

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2019

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“But I will sing of your might; I will sing aloud of your steadfast love in the morning. For you have been a fortress for me and a refuge in the day of my distress.” (Psalm 59:16)

Gracious God, what a blessing You are to us for You have been here for us when we need You the most. You provide us with places and moments where we may turn to You and You are there to restore our strength while calming our souls. You open avenues and ways that we could not see without You and that brings completeness as we make our way through each day; for which we are most thankful. 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.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator Nasheed —1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Arthur offered Senate Resolution No. 314, regarding Alexander J. Morales, Kansas City, which was adopted.

Senator O’Laughlin offered Senate Resolution No. 315, regarding the Greater Missouri Leadership Challenge, which was adopted.

Senator Cierpiot offered Senate Resolution No. 316, regarding Chloe Christensen, Lake Lotawana, which was adopted.

Senator Cierpiot offered Senate Resolution No. 317, regarding Downtown Lee’s Summit, which was adopted.

INTRODUCTION OF BILLS

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

SB 443—By Schupp.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax imposed on certain products.

SB 444—By Schupp.

An Act to repeal sections 334.031 and 334.075, RSMo, and to enact in lieu thereof two new sections relating to licensing requirements for physicians and surgeons.

SB 445—By Arthur.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to state funding for competency-based credit.

SB 446—By Arthur.

An Act to repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to proprietary school exemptions.

SB 447—By Emery.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof two new sections relating to determination of state school aid.

SB 448—By Sater.

An Act to repeal sections 454.600 and 454.603, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

SB 449—By Sater.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to out-of-pocket costs for prescription drug benefits.

SB 450—By Williams.

An Act to repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to exceptions to prescription limitations.

SB 451—By Riddle.

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to

prisoner complaints against a psychologist's license.

SB 452—By Curls.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to the payment of county assessment costs.

SJR 25—By Libla.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to competitive retail electric energy markets.

On motion of Senator Wallingford, the Senate recessed until 2:00 p.m.

RECESS

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

REFERRALS

President Pro Tem Schatz referred **SB 196** to the Committee on Fiscal Oversight.

INTRODUCTION OF BILLS

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

SB 453—By Hough.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to records of municipally owned utilities.

SENATE BILLS FOR PERFECTION

Senator Emery moved that **SB 7** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Emery offered **SS** for **SB 7**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 7

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof eight new sections relating to civil procedure.

Senator Emery moved that **SS** for **SB 7** be adopted.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 7, Page 3, Section 507.040, Lines 25-28, by striking all

of the underlined words on said lines; and

Further amend said bill and section, page 4, line 1 by striking the words “satisfy this section.”; and further amend lines 7-21 by striking all of the underlined words on said lines and inserting in lieu thereof the following:

“The general assembly hereby expressly adopts the holding of *State ex rel. Johnson & Johnson v. Burlison*, No. SC96704, as issued on February 13, 2019, as it relates to joinder and venue. Notwithstanding the provisions of this subsection to the contrary, Missouri residents may join together and establish venue in any venue where any one of the Missouri resident plaintiffs could independently establish venue.”; and further renumber the remaining subsection accordingly; and

Further amend said bill, page 5, section 507.050, lines 4-14 by striking all of the underlined words on said lines; and

Further amend said bill, page 6, section 508.010, lines 9-11 by striking all of said lines and inserting in lieu thereof the following: **“principal place of business or the county where the applicable corporation’s registered agent is located.”**; and

Further amend said bill and section, page 7, line 12 by striking all of the opening and closing brackets and underlined words on said line; and further amend line 13 by striking the closing bracket “]” and inserting in lieu thereof the following: **“or”**; and further amend said line by striking the word “residence” and inserting in lieu thereof the following: **“business”**; and

Further amend said bill and section, page 9, lines 26-28 by striking all of said lines; and

Further amend said bill and section, page 10, lines 1-5 by striking all of said lines; and

Further renumber the remaining subsections accordingly; and

Further amend said bill, pages 11-12, section 537.762, by striking all of said section from the bill and inserting in lieu of the following:

“Section 1. The provisions of sections 507.040, 507.050, 508.010, 508.012, and 537.762, as enacted by this act shall not apply to cases that:

(1) Were filed in a court in this state as of August 28, 2019; and

(2) Have proper jurisdiction in this state.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Wallingford assumed the Chair.

President Kehoe assumed the Chair.

Senator Cunningham assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Emery, **SS** for **SB 7** was withdrawn, rendering **SA 1** moot.

Senator Emery offered **SS No. 2** for **SB 7**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 7

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof nine new sections relating to civil procedure.

Senator Emery moved that **SS No. 2** for **SB 7** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 7, Page 4, Section 507.040, Line 9, by striking the words “the analysis of”.

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

President Pro Tem Schatz assumed the Chair.

