

JOURNAL OF THE SENATE
NINETY-NINTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND EXTRA SESSION
OF THE
FIRST REGULAR SESSION

FIRST DAY—MONDAY, JUNE 12, 2017

The Senate was called to order in Extra Session by President Pro Tem Richard.

Reverend Carl Gauck offered the following prayer:

“Then you will understand righteousness and justice and equity, every good path; for wisdom will come into your heart, and knowledge will be pleasant to your soul.” (Proverbs 2:9-10)

Almighty God we are once again called back to address the needs of the people of Missouri. Grant unto us, O God, all that we need to address these issues. Give to us strength of will, steadiness of purpose, ability to discern what is needed, wisdom to see what we ought to do, fidelity to complete it and a willingness to bear the consequences of our decisions. Grant us these things in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

**COMMUNICATIONS FROM THE
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, section 188.010, RSMo, provides that “it is the intention of the general assembly of the State of Missouri to grant the right to life of all humans, born and unborn;” and

WHEREAS, on May 2, 2017, the United States District Court for the Western District of Missouri (the “Court”) in *Comprehensive Health of Planned Parenthood Great Plains, et al. v. Dr. Randall Williams, et al.*, Case No. 2:16-cv-047313-HFS ruled against health and safety standards for abortion clinics by preliminarily enjoining the enforcement of § 197.215.1(2), RSMo; 19 CSR § 30-30.060(1)(C)(4); the second sentence of § 188.080, RSMo; and § 188.027.1(1)(e), RSMo, as to physicians seeking to perform abortions; and

WHEREAS, on May 2, 2017, the Court also ruled against common sense health and safety standards for abortion clinics by preliminarily enjoining the enforcement of 19 CSR § 30-30.070 and 19 CSR § 30-30.060(1)(C)(4) as to abortion facilities; and

WHEREAS, the effect of the Court’s ruling is to eliminate the meaningful licensure of abortion clinics in Missouri, and the Court’s ruling constitutes an immediate danger to the public health, safety, and welfare; and

WHEREAS, the City of St. Louis enacted Board Bill 203CS/City Ordinance 70459, which undermines pregnancy care centers that provide critical resources for women seeking counseling and support for alternatives to abortion and the State’s “Alternatives to Abortion” program; and

WHEREAS, the State should protect freedoms of speech, association, and religion and allow persons and institutions to follow their conscience with respect to abortion-related decisions; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor to “[o]n extraordinary occasions . . . convene the

General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, the immediate danger to the public health, safety, and welfare due to the Court's ruling against health and safety regulations of abortion clinics is an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution; and

WHEREAS, the threat to pregnancy care centers and the State's "Alternatives to Abortion" program due to St. Louis City Ordinance 70459 likewise amounts to an extraordinary occasion as envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 4:00 p.m., Central Daylight Time, on June 12, 2017; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To amend section 197.200, RSMo, to define "Abortion Facility" or "Abortion Facilities;"
2. To amend section 197.200, RSMo, by deleting the portion of the definition of "ambulatory surgical center" that includes "any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month;"
3. To amend chapters 188, 191, 192, 197, and 595 so that each and every applicable section and subsection applies to "Abortion Facility" or "Abortion Facilities;"
4. To amend section 197.215, RSMo, to require that "Abortion Facilities" provide affirmative evidence that each person performing an abortion is a physician currently licensed to practice in Missouri;
5. To add a new subsection to § 197.225, RSMo, that authorizes the Department of Health and Senior Services to adopt rules, regulations, and standards regarding patient health and safety that apply to ambulatory surgical centers and, separately, that apply to "Abortion Facility" or "Abortion Facilities;"
6. To add a new subsection to § 197.230, RSMo, that requires the Department of Health and Senior Services to annually inspect every "Abortion Facility" for safety and compliance with state law and to establish the requirements of such inspections;
7. To add a new section to chapter 188 that preempts a political subdivision from enacting a law or policy that adversely affects the legal rights of a person or entity due to that person or entity's view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those legal rights;
8. To add a new subsection to § 188.021, RSMo, that requires "Abortion Facilities" to submit to the Department of Health and Senior Services their plans for dealing with complications resulting from certain abortions, to obtain approval from the Department of Health and Senior Services of these complication plans; and, further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing these plans;
9. To amend sections 188.027.9 and 188.039.6, RSMo, to define "qualified professional" as a physician who has referred the woman to the physician who is to perform the abortion, or to an advance practice registered nurse engaged in a collaborative practice agreement with the physician who is to perform the abortion, as provided for in section 334.104, RSMo;
10. To add a new section to chapter 574 that prohibits a person, while working in an "Abortion Facility," from knowingly ordering, requesting, or attempting to prevent medical personnel or emergency services personnel from providing care to a patient in accordance with ordinary standards of care for reasons unrelated to that patient's health or welfare;
11. To add a new subsection to § 188.075, RSMo, that allows the Attorney General of Missouri to have concurrent original jurisdiction throughout the State, along with each prosecuting attorney and circuit attorney within their respective jurisdictions, to prosecute violations of chapter 188, violations of any state law on the use of public funds for abortion, and violations of any state law that regulates an "Abortion Facility" or person performing or inducing abortion, including the offense of interference with medical assistance;
12. To amend section 188.047, RSMo, to modify the law relating to the requirement of pathological examinations and related reports, and further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing such examinations and reports;
13. To add a new section to chapter 188 protecting employees who disclose violations of applicable federal or state law related to chapter 188, and, further, authorizing the Department of Health and Senior Services to adopt rules, regulations, and standards regarding the implementation of such policies;
14. To add an Emergency Clause to all legislation enacted by the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and
15. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of June, 2017.

