—None

Vacancies—2

Senator Onder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Curls	Dixon	Emery	Hegeman	Keaveny	Kehoe
Kraus	Libla	Munzlinger	Nasheed	Onder	Parson	Pearce
Richard	Riddle	Romine	Sater	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson	Wieland—26		

Absent—Senators

Chappelle-Nadal Cunningham Holsman Schaaf Schatz Schupp—6

Absent with leave—Senators—None

Vacancies—2

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

Senator Kraus assumed the Chair.

At the request of Senator Emery, **SB 847**, with **SS No. 2, SA 1** and **SA 1 to SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Richard assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1631**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HJR 53**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Kraus assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Emery moved that **SB 847**, with **SS No. 2**, **SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 1 was again taken up.

At the request of Senator Sifton, **SA 1 to SA 1** was withdrawn.

Senator Sifton offered **SSA 1** for **SA 1**, entitled:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 847, Page 3, Section 490.715, Line 12, by inserting after all of said line the following:

“6. Upon application of a party, the court shall make a determination whether the plaintiff’s recovery is likely to be subrogated pursuant to federal law to a health insurance plan including any state-sponsored plan. If the plaintiff’s recovery will be subrogated, subsection 5 of this section shall not apply.”.

Senator Sifton moved that the above substitute amendment be adopted.

Senator Sifton offered **SA 1 to SSA 1** for **SA 1**, entitled:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 847, Page 1, Line 1, by striking the words “Line 12”; and further amend line 2, by striking all of said line and inserting in lieu thereof the following: “Lines 10-12, by striking all of said lines and inserting in lieu thereof the following:”.

Senator Sifton moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Brown	Cunningham	Curls	Emery	Hegeman	Keaveny	Kehoe
Kraus	Libla	Munzlinger	Nasheed	Pearce	Richard	Schaefer
Schatz	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson

Wieland—22

Absent—Senators

Chappelle-Nadal	Dixon	Holsman	Onder	Parson	Riddle	Romine
Sater	Schaaf	Schupp—10				

Absent with leave—Senators—None

Vacancies—2

Senator Pearce assumed the Chair.

Senator Hegeman assumed the Chair.

At the request of Senator Sifton, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Sifton, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Sifton, **SA 1** was withdrawn.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 847, Page 3, Section 490.715, Lines 10-12, by striking all of said lines.

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

Senator Emery moved that **SS No. 2** for **SB 847**, as amended, be adopted, which motion prevailed.

On motion of Senator Emery, **SS No. 2** for **SB 847**, as amended, was declared perfected and ordered printed.

President Pro Tem Richard assumed the Chair.

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 was referred **SCS** for **SB 585**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 783** and **SB 640**, 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.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Kristi and Richard Campbell, and their daughter, Landry, Jefferson City; and Landry was made an honorary page.

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. Donald Potts, Independence.

Senator Kehoe introduced to the Senate, Dr. Afsheen Patel, MD, Jefferson City.

Senator Onder introduced to the Senate, members of the Missouri Chapter of the National Academy of Elder Law Attorneys.

Senator Riddle introduced to the Senate, family members of Missouri State Trooper James M. Bava, his fiancé Rose Sanders; his parents Jim and Alyce; Joshua, Lizzie, Nathan and Ellie Bava; Alyssa and Katie Bava; and Tyler Schneider.

Senator Walsh introduced to the Senate, Monsignor Jack Schuler and Sister Cathy Doherty, SSND, St. Louis County.

Senator Emery introduced to the Senate, Larry Boucher, Harrisonville.

Senator Kehoe introduced to the Senate, Mayor Carrie Tergin, Jefferson City.

Senator Kraus introduced to the Senate, former State Representative Connie Cierpoit, Fran Baker and Sharon Slayton, Lee's Summit.

Senator Kraus introduced to the Senate, Ryan Lefebvre, Toby Cook, Curt Nelson and Dave Webster, Kansas City Royals; and Keith Kirchoff.

On motion of Senator Kehoe, the Senate adjourned until 4:30 p.m., Wednesday, February 17, 2016.

