

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 2, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good and what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God?” (Micah 6:8)

Righteous God, we know what is required of us and we pray that in all our encounters and work with others we may truly deal with each other in ways that are kind and just, providing righteousness in all that we do and justice for the people we meet. Help us Lord to hear one another clearly and make decisions that makes today better than yesterday. And may we always walk humbly with You our God. 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	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	Onder
Razer	Rehder	Riddle	Rizzo	Roberts	Rowden	Schatz
Schupp	Washington	White	Wieland	Williams—33		

Absent—Senators—None

Absent with leave—Senator O’Laughlin—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 60, regarding Corrections Officer I (COI) Edward Lee McKinney, Fulton, which was adopted.

Senator Rowden offered Senate Resolution No. 61, regarding the Seventieth Birthday of Sam Winn Bornhauser, Columbia, which was adopted.

Senator Eslinger offered Senate Resolution No. 62, regarding Shirley Hunt, Doniphan, which was adopted.

Senator Eslinger offered Senate Resolution No. 63, regarding Debra A. Pearson, Fairdealing, which was adopted.

CONCURRENT RESOLUTIONS

Senator Hoskins offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

Whereas, Article V of the Constitution of the United States requires a convention to be called by the Congress of the United States for the purpose of proposing an amendment to the Constitution upon application of two-thirds of the Legislatures of the several states; and

Whereas, the Legislature of the State of Missouri favors a proposal and ratification of an amendment to the U.S. Constitution, which shall set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate; and

Whereas, the Ninety-ninth General Assembly of Missouri, Second Regular Session, adopted Senate Concurrent Resolution 40, which contained an application for an Article V Convention to propose an amendment identical to that proposed in this resolution, but provided that the application would expire five years after the passage of Senate Concurrent Resolution 40:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Be It Further Resolved that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Be It Further Resolved that this application hereby repeals, rescinds, cancels, renders null and void, and supercedes the application to the Congress of the United States for a convention under Article V of the Constitution of the United States by this state in Senate Concurrent Resolution No. 40 as adopted by the Ninety-ninth General Assembly, Second Regular Session; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 459—By Brattin.

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

SB 460—By May.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to community investment corporations.

SB 461—By Koenig.

An Act to repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, and 191.975, RSMo, and to enact in lieu thereof seven new sections relating to tax relief for the costs of caring for certain children.

SB 462—By Koenig.

An Act to amend chapters 67 and 311, RSMo, by adding thereto two new sections relating to licenses issued by political subdivisions to businesses.

SB 463—By Koenig.

An Act to repeal section 595.201, RSMo, and to enact in lieu thereof one new section relating to victims of sexual assault.

SB 464—By Koenig.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the disclosure of personal information to public agencies, with penalty provisions.

SB 465—By Hoskins.

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to rural workforce development incentives.

SB 466—By Hoskins.

An Act to repeal section 215.020, RSMo, and to enact in lieu thereof one new section relating to the Missouri housing development commission.

SB 467—By Hoskins.

An Act to repeal sections 313.905 and 313.915, RSMo, and to enact in lieu thereof two new sections relating to gaming.

SB 468—By Hoskins.

An Act to repeal section 620.750, RSMo, and to enact in lieu thereof one new section relating to rural regional development grants.

SB 469—By Hoskins.

An Act to repeal section 100.265, RSMo, and to enact in lieu thereof one new section relating to the Missouri development finance board.

SB 470—By Hoskins.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to permit requirements

of political subdivisions for certain structures.

SJR 26—By Eslinger.

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 health insurance.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 7—Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 429**—Ways and Means.

HCS for **HB 430**—Ways and Means.

HCS for **HB 16**—Appropriations.

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 Luetkemeyer moved that **SB 51** and **SB 42**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 51** and **42**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto nine new sections relating to civil actions, with an emergency clause.

Was taken up.

Senator Luetkemeyer moved that **SCS** for **SBs 51** and **42** be adopted.

Senator Luetkemeyer offered **SS** for **SCS** for **SBs 51** and **42**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto nine new sections relating to civil actions, with a penalty provision and an emergency clause.

Senator Luetkemeyer moved that **SS** for **SCS** for **SBs 51** and **42** be adopted.

Senator Bean assumed the Chair.

President Kehoe assumed the Chair.

