

# Journal of the Senate

FIRST REGULAR SESSION

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NINTH DAY—THURSDAY, JANUARY 19, 2017

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The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“How precious also are Thy thoughts unto me, O God! How great is the sum of them! If I should count them, they are more in number than the sand.” (Psalm 139:17-18)

Gracious God: Provide us time with friends and family and time in Your house this weekend, for we rejoice knowing the bounty of Your blessings and that whatever comes into our lives first existed as a thought in Your mind. May we gratefully acknowledge Your gifts to us and give You thanks for watching our going out and coming in. 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 for the previous day was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Kraus
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Silvey	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 76, regarding the death of Dan Ray, Lampe, which was adopted.

Senator Libla offered Senate Resolution No. 77, regarding Faurecia, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 78, regarding Mary Ann Taylor, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 79, regarding the Historic Downtown Dexter Association, which was adopted.

Senator Libla offered Senate Resolution No. 80, regarding Katrina Prance, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 81, regarding Pizza Hut, Dexter, which was adopted.

Senator Walsh offered Senate Resolution No. 82, regarding Kevin Boschert, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 83, regarding Lori Bethman, Hazelwood, which was adopted.

Senator Sifton offered Senate Resolution No. 84, regarding Affton Plaza, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Holsman offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 9**

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which regulate elections.

Whereas, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be "dependent on the people alone" (James Madison, Federalist 52); and

Whereas, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that have created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, the Constitution of the State of Missouri states "that all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole" and the people have the exclusive right to alter their constitutions of government whenever they deem it necessary (Article I, Sections 1 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds of the legislatures of the several states; and

Whereas, the Missouri General Assembly perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and

Whereas, the State of Missouri desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

Whereas, the State of Missouri intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589,

and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to the United States Congress, under the provisions of Article V of the United States Constitution for the calling of a convention of the states for the exclusive purpose of proposing an amendment to the United States Constitution that will restore free and fair elections as described herein; and

Be It Further Resolved that the Secretary of the Senate transmit copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Missouri in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the Congressional Record, to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

Read 1st time.

Senator Wieland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, the deeply held religious convictions and moral beliefs of the people of the State of Missouri and the City of Saint Louis should be respected rather than attacked; and

Whereas, Saint Louis Board of Aldermen Board Bill 203 would allow the City of Saint Louis to penalize by fines of up to five hundred dollars and imprisonment for up to ninety days, property owners and Missouri citizens who choose not to be associated with the abortion industry; and

Whereas, Board Bill 203 would allow the City of Saint Louis to penalize by fines of up to five hundred dollars and imprisonment for up to ninety days, religious institutions and Missourians of faith for making employment decisions based upon their religious beliefs and practices; and

Whereas, Board Bill 203 would force the citizens of Missouri and the City of Saint Louis to be complicit in the intrinsic evil of abortion; and

Whereas, Board Bill 203 would violate religious liberty and individual rights to conscience; and

Whereas, Board Bill 203 would represent a grave abuse of local authority and threaten constitutional liberties of the residents of, and property owners and employers in, the State of Missouri and the City of Saint Louis, including those guaranteed by the Bill of Rights, the Missouri Constitution, and Missouri law, such as the Missouri Religious Freedom Restoration Act of 2003 and Senate Bill 749 of 2012; and

Whereas, it should be the moral imperative of all governmental bodies to RESPECT and PROTECT life at all of its stages; and

Whereas, the United States Supreme Court has ruled that citizens cannot be compelled to violate their religious practices and beliefs, such as in its 2014 decision of *Burwell v. Hobby Lobby*; and

Whereas, Board Bill 203 would violate Missouri law related to the regulation of abortion, including but limited to, the right of conscience of health care providers and institutions, employers, and taxpayers who oppose abortion and the funding thereof, as found in Chapters 188, 191, and 197 of the Missouri statutes:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the City of Saint Louis Board of Aldermen to defeat Board Bill 203 and protect the religious liberty and right of conscience of all Missouri citizens, property owners, and employers; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Mayor, the President of the Board of Aldermen, and each member of the Board of Aldermen of the City of Saint Louis.

**INTRODUCTION OF BILLS**

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

**SB 316**—By Rowden.

An Act to amend chapter 407, RSMo, by adding thereto eight new sections relating to password protection.

**SB 317**—By Sater.

An Act to repeal section 334.253, RSMo, and to enact in lieu thereof one new section relating to physician referral for physical therapy.

**SB 318**—By Sifton and Hummel.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to unlawful possession of firearms, with penalty provisions.

**SB 319**—By Hummel.

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to the administration of emergency services in certain cities.

**SB 320**—By Hummel.

An Act to repeal section 67.275, RSMo, and to enact in lieu thereof one new section relating to electrical contractor licenses.

**SB 321**—By Hegeman.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of the use of a safety belt as evidence of comparative negligence, with an existing penalty provision.

**SB 322**—By Wieland and Romine.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of certain memorial infrastructure.