Eric R. Greitens
Governor

ATTEST

Jay Ashcroft
Secretary of State

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

Present—Senators

Brown	Cunningham	Curls	Dixon	Eigel	Emery	Hegeman
Holsman	Hoskins	Hummel	Kehoe	Kraus	Libla	Munzlinger
Onder	Richard	Rizzo	Rowden	Sater	Schaaf	Schatz
Schupp	Sifton	Silvey	Wallingford	Walsh	Wieland—27	

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Koenig	Nasheed	Riddle	Romine	Wasson—6
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Vacancies—1

RESOLUTIONS

Senator Kehoe offered the following resolution, which was adopted on a standing division vote:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the Second Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Kehoe offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, that the rules of the Senate, as adopted by the Ninety-ninth General Assembly, First Regular Session, be declared the rules of the Second Extra Session of the First Regular Session.

Senator Romine offered Senate Resolution No. 3, regarding Eagle Scout Jordan Ray Duncan, Farmington, which was adopted.

Senators Holsman, Dixon, Silvey, Libla, Schaaf and Sifton offered the following resolution, which was read:

SENATE RESOLUTION NO. 4

Whereas, Missouri public officials, including the Governor, should be held to the highest ethical standards; and

Whereas, the Missouri Ethics Commission investigated a complaint against the Governor and his candidate committee, hereafter “committee,” called “Greitens for Missouri”; and

Whereas, based upon such investigation, the Commission determined that reasonable grounds existed to believe that the Governor and

his committee committed violations of ethics laws; and

Whereas, the Commission alleged that in early 2015 the committee received the benefit of a list of prospective donors for which the committee did not pay and which was not expressly contemplated in any contract executed by the committee; and

Whereas, the donor list came from The Mission Continues, a charity that the Governor co-founded; and

Whereas, the committee did not disclose the list as a contribution received on any disclosure report filed during the period in which the committee accepted the list; and

Whereas, it was only after a consent order was issued by the Commission that the committee finally filed an amended disclosure report that showed the list as an in-kind contribution with a value of \$600.00; and

Whereas, the committee has still not disclosed the name of the individual who provided the list to the committee; and

Whereas, this failure on the part of the Governor and his committee was a violation of Missouri law, specifically Section 130.041.1(3), RSMo, regarding a failure to report a contribution; and

Whereas, Section 130.058, RSMo, provides that the candidate is ultimately responsible for all reporting requirements for the candidate's committee; and

Whereas, as a result of this violation of law, the Commission issued a consent order in which a fee was imposed against the committee; and

Whereas, it is an untenable situation where the Governor of this state is the subject of consent order for unethical behavior; and

Whereas, the definition of a lobbyist under Section 105.470, RSMo, is an individual attempting to influence the state executive, state legislative, state judicial, or elected local government officials' actions; and

Whereas, the Governor's organization, A New Missouri, led by the Governor's senior adviser clearly and repeatedly meets this statutory definition but refuses to file as a lobbyist or lobbying organization; and

Whereas, because it's a nonprofit, A New Missouri can accept unlimited contributions and is not required to disclose contributors; and

