

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**FIFTH DAY—FRIDAY, SEPTEMBER 14, 2018**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

“Hear my prayer, O God, give ear to the words of my mouth.” (Psalm 54:2)

Lord God it has been a full week of mixed emotions and work that needed to be done. Add to those feelings our concern for our Sergeant of Arms and the emergency surgery and care for his son. We pray for the skill and knowledge of the doctors who treat him. We pray you sustain Bill and his family and Senator Holsman and family during the illness of his mother, and bless them with your healing presence. You have been with us and our concerns and bring the work we are accomplishing to that which we pray is most pleasing in Your sight. And bless what we have done, go with us as we return to our loved ones. 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 of the previous day was read and approved.

Senator Onder announced photographers from KOMU were given permission to take pictures in the Senate Chamber.

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

Present—Senators

|        |         |          |          |             |            |         |
|--------|---------|----------|----------|-------------|------------|---------|
| Arthur | Brown   | Cierpiot | Crawford | Cunningham  | Dixon      | Eigel   |
| Emery  | Hegeman | Holsman  | Hoskins  | Libla       | Munzlinger | Nasheed |
| Onder  | Richard | Riddle   | Rizzo    | Romine      | Rowden     | Sater   |
| Schaaf | Schatz  | Schupp   | Sifton   | Wallingford | Walsh      | Wasson  |

Wieland—29

Absent—Senators—None

Absent with leave—Senators

|                 |       |        |          |
|-----------------|-------|--------|----------|
| Chappelle-Nadal | Curls | Hummel | Koenig—4 |
|-----------------|-------|--------|----------|

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 23, regarding the Missouri Chapter of the Trail of Tears Association.

Senator Nasheed offered Senate Resolution No. 24, regarding Sadie Maxwell, St. Louis.

Senator Cunningham offered Senate Resolution No. 25, regarding the death of Margaret “Peg” Miller, Jefferson City, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

**HOUSE BILLS ON THIRD READING**

**HB 3**, introduced by Representative Fitzwater, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to science education.

Was taken up by Senator Libla.

Senator Schupp offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 3, Page 2, Section 161.261, Lines 27-30, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly.

Senator Schupp moved that the above amendment be adopted, which motion failed.

On motion of Senator Libla, **HB 3** was read the 3rd time and passed by the following vote:

## YEAS—Senators

|        |         |          |             |            |            |            |
|--------|---------|----------|-------------|------------|------------|------------|
| Arthur | Brown   | Cierpiot | Crawford    | Cunningham | Dixon      | Eigel      |
| Emery  | Hegeman | Holsman  | Hoskins     | Libla      | Munzlinger | Nasheed    |
| Onder  | Richard | Riddle   | Rizzo       | Romine     | Rowden     | Sater      |
| Schaaf | Schatz  | Sifton   | Wallingford | Walsh      | Wasson     | Wieland—28 |

NAYS—Senator Schupp—1

Absent—Senators—None

Absent with leave—Senators

|                 |       |        |          |
|-----------------|-------|--------|----------|
| Chappelle-Nadal | Curls | Hummel | Koenig—4 |
|-----------------|-------|--------|----------|

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**HB 2**, introduced by Representative Austin, entitled:

An Act to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

Was taken up by Senator Dixon.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Dixon, **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

|        |         |          |          |             |            |         |
|--------|---------|----------|----------|-------------|------------|---------|
| Arthur | Brown   | Cierpiot | Crawford | Cunningham  | Dixon      | Eigel   |
| Emery  | Hegeman | Holsman  | Hoskins  | Libla       | Munzlinger | Nasheed |
| Onder  | Richard | Riddle   | Rizzo    | Romine      | Rowden     | Sater   |
| Schaaf | Schatz  | Schupp   | Sifton   | Wallingford | Walsh      | Wasson  |

Wieland—29

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal      Curls                      Hummel                      Koenig—4

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

### 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:

Rose A. Windmiller, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri;

Also,

Chassity S. Nevels; Amy Robins; Janet Rogers; Donna Washburn and Monica Walker, as members of the Child Abuse and Neglect Review Board;

Also,

Nanci Bobrow, as a member of the Children's Trust Fund Board;

Also,

Gwendolyn Grant, Democrat; Gary Nodler, Republican and Michael D. Thomson, Republican, as members of the Coordinating Board for Higher Education;