Senator Bean assumed the Chair.

Senator Moon offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 4, Section 537.1000, Line 112, by inserting after all of said line the following:

“(16) “Religious organization”, any church, synagogue, mosque, or any entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code;” and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 5, section 537.1005, line 11, by inserting after all of said line the following: **“2. No religious organization shall be liable in any COVID-19 exposure action.”**; and further amend line 27 by inserting after all of said line the following:

“No religious organization shall be required to post or maintain a sign containing the warning notice specified in this subsection.”; and further amend said section by renumbering the remaining subsections accordingly.

Senator Moon moved that the above amendment be adopted.

President Kehoe assumed the Chair.

Senator Razer 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 Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, Line 6, by inserting after the word “Code” the following: **“and has not received any benefits from the state or federal government including, but not limited to, federal Paycheck Protection Program benefits received as part of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136”**.

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

Senator Moon moved that SA 1 be adopted and requested a roll call vote be taken. He was joined in his request by Senators Crawford, Eigel, Rehder and Wieland.

SA 1 to SS for SCS for SBs 51 and 42 was adopted by the following vote:

YEAS—Senators

Bean	Brattin	Burlison	Cierpiot	Crawford	Eigel	Eslinger
Gannon	Hegeman	Hoskins	Koenig	Luetkemeyer	Moon	Onder
Rehder	Wieland—16					

NAYS—Senators

Arthur	Beck	Hough	May	Mosley	Razer	Rizzo
Roberts	Rowden	Schatz	Schupp	Washington	White	Williams—14

Absent—Senators

Bernskoetter	Brown	Riddle—3
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Absent with leave—Senator O’Laughlin—1

Vacancies—None

Senator Hough assumed the Chair.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, In the Title, Line 3, by striking the words “civil actions” and inserting in lieu thereof the following: “COVID-19”; and

Further amend said bill and page, Section A, line 4, by inserting after all of said line the following:

“288.380. 1. Any agreement by a worker to waive, release, or commute such worker’s rights to benefits or any other rights pursuant to this chapter or pursuant to an employment security law of any other state or of the federal government shall be void. Any agreement by a worker to pay all or any portion of any contributions required shall be void. No employer shall directly or indirectly make any deduction from wages to finance the employer’s contributions required from him or her, or accept any waiver of any right pursuant to this chapter by any individual in his or her employ.

2. No employing unit or any agent of an employing unit or any other person shall make a false statement or representation knowing it to be false, nor shall knowingly fail to disclose a material fact to prevent or reduce the payment of benefits to any individual, nor to avoid becoming or remaining an employer, nor to avoid or reduce any contribution or other payment required from any employing unit, nor shall willfully fail or refuse to make any contributions or payments nor to furnish any required reports nor to produce or permit the inspection or copying of required records. Each such requirement shall apply regardless of whether it is a requirement of this chapter, of an employment security law of any other state or of the federal government.

3. No person shall make a false statement or representation knowing it to be false or knowingly fail to disclose a material fact, to obtain or increase any benefit or other payment pursuant to this chapter, or under an employment security law of any other state or of the federal government either for himself or herself or for any other person.

4. No person shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in such person’s power so to do in obedience to a subpoena of the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them.

5. No individual claiming benefits shall be charged fees of any kind in any proceeding pursuant to this chapter by the division, or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the division or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the division.

6. No employee of the division or any person who has obtained any list of applicants for work or of claimants for or recipients of benefits pursuant to this chapter shall use or permit the use of such lists for any political purpose.

7. Any person who shall willfully violate any provision of this chapter, or of an employment security law of any other state or of the federal government or any rule or regulation, the observance of which is required under the terms of any one of such laws, shall upon conviction be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed to be a separate offense.

8. In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the director, the commission, an appeals tribunal, or any duly authorized representative of any one of them shall have jurisdiction to issue to such person an order requiring such person to appear before the director, the commission, an appeals tribunal or any duly authorized representative of any one of them, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

9. (1) Any individual or employer who receives or denies unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact has committed fraud. After the discovery of facts indicating fraud, a deputy shall make a written determination that the individual obtained or denied unemployment benefits by fraud and that the individual must promptly repay the unemployment benefits to the fund. In addition, the deputy shall assess a penalty equal to twenty-five percent of the amount fraudulently obtained or denied. If division records indicate that the individual or employer had a prior established overpayment or record of denial due to fraud, the deputy shall, on the present overpayment or determination, assess a penalty equal to one hundred percent of the amount fraudulently obtained.

