

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 16, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Romine offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Dear God, we give You thanks that we have had men and women as Martin Luther King Jr. who were willing to say what needed to be said and speak to our heart that better relationships between people should be and can be better. Help us this week and every week do the good we can and find ways to express our concerns and kindness that we might be instruments of Your holy will. 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 Thursday, January 11, 2018 was read and approved.

Senator Kehoe announced photographers from Vice News Nightly were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Walsh—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 1107, regarding Madelyn Derks, which was adopted.

Senator Sifton offered Senate Resolution No. 1108, regarding Donna Catanzaro, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1109, regarding Steve Schmid, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1110, regarding Karen M. Schuering, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1111, regarding Cor Jesu Academy, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1112, regarding Janet Peistrup, which was adopted.

Senator Riddle offered Senate Resolution No. 1113, regarding Chuck Rentschler, which was adopted.

Senator Kehoe offered Senate Resolution No. 1114, regarding Pamela S. Nations, Eldon, which was adopted.

Senator Rowden offered Senate Resolution No. 1115, regarding Ragtag Film Society, Columbia, which was adopted.

Senator Hummel offered Senate Resolution No. 1116, regarding the Grand-Bates neighborhood, Saint Louis, which was adopted.

Senator Richard offered Senate Resolution No. 1117, regarding the One Hundredth Anniversary of Joplin High School, which was adopted.

Senator Sifton offered Senate Resolution No. 1118, regarding Katy Glass, Valley Park, which was adopted.

Senator Sifton offered Senate Resolution No. 1119, regarding the License Office, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 1120, regarding Keith D. Brooks, Saint Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1121, regarding “The Grove”, St. Louis City, which was adopted.

Senator Sater offered Senate Resolution No. 1122, regarding Murray Bishoff, Monett, which was adopted.

CONCURRENT RESOLUTIONS

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

Whereas, under Article IV, Section 3, of the United States Constitution, “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”; and

Whereas, the Constitutional Convention intended this provision of the Constitution to maintain the status quo that had been established

to transfer federal territorial lands only to create new states with the same rights of sovereignty, freedom, and independence as the original states; and

Whereas, under these express terms of trust, over time the states claiming federal territorial land ceded their western land to the confederated Union to allow the confederated government to dispose of the lands only to create new states and apply the net proceeds of any sales of the lands only to pay down the public debt; and

Whereas, the United States Constitution contains no expression of intent to authorize the federal government to indefinitely exercise control over western public lands beyond the duty to manage the lands pending the disposal of the lands to create new states, and therefore the lands should be returned to the western states; and

Whereas, in order to promote legitimate federal interests, the western states should upon transfer of the public lands directly to the state where the public land is located agree to affirmatively cede lands for the national park system, the national wilderness preservation system, and lands reserved for federal military use, military parks, and military reservations to the federal government under Article I, Section 8, Clause 17, of the United States Constitution, on condition that the lands permanently remain national park lands, and that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than to the state where the land is located; and

Whereas, limiting the ability of western states to access and utilize the public lands' natural resources within their borders is having a negative impact upon the economy of the western states and therefore the economy of the entire United States:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, in order to provide a fair, just, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the western states:

(1) Calls upon the federal government to transfer title to all federal public lands within the western states to the state where the land is located;

(2) Urges the United States Congress to engage in good faith communication, cooperation, and consultation with the western states to coordinate the transfer of the public lands, and supports the western states in these efforts;

(3) Calls upon the western states to agree, upon transfer of the public lands, to affirmatively cede to the federal government all lands currently designated as part of the National Park System under 16 U.S.C. Section 1a-1, the National Wilderness Preservation System under 16 U.S.C. Section 1131, or for military use, military parks, or military reservations;

(4) Urges that if any public land in the western states be sold to private owners, 95% of the net proceeds be paid to the Bureau of the Public Debt to pay down the federal debt; and

(5) Calls upon all other states of the United States to pass a similar resolution in support of the transfer of the federal public lands to the western states; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

Whereas, the growth and abuse of federal regulatory authority threaten our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth, and Fifth Amendments to our Constitution; and

Whereas, federal regulators must be more accountable to elected representatives of the people, and not immune from such accountability; and

Whereas, the United States House of Representatives has passed with bipartisan support the Regulations from the Executive in Need of Scrutiny (REINS) Act to require that Congress approve major new federal regulations before they can take effect; and

Whereas, even if enacted, a law may be repealed or waived by a future Congress and President:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge that the United States Congress vote to propose the Regulation Freedom Amendment to the United States Constitution as follows:

“Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation.”; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Hegeman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, diabetes affects more than twenty-nine million Americans and is a chronic condition that occurs when the body does not properly produce or use the hormone insulin that regulates blood sugar; and

Whereas, type 2 diabetes is the most common type of diabetes, representing an estimated ninety to ninety-five percent of all diagnosed adult diabetes cases in the United States; and

Whereas, diabetes is the seventh leading cause of death in the United States with eight million Americans undiagnosed and more than five thousand Americans diagnosed each day; and

Whereas, cardiovascular disease is the leading cause of death associated with diabetes due to complications associated with diabetes, such as high blood sugar, high blood pressure, and obesity; and

Whereas, cardiovascular disease is a term used to define problems with the heart and blood vessels such as heart attacks, heart failure, and strokes; and

Whereas, people with type 2 diabetes are at two to four times greater risk for developing cardiovascular disease and findings from a recent study revealing fifty-two percent of adults living with type 2 diabetes unaware they are at an increased risk; and

Whereas, two out of three deaths in people with type 2 diabetes are attributable to cardiovascular disease in the United States, accounting for sixty-eight percent of deaths in people with type 2 diabetes; and

Whereas, the total health care costs for the treatment of diabetes were reported to be approximately two hundred forty-five billion dollars annually, with direct medical costs accounting for one hundred thirty-six billion dollars of the total costs in 2013, and cardiovascular disease accounting for twenty-eight percent of costs for treating diabetes patients; and

Whereas, in the state of Missouri, the amount paid by Medicare for type 2 diabetes and cardiovascular disease totals eight hundred forty-three million two hundred seven thousand five hundred nine for three hundred ninety-six beneficiaries; and

Whereas, appropriate awareness and education about the cardiovascular risks associated with diabetes can effectively reduce the overall outcome and financial burden of the illness; and

Whereas, the Missouri Department of Health and Senior Services and other relevant partners seek to promote awareness, education, and action related to diabetes and the link to cardiovascular disease:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate the month of November 2018, as Diabetes and Cardiovascular Disease Awareness Month in Missouri and encourage others to promote education and awareness of the connection between diabetes and cardiovascular disease; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor.

INTRODUCTION OF BILLS

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

SB 908—By Wieland.

An Act to repeal sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-two new sections relating to insurance guaranty associations.

SB 909—By Dixon.

An Act to amend chapter 472, RSMo, by adding thereto nineteen new sections relating to fiduciary access to digital assets.

SB 910—By Sater.

An Act to repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

SB 911—By Munzlinger.

An Act to repeal section 262.008, RSMo, and to enact in lieu thereof one new section relating to immunity from liability for the transmission of animal pathogens on fairgrounds.

SB 912—By Rowden.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

SB 913—By Rowden.

An Act to repeal sections 191.737, 191.739, and 210.110, RSMo, and to enact in lieu thereof three new sections relating to the duties of the children's division.

SB 914—By Crawford.

An Act to repeal section 379.1545, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance.

SB 915—By Crawford.

An Act to repeal section 34.378, RSMo, and to enact in lieu thereof one new section relating to contingency fee contracts.

SB 916—By Crawford.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the opening date for school terms.

SB 917—By Crawford.

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

SB 918—By Munzlinger.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William Atherton, Adrienne D. Atzemis, Nancy E. Birch, James W. Blair, Mary B. Bozarth, Barbara Brown-Johnson, Elaine Buschjost, Jack C. Jensen, Matthew D. Kliethermes, Courtney Kovachevich, DiAnne Mueller, Donna J. Neely, William C. Prince, Grant Rummerfield, Danielle T. Smith, Joy A. Sweigart and Kristen M. Tuohy Avila, as members of the Child Abuse and Neglect Review Board;

Also,

Monica A. Davis, Sharon Faulkner, John Heskett and Cherrisse M. Thibaut, as members of the Children's Trust Fund Board;

Also,

Elizabeth C. Galt, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

William Gipson, Republican and Benjamin D. Rosenberg, Democrat, as members of the Missouri Southern State University Board of Governors; and

Emily C. Hymer and Thomas J. Frawley, as members of the Missouri State Foster Care and Adoption Board.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SECOND READING OF SENATE BILLS

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

SB 695—Education.

SB 696—Education.

SB 697—Progress and Development.

SB 698—Agriculture, Food Production and Outdoor Resources.

SB 699—Health and Pensions.

