

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY - WEDNESDAY, FEBRUARY 21, 2024

The Senate met pursuant to adjournment.

Senator Coleman in the Chair.

The Reverend Stephen George offered the following prayer:

"And God is able to make all grace abound to you, so that in all things at all times, having all that you need, you will abound in every good work." (2 Corinthians 9:8 NIV)

Heavenly Father, we seek Your guidance and wisdom today as we deliberate on matters that impact the welfare and prosperity of our state and its people. May Your Spirit inspire us to approach our responsibilities with open hearts, ensuring that the decisions we make reflect your love and compassion. Grant us the strength to serve our constituents with humility, and help us to be instruments of Your peace, justice, and unity as we navigate the challenges and opportunities before us. We thank You, Lord, for the privilege to serve and the resources You provide for us to carry out our duties. May Your grace continue to abound in our lives so that we will abound in every good work. We ask this in your Holy Name, 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.

Photographers from The Kansas City Star were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
McCreery	Moon	Mosley	O'Laughlin	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Razer Rizzo—2

Vacancies—None

The Lieutenant Governor was present.

President Kehoe assumed the Chair.

RESOLUTIONS

Senator Gannon offered Senate Resolution No. 699, regarding Central High School Rebels football team, Park Hills, which was adopted.

Senator Brown (16) offered Senate Resolution No. 700, regarding Lebanon/Laclede County Historical Museum and Society, which was adopted.

Senator Crawford offered Senate Resolution No. 701, regarding Leroy Van Dyke, Smithton, which was adopted.

Senator Brown (26) offered Senate Resolution No. 702, regarding Eagle Scout Daniel Hotra, Washington, which was adopted.

INTRODUCTION OF BILLS

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

SB 1428—By Carter.

An Act to repeal sections 566.203, 566.206, 566.209, 566.210, 566.211, and 567.050, RSMo, and to enact in lieu thereof six new sections relating to criminal offenses, with penalty provisions.

SB 1429—By Carter.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to blood donations.

SB 1430—By Bernskoetter.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the manufacture of ice.

SB 1431—By Bernskoetter.

An Act to repeal section 67.2500, RSMo, and to enact in lieu thereof one new section relating to establishment of a theater, cultural arts, and entertainment district.

SB 1432—By Mosley.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to black history education in public schools.

SB 1433—By Eslinger.

An Act to repeal section 400.9-102, RSMo, and to enact in lieu thereof one new section relating to secured transactions.

SB 1434—By Thompson Rehder

An Act to repeal section 12.070, RSMo, and to enact in lieu thereof one new section relating to the distribution of mineral mining revenue on federal land.

REPORTS OF STANDING COMMITTEES

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 4** for SCS for SJRs **74, 48, 59, 61, and 83**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Fitzwater moved that **SB 799**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 799, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 799

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to motor vehicle assessments, with an emergency clause.

Was taken up.

Senator Fitzwater moved that **SCS for SB 799** be adopted.

Senator Trent assumed the Chair.

Senator Fitzwater offered **SS** for **SCS for SB 799**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 799

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to motor vehicle assessments.

Senator Fitzwater moved that **SS for SCS for SB 799** be adopted.

Senator Eslinger assumed the Chair.

Senator Coleman assumed the Chair.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 799, Page 9, Section 137.115, Line 276, by inserting at the end of said line the following: **“Notwithstanding any provision of this subsection or subsection 9 of this section to the contrary, any motor vehicle with a manufacturer’s suggested retail price of more than one hundred thousand dollars shall be assessed pursuant to subsection 9 of this section.”**.

Senator Arthur moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Beck, McCreery, Roberts, and Washington.

Senator Thompson Rehder assumed the Chair.

Senator Coleman assumed the Chair.

Senator Bean assumed the Chair.

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

At the request of Senator Fitzwater, **SB 799**, with SCS and SS for SCS (pending), was placed on the Informal Calendar.

Senator Bernskoetter moved that **SB 745** be called from the Informal Calendar and taken up for perfection, and he requested a roll call vote be taken. He was joined in his request by Senators Brattin, Fitzwater, O'Laughlin, and Thompson Rehder.

SB 745 was taken up by the following vote:

YEAS—Senators

Bean	Bernskoetter	Black	Brattin	Brown (16th Dist.)	Carter	Cierpiot
Coleman	Crawford	Eigel	Eslinger	Fitzwater	Gannon	Hoskins
Koenig	Luetkemeyer	Moon	O'Laughlin	Rowden	Schroer	Thompson Rehder
Trent—22						

NAYS—Senators

Arthur	Beck	May	McCreery	Mosley	Roberts	Washington
Williams—8						

Absent—Senators

Brown (26th Dist.)	Hough—2
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Absent with leave—Senators

Razer	Rizzo—2
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Vacancies—None

Senator Coleman assumed the Chair.