President Kehoe assumed the Chair.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 7, Page 5, Section 508.010, Lines 17-18, by striking all of said lines; and

Further amend said bill, page 11, section 1, line 13 by striking all of said line and inserting lieu thereof the following:

“**after February 13, 2019. A plaintiff who is a**”; and further amend line 14 by striking the word “is”; and further amend line 15 by inserting after “(1)” the following: “**Is**”; and further amend lines 18-19 by striking all of said lines and inserting in lieu thereof the following:

“**(3) Has or had been set at any time prior to February 13, 2019, for a trial date beginning on or before August 28, 2019,**”; and further amend line 21 by inserting after all of said line the following:

“**Section 2. For actions pending as of February 13, 2019, a plaintiff whose claim has been found to have no county in Missouri in which venue exists may proceed in such venue in Missouri where such claim was dismissed without prejudice only when the court finds that the claim:**

- (1) Was filed in the Missouri court within the statute of limitations applicable to the claim;**
- (2) Has no proper venue in the state of Missouri; and**

(3) Cannot be maintained, as of August 28, 2019, in any state where the claim may be brought because of applicable statutes of limitations and lack of a savings statute or similar law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Emery moved that **SS No. 2** for **SB 7**, as amended, be adopted, which motion prevailed.

On motion of Senator Emery, **SS No. 2** for **SB 7**, as amended, was declared perfected and order printed.

RESOLUTIONS

Senator Holsman offered Senate Resolution No. 318, regarding Jack Cooper Transport Company, Kansas City, which was adopted.

Senator Burlison offered Senate Resolution No. 319, regarding TransLand, Strafford, which was adopted.

Senator Burlison offered Senate Resolution No. 320, regarding Frank Finan, Fairmont, Nebraska, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 321, regarding Jefferson City Downtown Association, which was adopted.

Senator Emery offered Senate Resolution No. 322, regarding Barton Mutual Insurance Company, Liberal, which was adopted.

Senator Emery offered Senate Resolution No. 323, regarding Kaitlynn Vincent, Nevada, which was adopted.

Senator Cunningham offered Senate Resolution No. 324, regarding Captain Mark G. Inman, Willow Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 325, regarding Chief Rick Poeschl, Lee's Summit, which was adopted.

Senator Riddle offered Senate Resolution No. 326, regarding the Sixty-fifth Wedding Anniversary of Artie and Carolyn Whelan, Clapper, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, Aminata Diallo, James Turner and Luke Barber, students from the University of Missouri-St. Louis.

Senator Riddle introduced to the Senate, Nick Roberts, Charles Bassett, Jim Zerr, Alyce Zerr, Ron Hardecke, Andrea Kientzy, Jim Reed, Nathan Woehr, Chris Rowden and Denny Mertz.

On behalf of Senator Rowden, Senator Riddle introduced to the Senate, students from the gifted program, Hickman High School, Columbia.

Senator Holsman introduced to the Senate, Kelly Meiners, Kansas City.

Senator Schupp introduced to the Senate, Brittany Oehler, Jessa Glick, Rick Rovak and Alex Rankin.

Senator Curls introduced to the Senate, Nathan Roberts, Columbia; and Veda Atty and Brandon Henderson, Kansas City.

Senator Walsh introduced to the Senate, Andy Stack, St. Louis.

Senator Eigel introduced to the Senate, Chris Highfill, Jacquelyn Church, Michelle Ray and Rachel Williams, St. Peters; and Lauren Luthans, Gina Wilkerson, Ryan O'Rear, Megan O'Rear, Caleb Brittingham

and Davon Grimm, St. Charles.

Senator Hough introduced to the Senate, Dr. Newton, and representatives of the Department of Physical Therapy, Missouri State University.

Senator Romine introduced to the Senate, Athletic Director Matt Deaton; Coach John Brown; and Amber, J. and Jaycee Foeller, DeSoto; and Debbie Moore, Festus, representatives of the DeSoto High School wrestling program.

Senator Williams introduced to the Senate, Jennifer Matthew, Addie Glaser, Sarah Dean, Donato Ruggeri and Jackson Cannady, St. Louis; and Christa Van Herreweghe, University City.

Senator Luetkemeyer introduced to the Senate, Kathy Rose and Aaron Thatcher, Riverside.

Senator Burlison introduced to the Senate, Regina Cooper, Battlefield; and Kathleen O'Dell, Springfield.

Senator Holsman introduced to the Senate, Kim Curtis, Sharon Kinder and Judy Barrett, Grandview Chamber of Commerce; Vickie Wolgast, South Kansas City Chamber of Commerce; and Laura Terrebonne, Jackson County.

On motion of Senator Rowden, the Senate adjourned until 2:00 p.m., Wednesday, February 27, 2019.

