

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY—TUESDAY, FEBRUARY 18, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Happy is the person who meditates on wisdom and reasons intelligently...” (Sirach 14:20)

Creator God, we see in Your creation all was wonderfully made and operates in ways that are sometimes inconceivable to us who discern Your ways. Help us learn from You to approach all things that we are about here by researching and intelligently exploring their implications, help us mediate on what You desire of us and let us have the courage to do what you require. 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
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 1225, regarding Joyce Davis, Branson, which was adopted.

INTRODUCTION OF BILLS

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

SB 1014—By Sifton.

An Act to repeal sections 375.012, 375.018, 376.675, 409.114, 409.1-102, and 409.6-602, RSMo, and to enact in lieu thereof seven new sections relating to the secretary of state.

SB 1015—By Emery.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to minor traffic violations.

SB 1016—By Crawford.

An Act to repeal sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof twelve new sections relating to athlete agents, with penalty provisions.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 43—Rules, Joint Rules, Resolutions and Ethics.

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

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 623** be taken up for perfection, which motion prevailed.

Senator Libla offered **SS** for **SB 623**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 623**

An Act to repeal section 210.160, RSMo, and to enact in lieu thereof two new sections relating to guardians ad litem.

Senator Libla moved that **SS** for **SB 623** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 623, Page 2, Section 210.160, Lines 9-10, by striking said lines and inserting in lieu thereof the following: **“seven business days following the receipt of notification of the appointment by the guardian ad litem and receipt of information pertaining to the custody and location of the child. The time during which the initial interview shall occur may be extended or**

waived in its entirety, by leave of the court, if doing so would be in the best interests of the child when considering the child's age, maturity, and other compelling circumstances. The child's current placement or legal custodian shall"; and further amend lines 14-17 of said page, by striking said lines and inserting in lieu thereof the following: **"child for the duration of the appointment.";** and

Further amend said bill, Pages 4-7, Section 484.355, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

Senator Luetkemeyer moved that the above amendment be adopted.

Senator White offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 623, Page 1, Line 8, by inserting after the word "court," the following: **"or may be shortened by the court sua sponte,"**.

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

Senator Luetkemeyer moved that **SA 1 to SS**, as amended, be adopted, which motion prevailed.

Senator Libla moved that **SS for SB 623**, as amended, be adopted, which motion prevailed.

On motion of Senator Libla, **SS for SB 623**, as amended, was declared perfected and ordered printed.

At the request of Senator White, **SB 592** was placed on the Informal Calendar.

At the request of Senator Emery, **SB 525**, with **SCS** was placed on the Informal Calendar.

Senator Riddle moved that **SB 554** be taken up for perfection, which motion prevailed.

Senator Brown offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 554, Page 1, In the Title, Line 3, by striking "coroners" and inserting in lieu thereof the following: "the deceased"; and

Further amend said bill, page 12, section 193.145, line 22, by inserting an opening bracket "[" immediately before "Nothing"; and further amend line 28, by inserting a closing bracket "]" immediately after "operational."; and

Further amend said bill and section, page 13, line 48, by inserting after "certification" the following: **"and attestation"**; and further amend line 49, by inserting after "certification" the following: **"and attestation"**; and

Further amend said bill and section, page 14, line 68, by inserting after "information" the following: **"and attestation"**; and further amend line 71, by inserting after "data" the following: **"and attestation"**; and further amend line 73, by inserting after "certification" the following: **"and attestation"**; and

Further amend said bill and section, page 15, line 111, by striking "(1)" from said line; and further amend lines 116-122 by striking all of said lines; and

Further amend said bill, section 193.265, page 17, line 72 by inserting after "records." the following: **"In the event that it is determined by the state registrar that any required information from any data**

provider was missing or incomplete on records or documentation that were filed with or submitted to the local registrar and then sent to the state registrar, the state registrar shall return the records or documentation to the local registrar so that the data provider, funeral director, or person in charge of the final disposition, can provide the missing or incomplete information. Nothing in this subsection removes any requirement in any statute or regulation as to when an affidavit or court order is necessary to amend a death certificate that has been issued.”; and further amend line 74, by inserting after all of said line the following:

“194.119. 1. As used in this section, the term “right of sepulcher” means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term “next-of-kin” means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) For a decedent who was on active duty in the United States military at the time of death, the person designated by such decedent in the written instrument known as the United States Department of Defense Form 93, Record of Emergency Data, in accordance with [P.L. 109-163, Section 564,] 10 U.S.C. Section 1482;