SB 700—Small Business and Industry.

SB 701—Economic Development.

SB 702—Local Government and Elections.

SB 703—Government Reform.

SB 704—Local Government and Elections.

SB 705—Commerce, Consumer Protection, Energy and the Environment.

SB 706—Commerce, Consumer Protection, Energy and the Environment.

SB 707—Transportation, Infrastructure and Public Safety.

SB 708—Transportation, Infrastructure and Public Safety.

SB 709—Education.

SB 710—Judiciary and Civil and Criminal Jurisprudence.

SB 711—Transportation, Infrastructure and Public Safety.

SB 712—Education.

SB 713—Seniors, Families and Children.

- SB 714**—Seniors, Families and Children.
- SB 715**—Seniors, Families and Children.
- SB 716**—Transportation, Infrastructure and Public Safety.
- SB 717**—General Laws.
- SB 718**—Health and Pensions.
- SB 719**—Seniors, Families and Children.
- SB 720**—Commerce, Consumer Protection, Energy and the Environment.
- SB 721**—Small Business and Industry.
- SB 722**—Seniors, Families and Children.
- SB 723**—Health and Pensions.
- SB 724**—Seniors, Families and Children.
- SB 725**—Government Reform.
- SB 726**—Education.
- SB 727**—Commerce, Consumer Protection, Energy and the Environment.
- SB 728**—Education.
- SB 729**—Local Government and Elections.
- SB 730**—Commerce, Consumer Protection, Energy and the Environment.
- SB 731**—Seniors, Families and Children.
- SB 732**—Government Reform.
- SB 733**—Professional Registration.
- SB 734**—Transportation, Infrastructure and Public Safety.
- SB 735**—Small Business and Industry.
- SB 736**—Government Reform.
- SB 737**—Transportation, Infrastructure and Public Safety.
- SB 738**—Insurance and Banking.
- SB 739**—Seniors, Families and Children.
- SB 740**—Judiciary and Civil and Criminal Jurisprudence.
- SB 741**—Seniors, Families and Children.
- SB 742**—Judiciary and Civil and Criminal Jurisprudence.
- SB 743**—Education.
- SB 744**—Seniors, Families and Children.

- SB 745**—Professional Registration.
- SB 746**—Professional Registration.
- SB 747**—Health and Pensions.
- SB 748**—Judiciary and Civil and Criminal Jurisprudence.
- SB 749**—Transportation, Infrastructure and Public Safety.
- SB 750**—Judiciary and Civil and Criminal Jurisprudence.
- SB 751**—Transportation, Infrastructure and Public Safety.
- SB 752**—Transportation, Infrastructure and Public Safety.
- SB 753**—Judiciary and Civil and Criminal Jurisprudence.
- SB 754**—Small Business and Industry.
- SB 755**—Transportation, Infrastructure and Public Safety.
- SB 756**—Local Government and Elections.
- SB 757**—Local Government and Elections.
- SB 758**—Commerce, Consumer Protection, Energy and the Environment.
- SB 759**—Education.
- SB 760**—Seniors, Families and Children.
- SB 761**—Agriculture, Food Production and Outdoor Resources.
- SB 762**—Transportation, Infrastructure and Public Safety.
- SB 763**—Small Business and Industry.
- SB 764**—Education.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
January 16, 2018

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 made and commissioned by me on January 2, 2018, while the Senate was not in session.

Sam M. Devinki, 4901 Wornall Road, Kansas City, Jackson County, Missouri 64112, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, RSMo 161.700.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

January 16, 2018

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

The following addendum should be made to the appointment of Matthew W. Potter as a member of the Saint Louis County Board of Election Commissioners submitted to you on January 3, 2018. Lines 3 and 4 should be amended to read:

Matthew W. Potter, Democrat, 233 Sylvester Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Saint Louis County Board of Election Commissioners.

Respectfully submitted,
Eric R. Greitens
Governor

President Pro Tem Richard referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

INTRODUCTION OF GUESTS

Senator Libla introduced to the Senate, his wife, Elaine, Poplar Bluff; and Allison Mowrer, Kennett.

Senator Dixon introduced to the Senate, Luke Miller.

Senator Rizzo introduced to the Senate, his daughter, Sofia Leona.

Senator Hoskins introduced to the Senate, Alex Haun and Ian Czarnowski.