(2) Unless the individual or employer within thirty calendar days after notice of such determination of overpayment by fraud is either delivered in person or mailed to the last known address of such individual or employer files an appeal from such determination, it shall be final. Proceedings on the appeal shall be conducted in accordance with section 288.190.

(3) If the individual or employer fails to repay the unemployment benefits and penalty, assessed as a result of the deputy's determination that the individual or employer obtained or denied unemployment benefits by fraud, such sum shall be collectible in the manner provided in subsection 14 of this section for the recovery of overpaid unemployment compensation benefits. If the individual or employer fails to repay the unemployment benefits that the individual or employer denied or obtained by fraud, the division may offset from any future unemployment benefits otherwise payable the amount of the overpayment, or may take such steps as are necessary to effect payment from the individual or employer. Future benefits may not be used to offset the penalty due. Money received in repayment of fraudulently obtained or denied unemployment benefits and penalties shall first be applied to the unemployment benefits overpaid, then to the penalty amount due. Regarding and for payments made toward the penalty, an amount equal to fifteen percent of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund upon receipt and the remaining penalty amount shall be credited to the special employment security fund.

(4) If fraud or evasion on the part of any employer is discovered by the division, the employer will be subject to the fraud provisions of subsection 4 of section 288.160.

(5) The provisions of this subsection shall become effective July 1, 2005.

10. An individual who willfully fails to disclose amounts earned during any week with respect to which benefits are claimed by him or her, willfully fails to disclose or has falsified as to any fact which would have disqualified him or her or rendered him or her ineligible for benefits during such week, or willfully fails to disclose a material fact or makes a false statement or representation in order to obtain or increase any benefit pursuant to this chapter shall forfeit all of his or her benefit rights, and all of his or her wage credits accrued prior to the date of such failure to disclose or falsification shall be cancelled, and any benefits which might otherwise have become payable to him or her subsequent to such date based upon such wage credits shall be forfeited; except that, the division may, upon good cause shown, modify such reduction of benefits and cancellation of wage credits. It shall be presumed that such failure or falsification was willful in any case in which an individual signs and certifies a claim for benefits and fails to disclose or falsifies as to any fact relative to such claim.

11. (1) Any assignment, pledge, or encumbrance of any rights to benefits which are or may become due or payable pursuant to this chapter shall be void; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or the individual's spouse or dependents during the time such individual was unemployed. Any waiver of any exemption provided for in this subsection shall be void; except that this section shall not apply to:

(a) Support obligations, as defined pursuant to paragraph (g) of subdivision (2) of this subsection, which are being enforced by a state or local support enforcement agency against any individual claiming unemployment compensation pursuant to this chapter; or

(b) Uncollected overissuances (as defined in Section 13(c)(1) of the Food Stamp Act of 1977) of food stamp coupons.

(2) (a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes support obligations, as defined pursuant to paragraph (g) of this subdivision or owes uncollected overissuances of food stamp coupons (as defined in Section 13(c)(1) of the Food Stamp Act of 1977). If any such individual discloses that he or she owes support obligations or uncollected overissuances of food stamp coupons, and is determined to be eligible for unemployment compensation, the division shall notify the state or local support enforcement agency enforcing the support obligation or the state food stamp agency to which the uncollected food stamp overissuance is owed that such individual has been determined to be eligible for unemployment compensation;

(b) The division shall deduct and withhold from any unemployment compensation payable to an individual who owes support obligations as defined pursuant to paragraph (g) of this subdivision or who owes uncollected food stamp overissuances:

a. The amount specified by the individual to the division to be deducted and withheld pursuant to this paragraph if neither subparagraph b. nor subparagraph c. of this paragraph is applicable; or

b. The amount, if any, determined pursuant to an agreement submitted to the division pursuant to Section 454(20)(B)(i) of the Social Security Act by the state or local support enforcement agency, unless subparagraph c. of this paragraph is applicable; or the amount (if any) determined pursuant to an agreement submitted to the state food stamp agency pursuant to Section 13(c)(3)(a) of the Food Stamp Act of 1977; or

c. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to properly served legal process, as that term is defined in Section 459(i) of the Social Security Act; or any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to Section 13(c)(3)(b) of the Food Stamp Act of 1977;

