

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

FIRST DAY—MONDAY, MAY 22, 2017

The Senate was called to order in Extra Session by Lieutenant Governor Mike Parson.

Senator Rowden offered the following prayer:

Father in Heaven, we thank you for another day of breath, life and hope — the hope that is only found in You.

As we come together today to begin this special session, may we be reminded of the burden of responsibility that is upon us. To make decisions that are in the best interest of this state and its citizens. And to treat each other with respect and civility as we deliberate on these decisions.

Today, we seek after the wisdom sought by King Solomon in Scripture. To have the insight to discern right from wrong and the foresight to see how decisions today impact realities tomorrow.

May we approach the business of these next days without a trace of pride or vengeance, because You have told us in the Proverbs that: “When pride comes, then comes disgrace. But with humility, comes wisdom.”

Give us patience, humility and wisdom as we do the work before us. This is our prayer. 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, the people of Missouri deserve more quality jobs; and

WHEREAS, the State of Missouri has a skilled workforce able to manufacture materials and products sold around the world; and

WHEREAS, government should not prevent businesses from coming and growing here; and

WHEREAS, one critical measure not addressed by the 2017 legislative session would have kept Missouri in the running for a steel mill and additional manufacturing jobs; and

WHEREAS, the top priority of Missouri’s elected leaders should be to fight for new jobs for Missourians; and

WHEREAS, in order to compete for new manufacturing jobs, utilities need additional flexibility; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need to provide the Public Service Commission with flexibility to approve special electricity rates for steel works,

aluminum smelting facilities, or other similar facilities, in order to attract new jobs to Missouri, is an extraordinary occasion 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 First 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 p.m., Central Daylight Time, on May 22, 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 enact legislation authorizing the Public Service Commission to approve a special electricity rate for an aluminum smelting facility, a steel works facility, or other similar facility that is not based on the electrical corporation’s cost of service, provided that the Public Service Commission (1) determines the special electricity rate for the facility is in the interest of the State of Missouri; (2) approves a uniform percentage adjustment in each general rate proceeding; (3) approves a tracking mechanism to track changes in the net margin experienced by the electrical corporation; and (4) approves either a rate schedule reflecting the special electricity rate if the facility is located within the electrical corporation’s certificated service territory or a contract reflecting the special electricity rate, but neither the rate schedule nor the contract shall allow the special electricity rate to continue beyond ten years.
2. To enact legislation authorizing the Public Service Commission to allow electrical corporations a reasonable opportunity to earn a fair return, by methods such as rate adjustment mechanisms not otherwise statutorily authorized, which the commission shall lack authority to modify or eliminate during the specified term.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been 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 18th day of May, 2017.

Eric R. Greitens
Governor

SEAL

Jay Ashcroft
Secretary of State

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

Present—Senators

Brown	Cunningham	Curls	Dixon	Eigel	Emery	Holsman
Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schaaf
Schatz	Sifton	Silvey	Walsh	Wasson	Wieland—27	

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Hegeman	Kraus	Nasheed	Schupp	Wallingford—6
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Vacancies—1

The Lieutenant Governor was present.

Senator Kehoe announced that photographers from KOMU-8 News, St. Louis Post Dispatch and Columbia Missourian were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Kehoe offered the following resolution, which was adopted:

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 First 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 First Extra Session of the First Regular Session.

Senator Romine offered the following resolution:

SENATE RESOLUTION NO. 3

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, First Extraordinary Session, that Senate Rules 44 and 50 be amended to read as follows:

“Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of [three bills or joint resolutions] **one bill or joint resolution** per rotation of the seniority list from the total number of measures deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the order in which the bill or joint resolution is filed with the secretary.

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.

Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. **Any of the first three senate bills or joint resolutions pre-filed under Senate Rule 44 by a senator that are reported to the senate from committee shall be placed on the calendar under the order of business of “senate bills for perfection” in numerical order above all other bills on that order of business regardless of the day in which the bill was reported to the senate.** A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.”

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 4

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Thirty-fourth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, First Extraordinary Session, that Senate Rule 10 be amended to read as follows:

“Rule 10. The president pro tem shall be parliamentarian of the senate and may decide all points of order, and in his absence such points of order may be decided by the chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, except in either case, the point of order may be referred by the then acting parliamentarian, to the Committee on Parliamentary Procedure for consideration and determination. **No decision on a point of order shall be made until every senator wishing to speak on the point of order has been recognized by the chair and had the opportunity to do so.** All rulings on points of order shall be subject to an appeal to the senate and all questions and points of order shall be noted by the secretary with the decision thereon. (See also Rule 27.)”

INTRODUCTION OF BILLS

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

SB 1—By Wallingford, Emery, Richard, Cunningham, Wasson, Kehoe, Munzlinger, Onder and Curls.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to ratemaking for electrical corporations, with an emergency clause.

SB 2—By Romine and Libla.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to ratemaking for electrical corporations, with an emergency clause.

SB 3—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 4—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 5—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 6—By Emery, Kehoe, Wasson, Onder and Curls.

An Act to amend chapter 393, RSMo, by adding thereto three new sections relating to ratemaking for electrical corporations, with an emergency clause.

COMMUNICATIONS

President Pro Tem Richard submitted the following:

May 22, 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 Will Kraus from the Committee on Commerce, Consumer Protection, Energy and the Environment and appoint Senator Jay Wasson to the Committee on Commerce, Consumer Protection, Energy and the Environment.

Sincerely,



Ron Richard
President Pro Tem

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, May 24, 2017.

SENATE CALENDAR

SECOND DAY—WEDNESDAY, MAY 24, 2017

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Wallingford, et al
SB 2-Romine and Libla
SB 3-Schaaf

SB 4-Schaaf
SB 5-Schaaf
SB 6-Emery, et al

INFORMAL CALENDAR

RESOLUTIONS

SR 3-Romine

SR 4-Schaaf

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