(3) The surviving spouse, unless an action for the dissolution of the marriage has been filed and is pending in a court of competent jurisdiction;

(4) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child’s age and such child’s legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child’s legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

(5) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased’s parents have joint custody, the parent whose residence is the minor child’s residence for purposes of mailing and education;

(6) Any surviving sibling of the deceased;

(7) The next nearest surviving relative of the deceased by consanguinity or affinity;

(8) Any person or friend who assumes financial responsibility for the disposition of the deceased’s remains if no next-of-kin assumes such responsibility;

(9) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes. **The next-of-kin may delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.**

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is [personally served with written notice from] **notified in person or by written notice with delivery confirmation to such person's last known address** by a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of [receipt] **such notice**, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.

8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.”; and

Further amend the title and enacting clause accordingly.

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

Senator Riddle moved that **SB 554**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SB 554**, as amended, was declared perfected and ordered printed.

At the request of Senator Eigel, **SB 649** was placed on the Informal Calendar.

At the request of Senator Cierpiot, **SB 581**, with **SCS**, was placed on the Informal Calendar.

Senator Bernskoetter moved that **SB 662**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 662**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 662

An Act to repeal section 537.115, RSMo, and to enact in lieu thereof one new section relating to the liability for distribution of donated shelf stable packaged food.

Was taken up.

Senator Bernskoetter moved that **SCS** for **SB 662** be adopted, which motion prevailed.

On motion of Senator Bernskoetter, **SCS** for **SB 662** was declared perfected and ordered printed.

At the request of Senator Libla, **SB 538**, **SB 562** and **SB 601**, with **SCS** was placed on the Informal Calendar.

Senator Crawford moved that **SB 653**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 653**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 653

An Act to repeal sections 210.566, 210.790, and 211.171, RSMo, and to enact in lieu thereof two new sections relating to foster parents.

Was taken up.

Senator Crawford moved that **SCS** for **SB 653** be adopted, which motion prevailed.

On motion of Senator Crawford, **SCS** for **SB 653** was declared perfected and ordered printed.

Senator Libla moved that **SB 538**, **SB 562** and **SB 601**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 538**, **562** and **601**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 538, 562 and 601

An Act to repeal sections 556.061, 571.015, 571.060, 571.063, and 571.070, RSMo, and to enact in lieu thereof five new sections relating to criminal offenses involving deadly weapons, with penalty provisions.

Was taken up.

Senator Libla moved that **SCS** for **SBs 538**, **562** and **601** be adopted.

Senator Libla offered **SS** for **SCS** for **SBs 538**, **562** and **601**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 538, 562, & 601

An Act to repeal sections 556.061, 568.045, 571.015, 571.060, 571.063, and 571.070, RSMo, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof eight new sections relating to criminal offenses involving deadly weapons, with penalty provisions.

Senator Libla moved that **SS** for **SCS** for **SBs 538, 562 and 601** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 538, 562 & 601, Page 26, Section 571.070, Line 26, by striking all of said line and inserting in lieu thereof the following: “be a felony, **or has been convicted in any court of a misdemeanor crime of domestic violence; [or]”**; and

Further amend said bill and section, page 27, line 1, by inserting immediately after “incompetent” the following: “**, is illegally or unlawfully in the United States, or having been a citizen of the United States, has renounced United States citizenship; or**

(3) Such person is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening a petitioner, as defined in subdivision (11) of section 455.010, or a child of such petitioner, or engaging in other conduct that would place such petitioner in reasonable fear of bodily injury to the petitioner or child; and

a. Includes a finding that such person represents a credible threat to the physical safety of such petitioner or child; or

b. By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such petitioner or child that would reasonably be expected to cause bodily injury”.

Senator Sifton moved that the above amendment be adopted.

At the request of Senator Libla, **SB 538, SB 562 and SB 601**, with **SCS, SS for SCS and SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator May offered Senate Resolution No. 1226, regarding the death of Reverend Robert Earl Houston, which was adopted.

Senator Schatz offered Senate Resolution No. 1227, regarding Catherine Hannon, Labadie, which was adopted.

Senator Hoskins offered Senate Resolution No. 1228, regarding Syndey Rukavina, Wellington, which was adopted.

Senator Hoskins offered Senate Resolution No. 1229, regarding Melody Mertes, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rowden introduced to the Senate, Chris Fulcher, Columbia.

Senator Rowden introduced to the Senate, Dr. Colin McDonald, Dr. Peter J. Koopman, Dr. Natalie Long, and Taylor Ross, and students representing the Missouri Academy of Family Physicians.