(c) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall be paid by the division to the appropriate state or local support enforcement agency or state food stamp agency;

(d) Any amount deducted and withheld pursuant to paragraph (b) of this subdivision shall, for all purposes, be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local support enforcement agency in satisfaction of the individual's support obligations or to the state food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance;

(e) For purposes of paragraphs (a), (b), (c), and (d) of this subdivision, the term "unemployment compensation" means any compensation payable pursuant to this chapter, including amounts payable by the division pursuant to an agreement pursuant to any federal law providing for compensation, assistance, or allowances with respect to unemployment;

(f) Deductions will be made pursuant to this section only if appropriate arrangements have been made for reimbursement by the state or local support enforcement agency, or the state food stamp agency, for the administrative costs incurred by the division pursuant to this section which are attributable to support obligations being enforced by the state or local support enforcement agency or which are attributable to uncollected overissuances of food stamp coupons;

(g) The term "support obligations" is defined for purposes of this subsection as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services pursuant to Part D of Title IV of the Social Security Act;

(h) The term "state or local support enforcement agency", as used in this subsection, means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in paragraph (g) of this subdivision;

(i) The term "state food stamp agency" as used in this subsection means any agency of a state, or political subdivision thereof, operating pursuant to a plan described in the Food Stamp Act of 1977;

(j) The director may prescribe the procedures to be followed and the form and contents of any documents required in carrying out the provisions of this subsection;

(k) The division shall comply with the following priority when deducting and withholding amounts from any unemployment compensation payable to an individual:

a. Before withholding any amount for child support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold from any unemployment compensation payable to an individual the amount, as determined by the division, owed pursuant to subsection 12 or 13 of this section;

b. If, after deductions are made pursuant to subparagraph a. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes support obligations or uncollected overissuances of food stamp coupons, the division shall first deduct and withhold

any remaining unemployment compensation amounts for application to child support obligations owed by the individual;

c. If, after deductions are made pursuant to subparagraphs a. and b. of this paragraph, an individual has remaining unemployment compensation amounts due and owing, and the individual owes uncollected overissuances of food stamp coupons, the division shall deduct and withhold any remaining unemployment compensation amounts for application to uncollected overissuances of food stamp coupons owed by the individual.

12. Any person who, by reason of the nondisclosure or misrepresentation by such person or by another of a material fact, has received any sum as benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while he or she was disqualified from receiving benefits, shall, in the discretion of the division, either be liable to have such sums deducted from any future benefits payable to such person pursuant to this chapter or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section.

13. Any person who, by reason of any error or omission or because of a lack of knowledge of material fact on the part of the division, has received any sum of benefits pursuant to this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in such person's case, or while such person was disqualified from receiving benefits, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190, in the discretion of the division, either be liable to have such sums deducted from any further benefits payable to such person pursuant to this chapter, or shall be liable to repay to the division for the unemployment compensation fund a sum equal to the amounts so received by him or her. The division may recover such sums in accordance with the provisions of subsection 14 of this section. However, the division may elect not to process such possible overpayments:

(1) Where the amount of same is not over twenty percent of the maximum state weekly benefit amount in effect at the time the error or omission was discovered; or

(2) For any such sum paid to a person during the existence of a state of emergency declared by the governor due to COVID-19.

14. Recovering overpaid unemployment compensation benefits shall be pursued by the division against any person receiving such overpaid unemployment compensation benefits through billing, setoffs against state and federal tax refunds to the extent permitted by federal law, intercepts of lottery winnings under section 313.321, and collection efforts as provided for in sections 288.160, 288.170, and 288.175.

15. Any person who has received any sum as benefits under the laws of another state, or under any unemployment benefit program of the United States administered by another state while any conditions for the receipt of benefits imposed by the law of such other state were not fulfilled in his or her case, shall after an opportunity for a fair hearing pursuant to subsection 2 of section 288.190 have such sums deducted from any further benefits payable to such person pursuant to this chapter, but only if there exists between this state and such other state a reciprocal agreement under which such entity agrees to recover benefit overpayments, in like fashion, on behalf of this state.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken.