Senator Bernskoetter offered SS for **SB 745**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 745

An Act to repeal section 288.036 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, section 288.036 as enacted by house bill no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to unemployment benefits.

Senator Bernskoetter moved that SS for **SB 745** be adopted.

Senator Luetkemeyer assumed the Chair.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 745, Page 17, Section 288.060, Line 160, by inserting after all of said line the following:

“288.552. 1. Notwithstanding any provision of law to the contrary, the department of labor and industrial relations, and any division thereof, shall waive the repayment of any unemployment

benefits that were incorrectly but nonfraudulently distributed to claimants from the state unemployment compensation trust fund after March 27, 2020, but before December 31, 2020, to the extent that federal law grants the state of Missouri the authority to waive the repayment of such incorrectly but nonfraudulently distributed benefits.

2. A waiver of repayment granted to a claimant under subsection 1 of this section shall meet the following criteria:

(1) The waiver relates to an incorrectly but nonfraudulently distributed payment of unemployment benefits in which there was no fault on the part of the claimant;

(2) The repayment of such benefits by the claimant would be contrary to equity and good conscience; and

(3) The decision to grant the waiver to a claimant is made on an individualized basis.

3. Any claimant denied a waiver pursuant to this section shall be granted an opportunity for a fair hearing before the appeals tribunal pursuant to section 288.190. The filing of an appeal shall stay the collection of the overpayment or overpayments for which the waiver was denied until such time that a decision is issued that has become final. The decision of the appeals tribunal shall be reviewable by the labor and industrial relations commission pursuant to section 288.200.

4. (1) Any claimant who is denied a waiver pursuant to this section shall be sent a notice by the department, not later than ninety calendar days after the effective date of this section, by both electronic mail and by mail postage prepaid with a preaddressed return card notifying them of the right to appeal such decision. If the department does not receive a response within sixty calendar days from the claimant, the department shall send another notice by certified mail with a preaddressed return card. If the claimant does not respond to the second notice within thirty days, the department may proceed with collecting the overpaid benefits.

(2) Each notice required by subdivision (1) of this subsection shall include instructions on how to file an appeal and shall also include the following in bold at the top:

<p>“ATTENTION: YOU HAVE BEEN OVERPAID UNEMPLOYMENT BENEFITS.</p> <ul style="list-style-type: none">• BY LAW, YOU ARE REQUIRED TO REPAY ALL OVERPAID UNEMPLOYMENT BENEFITS.• YOU MAY APPEAL THIS REQUIREMENT.• IF YOU RETURN THIS CARD TO THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS WITHIN 60 DAYS INDICATING THAT YOU WILL APPEAL, COLLECTION WILL NOT COMMENCE UNTIL AFTER THE APPEAL HAS COMPLETED.”

(3) If a claimant responds to a notice described in this subsection indicating that he or she plans to appeal, the department and any division thereof shall cease all efforts to recover the overpaid benefits. Notwithstanding any provision of law to the contrary, under no circumstance shall the department or any division thereof attempt to recover the overpaid benefits while the case is pending appeal, provided that the claimant shall file an appeal not later than sixty calendar days after notifying the department of his or her intent to appeal.

5. (1) In the event that the department or any division thereof has over-recovered unemployment compensation benefits the department shall notify the claimant by certified mail within fifteen days of discovery of such over-recovery and:

(a) If the over-recovered sums are less than ten thousand dollars, such sums shall be repaid to the claimant from whom the sums were recovered not later than thirty days after the claimant has been notified; and

(b) If the over-recovered sums are ten thousand dollars or more, such sums shall be repaid to the claimant from whom the sums were recovered within a reasonable time, as determined through agreement between the department and the claimant, with interest, as determined by section 32.068.

(2) If the department fails to notify the claimant of an over-recovery as required by subdivision (1) of this subsection, interest shall accrue, as determined by section 32.068, on any repayment of funds from the date that the over-recovery was discovered.

(3) For purposes of this subsection, “over-recovered unemployment compensation benefits” means any overpaid unemployment compensation benefits that have been recovered by the department of labor and industrial relations or any division thereof but the amount recovered exceeded what was required to be recovered under this chapter or under federal law.