Senator Schupp introduced to the Senate, Dr. Kara Mayes and Dr. Sarah Cole, Missouri Academy of

Family Physicians.

Senator Hoskins introduced to the Senate, faculty, staff, and students from the University of Central Missouri.

Senator Hoskins introduced to the Senate, Dr. Carrie Peecher, Slater; Dr. Jamie Ulbrich, Marshall; Dalton Lohsandt, Wellington; and Dr. David Pulliam, Higginsville.

Senator Riddle introduced to the Senate, Carlee Long, Paris.

Senator Onder introduced to the Senate, Sullivan and Jude Menne, and their parents, Nick and Mandy, Wentzville.

Senator Wallingford introduced to the Senate, Beyonce Hightower, Sikeston; Lauren Crutsinger, Whitewater; and Connor Lincoln, Leopold, representatives of the 4-H Legislative Academy.

Senator Williams introduced to the Senate, Interim Chancellor Kristin Sobolik, University of Missouri-St. Louis; and Kelly McGowan and Phedra Nelson, St. Louis.

On behalf of Senator Rowden, the President introduced to the Senate, Matt Vaughn, Sturgeon.

Senator Williams introduced to the Senate, Dan Isom, St. Louis.

Senator Eigel introduced to the Senate, Mayor Dan Borgmeyer, St. Charles; Adam Glosier, Town & Country; Brad Temme, Augusta; and Gary Elmsted, St. Peters.

Senator Koenig introduced to the Senate, the Physician of the Day, Dr. Matthew Satterly, St. Louis.

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

SENATE CALENDAR

TWENTY-SECOND DAY—WEDNESDAY, FEBRUARY 19, 2020

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 833-Luetkemeyer
 SB 834-Brown
 SB 835-Brown
 SB 836-Onder
 SB 837-White
 SB 838-White
 SB 839-Wallingford

SB 840-Arthur
 SB 841-Arthur
 SB 842-Emery
 SB 843-Burlison
 SB 844-Burlison
 SB 845-Burlison
 SB 846-Sater

SB 847-Eigel	SB 887-Walsh
SB 848-Eigel	SB 888-Koenig
SB 849-Eigel	SB 889-Koenig
SB 850-O'Laughlin	SB 890-Koenig
SB 851-O'Laughlin	SB 891-Burlison
SB 852-Hegeman	SB 892-Burlison
SB 853-Crawford	SB 893-Burlison
SB 854-Crawford	SB 895-Eigel
SB 855-Wieland	SB 896-Eigel
SB 856-Wieland	SB 897-Cierpiot
SB 857-Luetkemeyer	SB 898-Cunningham
SB 858-Hegeman	SB 899-Brown
SB 859-Hegeman	SB 900-Sifton
SB 860-Hegeman	SB 901-Wallingford
SB 861-White	SB 902-Wallingford
SB 862-White	SB 903-Wieland
SB 863-Brown	SB 904-Wieland
SB 864-Brown	SB 905-Eigel
SB 865-Brown	SB 906-Libla
SB 866-Brown	SB 907-Arthur
SB 867-Brown	SB 908-Hough
SB 868-Brown	SB 909-Wallingford
SB 869-Hough	SB 910-Wallingford
SB 870-Hough	SB 911-White
SB 871-Nasheed	SB 912-Emery
SB 872-Crawford	SB 913-Emery
SB 873-Crawford	SB 914-Arthur
SB 874-Sater	SB 915-Crawford
SB 875-Emery	SB 916-Crawford
SB 876-Libla	SB 917-Onder
SB 877-Burlison	SB 918-Onder
SB 878-Burlison	SB 919-Onder
SB 879-Burlison	SB 920-Wieland
SB 880-Rowden	SB 921-Wallingford
SB 881-Wieland	SB 922-Luetkemeyer
SB 882-Wieland	SB 923-Sifton
SB 883-Hoskins	SB 924-Riddle
SB 884-Hoskins	SB 925-Riddle
SB 885-Walsh	SB 926-Walsh
SB 886-Walsh	SB 927-Schatz