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

SENATE CALENDAR

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EIGHTH DAY—WEDNESDAY, JANUARY 17, 2018
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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 765-Riddle
SB 766-Riddle
SB 767-Hoskins
SB 768-Hoskins
SB 769-Cunningham
SB 770-Hegeman
SB 771-Hoskins
SB 772-Hoskins
SB 773-Hoskins

SB 774-Munzlinger
SB 775-Brown
SB 776-Sater
SB 777-Koenig
SB 778-Rowden
SB 779-Curls
SB 780-Curls
SB 781-Curls
SB 782-Cunningham

SB 783-Nasheed	SB 827-Sater
SB 784-Nasheed	SB 828-Nasheed
SB 785-Nasheed	SB 829-Hoskins
SB 786-Schupp	SB 830-Riddle
SB 787-Curls	SB 831-Rowden
SB 788-Nasheed	SB 832-Rowden
SB 789-Nasheed	SB 833-Rowden
SB 790-Cierpiot	SB 834-Rowden
SB 791-Nasheed	SB 835-Rowden
SB 792-Nasheed	SB 836-Rowden
SB 793-Wallingford	SB 837-Rowden
SB 794-Romine, et al	SB 838-Rowden
SB 795-Koenig	SB 839-Rowden
SB 796-Koenig	SB 840-Rowden
SB 797-Munzlinger	SB 841-Munzlinger
SB 798-Wallingford	SB 842-Munzlinger
SB 799-Wallingford	SB 843-Riddle
SB 800-Libla	SB 844-Riddle
SB 801-Nasheed	SB 845-Riddle
SB 802-Nasheed	SB 846-Schupp
SB 803-Nasheed	SB 847-Eigel
SB 804-Nasheed	SB 848-Riddle
SB 805-Crawford	SB 849-Kehoe and Schupp
SB 806-Crawford	SB 850-Wallingford
SB 807-Wasson	SB 851-Wallingford
SB 808-Brown	SB 852-Wallingford
SB 809-Koenig	SB 853-Wallingford
SB 810-Koenig	SB 854-Wallingford
SB 811-Munzlinger	SB 855-Curls
SB 812-Wallingford	SB 856-Curls
SB 813-Riddle	SB 857-Curls
SB 814-Riddle	SB 858-Curls
SB 815-Schatz	SB 859-Koenig
SB 816-Schatz	SB 860-Koenig
SB 817-Munzlinger	SB 861-Hegeman
SB 818-Brown	SB 862-Schatz
SB 819-Cunningham	SB 863-Cunningham
SB 820-Cunningham	SB 864-Hoskins
SB 821-Cunningham	SB 865-Kehoe
SB 822-Hegeman	SB 866-Kehoe
SB 823-Schatz	SB 867-Kehoe
SB 824-Cunningham	SB 868-Kehoe
SB 825-Sater	SB 869-Kehoe
SB 826-Sater	SB 870-Hegeman

SB 871-Romine	SB 903-Dixon
SB 872-Schatz	SB 904-Emery
SB 873-Schupp	SB 905-Munzlinger
SB 874-Emery	SB 906-Cunningham
SB 875-Nasheed	SB 907-Kehoe
SB 876-Sater	SB 908-Wieland
SB 877-Onder	SB 909-Dixon
SB 878-Wieland	SB 910-Sater
SB 879-Wieland	SB 911-Munzlinger
SB 880-Wieland	SB 912-Rowden
SB 881-Eigel	SB 913-Rowden
SB 882-Hoskins	SB 914-Crawford
SB 883-Holsman	SB 915-Crawford
SB 884-Koenig	SB 916-Crawford
SB 885-Rowden	SB 917-Crawford
SB 886-Rowden	SB 918-Munzlinger
SB 887-Rowden	SJR 19-Munzlinger
SB 888-Rowden	SJR 20-Munzlinger
SB 889-Rowden	SJR 21-Chappelle-Nadal
SB 890-Riddle	SJR 22-Emery
SB 891-Kehoe	SJR 23-Silvey
SB 892-Walsh	SJR 24-Silvey
SB 893-Sater	SJR 25-Romine
SB 894-Libla	SJR 26-Holsman
SB 895-Wieland	SJR 27-Holsman
SB 896-Wieland	SJR 28-Hegeman
SB 897-Hoskins	SJR 29-Schupp
SB 898-Hoskins	SJR 30-Koenig
SB 899-Rowden	SJR 31-Eigel
SB 900-Rowden and Curls	SJR 32-Curls
SB 901-Hummel	SJR 33-Eigel
SB 902-Hummel	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 33-Emery
SCR 34-Emery

SCR 35-Hegeman

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