Section B. Because immediate action is necessary to protect the financial welfare of the residents of this state, the enactment of section 288.552 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 288.552 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted.

Senator Thompson Rehder assumed the Chair.

At the request of Senator Bernskoetter, **SB 745**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1659**, entitled:

An Act to repeal sections 211.071, 217.345, 217.690, 547.031, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.653, and 600.042, RSMo, and to enact in lieu thereof twenty-two new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1803**, entitled:

An Act to repeal section 30.753, RSMo, and to enact in lieu thereof one new section relating to the state treasurer's authority to invest in linked deposits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1495**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to the Missouri veterans commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1909**, entitled:

An Act to repeal section 115.615, RSMo, and to enact in lieu thereof one new section relating to county committee meetings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Rowden referred **SS No. 4** for **SCS** for **SJRs 74, 48, 59, 61, and 83** to the Committee on Fiscal oversight.

President Pro Tem Rowden referred **SCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Rowden submitted the following:

February 21, 2024

Ms. Kristina Martin
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Martin;

Please be advised that I am hereby removing myself and appointing Senator Tony Luetkemeyer to the Select Committee on Empowering Missouri Parents and Children.

Please do not hesitate to contact me should you need any assistance.

Sincerely,



Caleb Rowden
President Pro Tem

INTRODUCTION OF GUESTS

Senator Black introduced to the Senate, Missouri AfterSchool Network youth advocates and providers.

Senator Brown (16) introduced to the Senate, Lebanon Jacket SWARM Afterschool Program staff and students.

Senator Bernskoetter introduced to the Senate, Eldon afterschool care.

Senator Crawford introduced to the Senate, Leadership Buffalo, Buffalo.

Senator Bean introduced to the Senate, MO Rice Council member Blake Davis, Peach Orchard; and Curt, Samantha, Benjamin, and Mason Majors; and Joby Marvin, Van Buren; and University of Missouri students.

Senator Eigel introduced to the Senate, Barnwell Middle School teacher, Heather Tomicich; and 5th-8th grade students, St. Charles.

On motion of Senator O'Laughlin, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY-THURSDAY, FEBRUARY 22, 2024

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1393-O'Laughlin	SB 1415-Black
SB 1394-O'Laughlin	SB 1416-Brown (16)
SB 1395-Brown (16)	SB 1417-Washington
SB 1396-Fitzwater	SB 1418-Brown (26)
SB 1397-Brattin	SB 1419-Beck
SB 1398-Brown (26)	SB 1420-Brattin
SB 1399-Brown (26)	SB 1421-Black
SB 1400-Brown (26)	SB 1422-Black
SB 1401-Black	SB 1423-Fitzwater
SB 1402-Eigel	SB 1424-Fitzwater
SB 1403-Mosley	SB 1425-Washington
SB 1404-Roberts	SB 1426-Trent
SB 1405-Roberts	SB 1427-Trent
SB 1406-Eslinger	SB 1428-Carter
SB 1407-McCreery	SB 1429-Carter
SB 1408-McCreery	SB 1430-Bernskoetter
SB 1409-Trent	SB 1431-Bernskoetter
SB 1410-Fitzwater	SB 1432-Mosley
SB 1411-May	SB 1433-Eslinger
SB 1412-May	SB 1434-Thompson Rehder
SB 1413-May	SJR 88-Washington
SB 1414-May	

HOUSE BILLS ON SECOND READING

HCS for HB 1989	HB 2062-Brown, C. (16)
HB 1488-Shields	HCS for HB 1659
HCS for HB 1511	HB 1803-Thompson
HB 1960-Riley	HB 1495-Griffith
HCS for HB 1720	HB 1909-Taylor (48)

THIRD READING OF SENATE BILLS

SS#4 for SCS for SJRs 74, 48, 59, 61 & 83-Coleman,
et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 742-Arthur

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 727-Koenig, with SCS
SB 739-Cierpiot
SB 745-Bernskoetter, with SS & SA 1 (pending)
SB 748-Hough
SBs 754, 746, 788, 765, 841, 887 & 861-Luetkemeyer,
with SCS

SB 799-Fitzwater, with SCS & SS for SCS (pending)
SB 802-Trent
SBs 1168 & 810-Coleman, with SCS, SS for SCS,
SA 2, SA 1 to SA 2 & point of order (pending)

RESOLUTIONS

SR 557-Eigel
SR 558-Eigel
SR 561-Moon
SR 562-Moon

SR 563-Moon
SR 631-May
SR 647-Coleman

To be Referred

SCR 33-Washington

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