## RESOLUTIONS

Senator Kehoe offered the following resolution:

### SENATE RESOLUTION NO. 85

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and six division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY</u> <u>SALARY RANGE</u>
4	Staff Attorney	\$4,042 - \$6,561
3	Research Analyst II	\$3,432 - \$5,007
2	Assistant Director General Research	\$4,042 - \$6,561
3.5	Research Staff Secretary	\$2,868 - \$4,710
2	Budget Research Analyst II	\$3,432 - \$5,007
2	Budget Research Analyst III	\$4,071 - \$5,917
1	Assistant Director Budget Research	\$4,042 - \$6,561

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>MONTHLY SALARY RANGE</u>
1	Budget Staff Secretary	\$2,868 - \$4,710
1	Assistant Secretary of Senate	\$3,432 - \$5,556
1.5	Deputy Secretary of Senate	\$2,548 - \$3,565
1	Enrolling & Engrossing Supervisor	\$3,432 - \$5,556
3	Enrolling & Engrossing Clerk	\$2,548 - \$3,565
1	Billroom Supervisor	\$2,548 - \$3,565
1	Billroom Clerk	\$2,195 - \$3,015
6	Public Information Specialist I	\$2,548 - \$3,565
2	Resolution Writer	\$2,868 - \$4,071
1	Multimedia Communications Manager	\$3,192 - \$4,523
1	Photographer	\$2,868 - \$4,071
1	Administrative Assistant	\$3,432 - \$5,556
1.5	Accounting Specialist	\$2,970 - \$4,176
1	Human Resources Specialist	\$3,432 - \$5,556
6	Administrative/Office Support	\$3,432 - \$5,556
3	Information Technologist I	\$2,548 - \$3,565
2	Information Technologist IV	\$3,696 - \$5,440
4	Information Technology Specialist I	\$4,071 - \$5,917
2	Computer Info. Technology Spec III	\$4,908 - \$6,888
1	Assistant Director - CIS	\$4,908 - \$6,888
.5	Computer Info. Technologist II	\$3,309 - \$4,710
1	Network/Communications Specialist	\$4,071 - \$5,917
2	Journal Production Clerks	\$2,548 - \$3,565
1	Mailroom Supervisor	\$2,548 - \$3,565
1	Mailroom Technician II	\$2,195 - \$3,015
1	Printing Services Technician II	\$2,195 - \$3,015
1	Printing Services Technician III	\$2,389 - \$3,309
2	Printing Services Technician IV	\$2,679 - \$3,696
1	Library Administrator	\$3,696 - \$5,440
1	Library Clerk	\$2,465 - \$3,432
1	Maintenance Supervisor II	\$2,868 - \$4,071
2	Carpenter II	\$2,679 - \$3,696
0.5	Sergeant-at-Arms (Elected)	\$2,679 - \$3,696
4.5	Assistant Doorkeeper	\$1,807 - \$2,338
0.5	Reading Clerk	\$1,713 - \$2,159
0.25	Chaplain	\$1,916 - \$2,542
0.5	Investigator	\$3,432 - \$5,007
0.5	Security Specialist	\$3,696 - \$5,440

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and The Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the

authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Senate Administrator, on behalf of the Committee on Administration, has the authority to reduce, increase, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and the Committee on Administration may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges to reflect implementation of the state pay plan.

### MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 18, 2017

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

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

Carol S. Comer, 10541 Dunes Court, Indianapolis, Marion County, Indianapolis 46239, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 18, 2017

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

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

Charles Andrew Juden III, 614 Laurelwood Ave., Sikeston, Scott County, Missouri 63801, as Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### REFERRALS

President Pro Tem Richard referred **SCR 8** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 19**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