SB 928-Brown	SB 968-Cierpiot
SB 929-Emery	SB 969-Riddle
SB 930-Eigel	SB 970-Rowden
SB 931-Arthur	SB 971-Sater
SB 932-Onder	SB 972-Wieland
SB 933-Onder	SB 973-Wallingford
SB 934-Onder	SB 974-Wallingford
SB 935-Wallingford	SB 975-Wallingford
SB 936-May	SB 976-Sater
SB 937-Nasheed	SB 977-Wallingford
SB 938-Onder	SB 978-Wallingford
SB 939-Onder	SB 979-Wallingford
SB 940-Schupp	SB 980-Nasheed
SB 941-Sater	SB 981-Cierpiot
SB 942-Riddle	SB 982-Cierpiot
SB 943-Crawford	SB 983-Brown
SB 944-Williams	SB 984-Crawford
SB 945-Williams	SB 985-May
SB 946-Wieland	SB 986-May
SB 947-Wieland	SB 987-Williams
SB 948-Wallingford	SB 988-Emery
SB 949-Riddle	SB 989-May
SB 950-White	SB 990-May
SB 951-Schupp	SB 991-Walsh
SB 952-Williams	SB 992-Burlison
SB 953-Williams	SB 993-Burlison
SB 954-May	SB 994-Bernskoetter
SB 955-Walsh	SB 995-Cunningham
SB 956-Onder	SB 996-Onder
SB 957-Sater	SB 997-Bernskoetter
SB 958-Koenig	SB 998-Sifton
SB 959-Sifton	SB 999-Walsh
SB 960-Emery	SB 1000-Onder
SB 961-Emery	SB 1001-Brown
SB 962-Arthur	SB 1002-Rizzo
SB 963-O'Laughlin	SB 1003-White
SB 964-O'Laughlin	SB 1004-Cierpiot
SB 965-O'Laughlin	SB 1005-Schupp
SB 966-O'Laughlin	SB 1006-Hoskins
SB 967-Cierpiot	SB 1007-Burlison

SB 1008-Burlison
SB 1009-Burlison
SB 1010-Sater
SB 1011-Williams
SB 1012-Wieland
SB 1013-Wieland
SB 1014-Sifton
SB 1015-Emery
SB 1016-Crawford

SJR 55-Eigel
SJR 56-Burlison
SJR 57-Onder
SJR 58-Eigel
SJR 59-Eigel
SJR 60-Luetkemeyer
SJR 61-Nasheed
SJR 62-Hoskins
SJR 63-Rizzo

HOUSE BILLS ON SECOND READING

HCS for HB 2033
HB 1450-Schroer
HCS for HBs 1511 & 1452
HCS for HB 2046
HB 1467-Pike
HB 1963-Fitzwater
HB 1296-Dinkins
HCS for HB 1521

HB 1934-Wiemann
HB 1700-Fishel
HCS for HB 1526
HB 1330-Veit
HCS for HB 1435
HB 1933-Wiemann
HB 1317-Sommer
HB 1693-Rehder

THIRD READING OF SENATE BILLS

SS for SB 600-Luetkemeyer
(In Fiscal Oversight)

SS for SB 580-Cierpiot
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 555-Riddle
2. SB 526-Emery, with SCS
3. SB 618-Wallingford
4. SB 689-Emery, with SCS
5. SB 670-Hough, with SCS
6. SB 617-Cunningham, with SCS
7. SB 523-Sater, with SCS
8. SJR 40-Koenig
9. SB 648-Koenig, with SCS
10. SB 664-Burlison

11. SB 587-Bernskoetter
12. SB 558-Schatz, with SCS
13. SB 529-Cunningham, with SCS
14. SB 631-Hegeman, with SCS
15. SB 531-Wallingford
16. SB 594-Hough, with SCS
17. SB 636-Wieland
18. SB 644-Hoskins
19. SB 718-White, with SCS
20. SBs 673 & 560-Brown, with SCS

21. SB 677-Luetkemeyer

22. SB 569-Koenig, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 524-Sater

SB 525-Emery, with SCS

SB 530-Cunningham, with SCS, SS for SCS
& SA 1 (pending)SBs 538, 562 & 601-Libla, with SCS, SS
for SCS & SA 1 (pending)

SB 539-Libla, with SA 1 (pending)

SB 552-Wieland

SB 553-Wieland, with SA 1 (pending)

SB 557-Schatz, with SCS

SB 575-Eigel, with SS & SA 1 (pending)

SB 581-Cierpiot, with SCS

SB 591-White, with SCS & SS for SCS
(pending)

SB 592-White

SB 649-Eigel

SJR 32-Sater

CONSENT CALENDAR

Senate Bills

Reported 2/13

SB 619-Wallingford

SB 656-Cierpiot

RESOLUTIONS

Reported from Committee

SCR 30-Schupp

SCR 32-Bernskoetter

SCR 38-O'Laughlin

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