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 17, 2016

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1029-Schupp	SB 1047-Riddle
SB 1030-Schupp	SB 1048-Riddle
SB 1031-Sater	SB 1049-Schupp, et al
SB 1032-Wieland	SB 1050-Schaaf
SB 1033-Pearce	SB 1051-Sater
SB 1034-Romine	SB 1052-Pearce
SB 1035-Romine	SB 1053-Pearce
SB 1036-Keaveny	SB 1054-Schaefer
SB 1037-Schaefer	SB 1055-Riddle
SB 1038-Nasheed	SB 1056-Riddle
SB 1039-Silvey	SB 1057-Schaaf
SB 1040-Kraus	SB 1058-Schaaf
SB 1041-Schatz and Schaaf	SB 1059-Schaaf
SB 1042-Holsman	SB 1060-Dixon
SB 1043-Wieland	SB 1061-Dixon
SB 1044-Wasson	SB 1062-Brown
SB 1045-Schaefer	SJR 38-Schaefer
SB 1046-Schaefer	

HOUSE BILLS ON SECOND READING

HCS for HBs 1366 & 1878	HB 1619-McCaherty
HCS for HB 1562	HB 1478-Entlicher
HCS for HB 1658	HB 1668-Gosen
HB 1594-Crawford	HB 1733-Davis

HB 1563-Gosen
HB 1837-Fitzwater
HB 1681-Haahr
HCS for HJR 54
HB 1795-Haefner
HB 1568-Lynch
HB 1576-Higdon
HB 1577-Higdon
HCS for HB 1862
HB 1763-Gosen

HB 1708-Solon
HB 1472-Dugger
HCS for HB 2140
HB 1582-Kelley
HB 2104-Alferman
HB 1435-Koenig
HB 1593-Crawford
HB 1479-Entlicher
HCS for HB 1584

THIRD READING OF SENATE BILLS

SS for SB 608-Sater (In Fiscal Oversight)
SB 607-Sater (In Fiscal Oversight)
SB 581-Schaaf (In Fiscal Oversight)
SS for SB 621-Romine (In Fiscal Oversight)
SB 682-Cunningham and Romine

SS for SCS for SB 838-Silvey
SS for SCS for SB 704-Munzlinger
SB 783-Onder
SB 640-Schatz

SENATE BILLS FOR PERFECTION

1. SB 656-Munzlinger
2. SB 732-Munzlinger
3. SB 641-Schatz
4. SB 706-Dixon
5. SB 794-Wallingford, with SCS
6. SB 799-Kraus
7. SB 875-Schaefer
8. SB 573-Schmitt
9. SB 919-Schmitt, with SCS
10. SB 879-Brown
11. SB 665-Parson

12. SB 835-Wasson
13. SBs 865 & 866-Sater, with SCS
14. SB 700-Schatz
15. SB 823-Kraus, with SCS
16. SB 814-Wallingford, et al, with SCS
17. SB 612-Cunningham
18. SBs 688 & 854-Romine, with SCS
19. SB 802-Sater
20. SB 804-Onder, with SCS
21. SB 623-Libla

HOUSE BILLS ON THIRD READING

HB 1575-Rowden, with SCA 1 (Onder)
HB 1979-Rowden, with SCS (Onder)
HB 2166-Alferman, with SCS (Onder)
HB 1983-Dogan, with SCS (Munzlinger)
HB 2203-Barnes, with SCS (Kehoe)

HB 2226-Barnes (Silvey)
HB 1452-Hoskins, with SCS (Pearce)
HB 1631-Alferman, with SCS
HJR 53-Dugger (Kraus)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 580-Schaaf, with SCS, SA 2 & point of
order (pending)
SB 619-Wallingford

SB 644-Onder, with SCS
SB 816-Wieland, et al
SB 825-Munzlinger, with SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/4

SB 650-Pearce, with SCS
SB 627-Nasheed
SB 646-Schupp, with SCS
SB 831-Wasson

SB 833-Nasheed
SB 864-Sater
SB 738-Parson

RESOLUTIONS

To be Referred

SCR 65-Schaefer