### **SECOND READING OF SENATE BILLS**

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

**SB 263**—Professional Registration.

**SB 264**—Local Government and Elections.

**SB 265**—Transportation, Infrastructure and Public Safety.

**SB 266**—Professional Registration.

**SB 267**—Local Government and Elections.

**SB 268**—Seniors, Families and Children.

**SB 269**—Transportation, Infrastructure and Public Safety.

**SB 270**—Commerce, Consumer Protection, Energy and the Environment.

**SB 271**—Economic Development.

**SB 272**—Education.

**SB 273**—Local Government and Elections.

**SB 274**—Insurance and Banking.

**SB 275**—Insurance and Banking.

**SB 276**—Professional Registration.

**SB 277**—General Laws.

**SB 278**—Commerce, Consumer Protection, Energy and the Environment.

**SB 279**—Veterans and Military Affairs.

**SB 280**—Veterans and Military Affairs.

**SB 281**—Local Government and Elections.

**SB 282**—Transportation, Infrastructure and Public Safety.

**SB 283**—Local Government and Elections.

**SB 284**—Local Government and Elections.

**SB 285**—Ways and Means.

**SB 286**—Local Government and Elections.

**SB 287**—Transportation, Infrastructure and Public Safety.

**SB 288**—Local Government and Elections.

- SB 289**—Small Business and Industry.  
**SB 290**—Small Business and Industry.  
**SB 291**—Seniors, Families and Children.  
**SB 292**—Commerce, Consumer Protection, Energy and the Environment.  
**SB 293**—Commerce, Consumer Protection, Energy and the Environment.  
**SB 294**—Local Government and Elections.  
**SB 295**—Health and Pensions.  
**SB 296**—Health and Pensions.  
**SB 297**—Transportation, Infrastructure and Public Safety.  
**SB 298**—Small Business and Industry.  
**SB 299**—Judiciary and Civil and Criminal Jurisprudence.  
**SB 300**—Insurance and Banking.  
**SB 301**—Seniors, Families and Children.  
**SB 302**—Transportation, Infrastructure and Public Safety.  
**SB 303**—Insurance and Banking.  
**SB 304**—Insurance and Banking.  
**SB 305**—Rules, Joint Rules, Resolutions and Ethics.  
**SB 306**—Insurance and Banking.  
**SB 307**—Agriculture, Food Production and Outdoor Resources.  
**SB 308**—Insurance and Banking.  
**SB 309**—Health and Pensions.  
**SB 310**—Economic Development.  
**SB 311**—Transportation, Infrastructure and Public Safety.  
**SB 312**—Health and Pensions.  
**SB 313**—Education.  
**SB 314**—Transportation, Infrastructure and Public Safety.  
**SB 315**—Transportation, Infrastructure and Public Safety.
- President Pro Tem Richard assumed the Chair.

#### **REPORTS OF STANDING COMMITTEES**

Senator Emery, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 31**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.



On motion of Senator Kehoe, the Senate recessed until 11:00 a.m.

**RECESS**

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

**MESSAGES FROM THE HOUSE**

The following message was 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 **HBs 91, 42, 131, 265** and **314**, entitled:

An Act to amend chapter 290, RSMo, by adding thereto one new section relating solely to labor organizations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**COMMUNICATIONS**

Senator Walsh submitted the following:

January 18, 2017

Senator Gina Walsh  
201 W. Capitol Avenue, Room 333  
Jefferson City, MO 65101

Dear Senator Walsh:

Please accept my request to be removed from the Joint Committee on Child Abuse and Neglect. My term expired on 12/31/16. Your consideration of my request is greatly appreciated.

Sincerely,



Senator S. Kiki Curls  
Ninth District

Also,

January 19, 2017

Adriane Crouse –Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65102

Dear Adriane:

Pursuant to the provisions of section 21.771 RSMo, I hereby appoint Senator Jake Hummel to the Joint Committee on Child Abuse and Neglect to replace Senator Kiki Curls.

Sincerely,



Gina Walsh  
Minority Floor Leader

Also,

President Pro Tem Richard submitted the following:

January 18, 2017

Ms. Adriane Crouse

Secretary of the Senate

State Capitol Building, Room 325

Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Senate Rule 12, I hereby remove Senator Jay Wasson from the Committee on Gubernatorial Appointments.

In addition, again pursuant to Senate Rule 12, I appoint Senator Doug Libla to the Committee on Gubernatorial Appointments.

Sincerely,



Ron Richard

President Pro Tem

### INTRODUCTIONS OF GUESTS

Senator Riddle introduced to the Senate, Head Coach Lance Richardson, Assistant Coaches Brent Lovell and Chuck Livingston; and team members Bridget Hart, Cam Patterson, Haley Schmutz, Rachel Burkemper, Emma Sexton, Kim DeBold, Kiersten Nixon, Kacy Bergfeld, Kirsten Watts, Anna Sullivan, Kelsey Sachs, Jacey Meyer, Kaitlynn Williams and Haleigh Hunt, Troy Buchanan High School Trojan Softball Team.

Senator Chappelle-Nadal introduced to the Senate, the Physician of the Day, Dr. Gary Gaddis, University City.

On motion of Senate Kehoe, the Senate adjourned until 4:00 p.m., Monday, January 23, 2017.

### SENATE CALENDAR

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TENTH DAY—MONDAY, JANUARY 23, 2017

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 316-Rowden

SB 317-Sater

SB 318-Sifton and Hummel

SB 319-Hummel

SB 320-Hummel

SB 321-Hegeman

SB 322-Wieland and Romine

SJR 1-Schaaf

SJR 2-Schaaf

SJR 3-Schaaf

SJR 4-Chappelle-Nadal

SJR 5-Emery

SJR 6-Emery

SJR 7-Silvey

SJR 8-Romine

SJR 9-Romine

SJR 10-Holsman  
SJR 11-Hegeman  
SJR 12-Eigel

SJR 13-Emery  
SJR 14-Kraus

HOUSE BILLS ON SECOND READING

HB 60-Alferman

HCS for HBs 91, 42, 131, 265 & 314

SENATE BILLS FOR PERFECTION

SB 19-Brown  
SB 21-Brown

SB 31-Emery

INFORMAL CALENDAR

RESOLUTIONS

SR 85-Kehoe

To be Referred

SCR 9-Holsman

SCR 10-Wieland

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