She was joined in her request by Senators Arthur, Beck, Razer and Washington.

Senator Hegeman raised the point of order that SA 2 is out of order as it goes beyond the scope of the underlying bill.

President Kehoe assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Crawford assumed the Chair.

Senator Brattin offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 12, Section 537.1035, Line 16, by striking “(5)” and inserting in lieu thereof the following: “(6)”; and

Further amend said section, page 13, line 54, by inserting after all of said line the following:

“(6) Nothing in sections 537.1000 to 537.1040 shall be construed to affect the applicability of any provision of law providing for a cause of action for breach of a contract insuring against business interruption or for any action brought pursuant to section 375.296, alleging that an insurer has failed or refused to pay a contract insuring against business interruption.”.

Senator Brattin moved that the above amendment be adopted.

Senator Hough assumed the Chair.

Senator Wieland offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 1, Line 12, by inserting after the word “interruption.” the following: **“In any such cause of action, an insurer shall be entitled to raise all affirmative defenses to which it is entitled.”.**

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

President Kehoe assumed the Chair.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Luetkemeyer, SS for SCS for SBs 51 and 42 was withdrawn, rendering SA 3 moot.

Senator Luetkemeyer offered SS No. 2 for SCS for SBs 51 and 42, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 51 & 42

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to civil actions, with an emergency clause.

Senator Luetkemeyer moved that SS No. 2 for SCS for SBs 51 and 42 be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Pages 8-9, Section 537.1020, Lines 1-15, by striking all of said lines and inserting in lieu thereof the following:

“537.1020. In any COVID-19 related action, punitive damages:”.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 11, Section 537.1035, Line 80, by striking the words “a private” and inserting in lieu thereof the following: **“an”**.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 51 & 42, Page 5, Section 537.1005, Lines 14-20, by striking all of said lines and inserting in lieu thereof the following: **“intentional misconduct.”**

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

Senator Luetkemeyer moved that **SS No. 2** for **SCS** for **SBs 51** and **42**, as amended, be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS No. 2** for **SCS** for **SBs 51** and **42**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF GUESTS

Senator Washington introduced to the Senate, Bob Kendrick, Kansas City,

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

SENATE CALENDAR

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SIXTEENTH DAY—WEDNESDAY, FEBRUARY 3, 2021
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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 263-Crawford
SB 264-Arthur
SB 265-Eslinger

SB 266-Mosley
SB 267-Mosley
SB 268-Mosley

SB 269-Mosley	SB 313-Eigel
SB 270-Mosley	SB 314-Hough
SB 271-Mosley	SB 315-Hough
SB 272-Mosley	SB 316-Hough
SB 273-Mosley	SB 317-May
SB 274-Mosley	SB 318-May
SB 275-Mosley	SB 319-May
SB 276-Mosley	SB 320-Roberts
SB 277-Mosley	SB 321-Roberts
SB 278-Mosley	SB 322-Roberts
SB 279-Mosley	SB 323-May
SB 280-Cierpiot	SB 324-Hegeman
SB 281-Brown	SB 325-Hegeman
SB 282-Hegeman	SB 326-Beck
SB 283-Hoskins	SB 327-Koenig
SB 284-Crawford	SB 328-Rowden
SB 285-Arthur	SB 329-Rowden
SB 286-Hough	SB 330-Burlison
SB 287-Crawford	SB 331-Burlison
SB 288-Eigel	SB 332-Burlison
SB 289-Brown	SB 333-Burlison
SB 290-Hegeman	SB 334-Bernskoetter
SB 291-Brown	SB 335-Brattin
SB 292-Schupp	SB 336-Brattin
SB 293-Hoskins	SB 337-Riddle
SB 294-Hoskins	SB 338-Luetkemeyer
SB 295-Crawford	SB 339-Luetkemeyer
SB 296-Brattin	SB 340-White
SB 297-Roberts	SB 341-White
SB 298-Arthur	SB 342-White
SB 299-Bernskoetter	SB 343-Brown
SB 300-Bernskoetter	SB 344-Brown
SB 301-Bernskoetter	SB 345-Brown
SB 302-Gannon	SB 346-O'Laughlin
SB 303-Gannon	SB 347-O'Laughlin
SB 304-Eslinger	SB 348-O'Laughlin
SB 305-Roberts	SB 349-Roberts
SB 306-Bernskoetter	SB 350-White
SB 307-Brown	SB 351-Koenig
SB 308-Koenig	SB 352-Koenig
SB 309-Hegeman	SB 353-Moon
SB 310-Crawford	SB 354-Hoskins
SB 311-Roberts	SB 355-Hoskins
SB 312-Roberts	SB 356-May