Whereas, the Governor's senior adviser has made public statements admitting to coordinating the activities of Greitens for Missouri, A New Missouri, and the official Office of the Governor in its performance of official acts, an arrangement that, at best, circumvents current ethics law, and most likely constitutes illegal coordination between the Governor's office and A New Missouri; and

Whereas, because the Governor's use of a charity that he co-founded as a source of soliciting campaign contributions without being transparent about such activities raises questions that deserve investigation by a co-equal branch of state government; and

Whereas, the coordination between the governor's office and A New Missouri should also be investigated by a co-equal branch of state government; and

Now, Therefore, Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Extraordinary Session, hereby establish an investigative committee to be comprised of three Senators appointed by the President Pro Tempore of the Senate and two Senators appointed by the Senate Minority Leader; and

Be It Further Resolved that the committee shall hold such hearings, and subpoena such witnesses and documents under the hand of the President Pro Tempore of the Senate, as necessary to investigate any misconduct, crimes, corruption in office, or any offense involving moral turpitude or oppression in office committed by Governor Greitens in connection with his illegal use of a donor list from The Mission Continues, the failure of the Governor's lobbying organization to register as such, and the clear coordination of the Governor's official office, political campaign and lobbying organization; and

Be It Further Resolved that the committee shall begin work upon adoption of this resolution and may continue its investigation until December 31, 2018; and

Be It Further Resolved that the committee shall, at the conclusion of its investigation, issue a report on its findings to the full Senate and the Missouri House of Representatives and forward such findings to the appropriate state or federal law enforcement agency if needed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

June 12, 2017

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nathan Garrett, 5335 Cherry Street, Kansas City, Jackson County, Missouri 64110, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2021, and until his successor is duly appointed and qualified; vice, Michael C. Rader, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

June 12, 2017

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark C. Tolbert, 7900 East 83rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2018, and until his successor is duly appointed and qualified; vice, Angela Wasson-Hunt, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY, MO
65102

June 12, 2017

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

Nathan Garrett, 5335 Cherry Street, Kansas City, Jackson County, Missouri 64110, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2021, and until his successor is duly appointed and qualified; vice, Michael C. Rader, term expired.

Mark C. Tolbert, 7900 East 83rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2018, and until his successor is duly appointed and qualified; vice, Angela Wasson-Hunt, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Senator Rowden assumed the Chair.

President Pro Tem Richard moved that the above appointments be returned to the Governor per his request, which motion prevailed.

INTRODUCTION OF BILLS

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

SB 1—By Onder, Wallingford, Wieland, Hoskins, Eigel, Sater and Emery.

An Act to repeal sections 188.021, 188.027, 188.030, 188.039, 188.047, 188.075, 192.665, 192.667, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.200, 197.205, 197.215, 197.220, 197.225, 197.230, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, and 595.027, RSMo, and to enact in lieu thereof thirty-one new sections relating to abortion, with penalty provisions and an emergency clause.

SB 2—By Schaaf.

An Act to repeal section 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to lobbyists.

SB 3—By Schaaf.

An Act to repeal section 105.455, RSMo, and to enact in lieu thereof one new section relating to the waiting period before certain public officials can become lobbyists.

SB 4—By Schaaf.

An Act to repeal section 130.041 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.041 as enacted by senate bills nos. 31 & 285, ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to financial disclosure under campaign finance laws.

SB 5—By Koenig.

An Act to repeal section 188.075, RSMo, and to enact in lieu thereof one new section relating to the jurisdiction of the attorney general to enforce state abortion laws, with penalty provisions.

SB 6—By Dixon.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to the preemption of political subdivision authority regarding abortion, with an emergency clause.

SJR 1—By Holsman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 20, 20(a), 22, and 32 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the time periods of the legislative sessions of the general assembly.

President Pro Tem Richard assumed the Chair.

COMMUNICATIONS

President Pro Tem Richard submitted the following:

June 12, 2017

Ms. Adriane Crouse
Secretary of the Senate
State Capitol Building
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Senate Rule 12, I hereby remove Senators Gary Romine and Jeanie Riddle from the Committee on Seniors, Families and Children and appoint the following:

Senator Wayne Wallingford
Senator Ed Emery

Sincerely,



Ron Richard

President Pro Tem

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

SENATE CALENDAR

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SECOND DAY—TUESDAY, JUNE 13, 2017
—————

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Onder, et al
SB 2-Schaaf
SB 3-Schaaf
SB 4-Schaaf

SB 5-Koenig
SB 6-Dixon
SJR 1-Holsman

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 4-Holsman, et al

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