SENATE CALENDAR

TWENTY-EIGHTH DAY--WEDNESDAY, FEBRUARY 27, 2019

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 364-Williams
SB 365-Hoskins
SB 366-Hoskins
SB 367-Burlison
SB 368-Hough
SB 369-Brown
SB 370-Brown
SB 371-Eigel
SB 372-Hoskins
SB 373-Schupp
SB 374-Burlison
SB 375-Riddle
SB 376-Riddle
SB 377-Riddle
SB 378-Hough

SB 379-Romine
SB 380-Hough
SB 381-Onder
SB 382-Emery
SB 383-Emery
SB 384-Schupp
SB 385-Bernskoetter
SB 386-O'Laughlin
SB 387-Hough
SB 388-Burlison, et al
SB 389-Burlison
SB 390-Wallingford
SB 391-Bernskoetter
SB 392-Wieland
SB 393-Hough

SB 394-O'Laughlin	SB 426-Williams
SB 395-Rizzo	SB 427-Wieland
SB 396-Onder	SB 428-Hough
SB 397-White	SB 429-Wallingford
SB 398-White	SB 430-Libla
SB 399-Burlison	SB 431-Schatz
SB 400-Burlison	SB 432-Sifton
SB 401-Burlison	SB 433-Onder
SB 402-Eigel	SB 434-Riddle
SB 403-Eigel	SB 435-White
SB 404-Nasheed	SB 436-Hoskins
SB 405-Wallingford	SB 437-Hoskins
SB 406-Wallingford	SB 438-Brown
SB 407-Wallingford	SB 439-Brown
SB 408-May	SB 440-Brown
SB 409-Wieland, et al	SB 441-Hough
SB 410-Koenig	SB 442-Wieland
SB 411-Romine	SB 443-Schupp
SB 412-Holsman	SB 444-Schupp
SB 413-Sater	SB 445-Arthur
SB 414-Wieland	SB 446-Arthur
SB 415-Bernskoetter	SB 447-Emery
SB 416-Bernskoetter	SB 448-Sater
SB 417-White	SB 449-Sater
SB 418-White	SB 450-Williams
SB 419-Riddle	SB 451-Riddle
SB 420-Riddle	SB 452-Curls
SB 421-Wallingford	SB 453-Hough
SB 422-White	SJR 22-Nasheed
SB 423-Cunningham	SJR 23-Eigel
SB 424-Luetkemeyer	SJR 24-Cierpiot
SB 425-Cierpiot	SJR 25-Libla

HOUSE BILLS ON SECOND READING

HB 445-Dogan	HB 214-Trent
HB 188-Rehder	HB 77-Black
HB 182-Shull	HCS for HB 447
HB 280-Ruth	HCS for HBs 243 & 544
HB 108-Sommer	HB 283-Anderson
HB 72-Tate	HCS for HB 324
HCS for HB 185	HB 113-Smith
HCS for HB 255	HB 321-Solon

HB 402-Basye
HCS for HB 242
HCS for HB 303
HB 70-Dinkins
HB 461-Pfautsch

HCS for HB 239
HCS for HB 354
HB 441-Fitzwater
HB 138-Kidd

THIRD READING OF SENATE BILLS

SS for SCS for SB 197-Onder
SB 182-Cierpiot, et al
SB 53-Crawford

SB 196-Bernskoetter (In Fiscal Oversight)
SB 133-Cunningham
SB 72-O'Laughlin and Emery

SENATE BILLS FOR PERFECTION

1. SB 76-Sater, with SCS
2. SB 132-Emery, with SCS
3. SB 65-White
4. SB 100-Riddle
5. SB 69-Hough
6. SB 291-Wallingford, with SCS
7. SB 252-Wieland, with SCS
8. SB 167-Crawford, with SCS
9. SB 45-Hoskins, with SCS
10. SB 292-Eigel, with SCS

11. SB 213-Hegeman
12. SB 184-Wallingford, with SCS
13. SB 283-Hoskins
14. SB 180-Wallingford, with SCS
15. SB 10-Cunningham, with SCS
16. SB 224-Luetkemeyer
17. SBs 12 & 123-Cunningham, with SCS
18. SB 9-Emery, with SCS
19. SJR 2-Emery, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater
SB 14-Wallingford
SB 16-Romine, with SCS, SS for SCS,
SA 3 & point of order (pending)
SB 30-Hegeman, with SCS
SB 39-Onder
SB 44-Hoskins, with SCS &
SS for SCS (pending)
SBs 46 & 50-Koenig, with SCS
SB 49-Rowden, with SCS

SB 56-Cierpiot, with SCS, SA 1 &
SA 1 to SA 1 (pending)
SB 57-Cierpiot
SB 154-Luetkemeyer, with SS &
SA 2 (pending)
SB 160-Koenig, with SCS
SB 194-Hoskins, with SCS &
SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 131-Emery, with SCS
SB 103-Schupp

SB 54-Crawford

Reported 2/14

SB 83-Cunningham, with SCS
SB 179-Cunningham

SB 164-Schupp
SB 84-Cunningham

Reported 2/21

SB 147-Sater, with SCS

SB 267-Wieland, with SCS

RESOLUTIONS

SR 20-Holsman

SR 312-Holsman

Reported from Committee

SCR 4-Curls, et al
SCR 11-Hough

SCR 14-Schatz

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