SB 357-Washington	SB 401-Onder
SB 358-Arthur	SB 402-Onder
SB 359-Wieland	SB 403-Onder
SB 360-Wieland	SB 404-Riddle
SB 361-Wieland	SB 405-Luetkemeyer
SB 362-Wieland	SB 406-Cierpiot
SB 363-Mosley	SB 407-Beck
SB 364-Mosley	SB 408-Wieland
SB 365-Wieland	SB 409-Koenig
SB 366-Wieland	SB 410-Koenig
SB 367-Hoskins	SB 411-Schatz
SB 368-Arthur	SB 412-Moon
SB 369-White	SB 413-Moon
SB 370-Brown	SB 414-Brattin
SB 371-Rizzo	SB 415-Rehder
SB 372-Riddle	SB 416-Schupp
SB 373-Bean	SB 417-Schupp
SB 374-Luetkemeyer	SB 418-Crawford
SB 375-Eigel	SB 419-Washington
SB 376-Hegeman	SB 420-Washington
SB 377-Eslinger	SB 421-Bernskoetter
SB 378-Onder	SB 422-May
SB 379-O'Laughlin	SB 423-May
SB 380-Moon	SB 424-May
SB 381-Burlison	SB 425-May
SB 382-Burlison	SB 426-Moon
SB 383-Moon	SB 427-Moon
SB 384-Brown	SB 428-Razer
SB 385-Brown	SB 429-Brown
SB 386-Eslinger	SB 430-Brown
SB 387-Hough	SB 431-Bernskoetter
SB 388-Burlison	SB 432-Cierpiot
SB 389-Hegeman	SB 433-Wieland
SB 390-Luetkemeyer	SB 434-Washington
SB 391-Moon	SB 435-Hoskins
SB 392-Moon	SB 436-Hoskins
SB 393-Moon	SB 437-Hoskins
SB 394-Moon	SB 438-Rehder
SB 395-Brattin	SB 439-Hegeman
SB 396-Brattin	SB 440-Washington
SB 397-Rehder	SB 441-Washington
SB 398-Eigel	SB 442-Moon
SB 399-Eigel	SB 443-Moon
SB 400-Onder	SB 444-May

SB 445-May	SJR 1-Hegeman
SB 446-Washington	SJR 2-Onder
SB 447-Schupp	SJR 3-Hoskins
SB 448-Rowden	SJR 4-Koenig
SB 449-Rowden	SJR 5-Eigel
SB 450-Moon	SJR 6-Eigel
SB 451-Moon	SJR 7-Eigel
SB 452-Moon	SJR 8-Cierpiot
SB 453-Burlison and Luetkemeyer	SJR 9-Cierpiot
SB 454-White	SJR 10-Cierpiot
SB 455-White	SJR 11-Burlison
SB 456-Schupp	SJR 12-Luetkemeyer
SB 457-Rizzo	SJR 13-Brattin
SB 458-Brattin	SJR 14-Brattin
SB 459-Brattin	SJR 15-Eslinger
SB 460-May	SJR 16-Eslinger
SB 461-Koenig	SJR 17-Washington
SB 462-Koenig	SJR 18-Eigel
SB 463-Koenig	SJR 19-Cierpiot
SB 464-Koenig	SJR 20-Cierpiot
SB 465-Hoskins	SJR 21-Schatz
SB 466-Hoskins	SJR 22-Mosley
SB 467-Hoskins	SJR 23-Roberts
SB 468-Hoskins	SJR 24-Luetkemeyer
SB 469-Hoskins	SJR 25-Moon
SB 470-Hoskins	SJR 26-Eslinger

SENATE BILLS FOR PERFECTION

SB 10-Schatz	SB 37-Bernskoetter
SB 1-Hegeman	SB 49-Brown, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 55, 23 & 25-O’Laughlin, with SCS

RESOLUTIONS

HCR 20-Plocher (Rowden)

To be Referred

SCR 8-Hoskins