Also,

Sandra K. Karsten, as Director of the Department of Public Safety;

Also,

Colleen Scott, Republican and Vernon E. Scoville III, Democrat as members of the Jackson County Board of Election Commissioners;

Also,

John M. Miles, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Alyssa M. Mayer, Republican, as a member of the Kansas City Board of Election Commissioners;

Also,

Robert W. Cornejo, Republican, as a member of the Labor and Industrial Relations Commission;

Also,

Lisa A. Elmore, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Sherry Lynn Farrell and Cindy Fox, as members of the Missouri Real Estate Commission;

Also,

Gary L. Carver, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Karen J. Anderson, Steven K. Archer, Jennifer Foster, Thomas J. Frawley, Linda Hosman, Emily C. Hymer, Dana Lopez, Crissy L. Mayberry and Melanie McDole, as members of the Missouri State Foster Care and Adoption Board;

Also,

Thomas Mark Elliott, Republican, as a member of the Missouri Southern State University Board of Governors;

Also,

Paul N. Granberry, as student representative of the Missouri Western State University Board of Governors;

Also,

John F. Moore, Independent, as a member of the Northwest Missouri State University Board of Regents;

Also,

Kimberly R. Bailey, Republican; Donald M. Claycomb, Independent; Carol M. Hallquist, Democrat and Peter Herschend, Republican, as members of the State Board of Education;

Also,

Tiffany M. Middlemas, as student representative of the Truman State University Board of Governors;

Also,

Stephen L. Abney, Republican; Mary A. Long, Democrat; Gus S. Wetzel II, Republican, as members and Casey J. Short, as student representative of the University of Central Missouri Board of Governors; and

Avery J. Welker, as student representative of the University of Missouri Board of Curators.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion, with the exception of the committee reports on Patricia N. Thomas, Republican and J. Allen Rowland, Republican, as members of the Clean Water Commission of the State of Missouri.

Senator Nasheed rose to object and requested that each appointment be considered individually.

Senator Richard moved that the Senate vote on the reports, with the exception of the committee reports on Patricia N. Thomas and J. Allen Rowland, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, in one motion.

Senator Holsman raised the point of order that the Senate Rules state that each gubernatorial appointment be considered separately and that the rules may only be suspended by a two-thirds vote. The point of order was referred to the President Pro Tem.

At the request of Senator Holsman, the point of order was withdrawn.

Senator Nasheed offered a substitute motion that all appointments be considered individually.

At the request of Senator Nasheed, the above substitute motion was withdrawn.

Senator Munzlinger assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Richard, the motion to vote on the reports was withdrawn.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, which was read:

GOVERNOR  
STATE OF MISSOURI  
September 14, 2018

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

I hereby withdraw from your consideration the following appointment:

Peter Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Jennifer W. Edwards, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

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

### REPORTS OF STANDING COMMITTEES

Senator Richard requested unanimous consent of the Senate to approve the committee reports appearing on pages 33 through 35 in one motion, with the exception of J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, which request was granted.

Senator Richard moved the committee report appearing on pages 33 through 35 with the exception of J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, be adopted, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Patricia N. Thomas, Republican, as a member of the Clean Water Commission of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Richard moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment and requested a roll call vote be taken. He was joined in his request by Senators Emery, Onder, Sater and Schatz.

The committee report was adopted by the following vote:

#### YEAS—Senators

|         |             |            |            |            |         |        |
|---------|-------------|------------|------------|------------|---------|--------|
| Arthur  | Brown       | Crawford   | Cunningham | Dixon      | Eigel   | Emery  |
| Hegeman | Hoskins     | Munzlinger | Nasheed    | Onder      | Richard | Riddle |
| Rizzo   | Romine      | Rowden     | Sater      | Schaaf     | Schatz  | Schupp |
| Sifton  | Wallingford | Walsh      | Wasson     | Wieland—26 |         |        |

NAYS—Senator Cierpiot—1

Absent—Senator Holsman—1

Absent with leave—Senators

|                 |       |        |        |         |
|-----------------|-------|--------|--------|---------|
| Chappelle-Nadal | Curls | Hummel | Koenig | Libla—5 |
|-----------------|-------|--------|--------|---------|

Vacancies—1

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of J. Allen Rowland, Republican, as a member of the Clean Water Commission of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Richard moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment and requested a roll call vote be taken. He was joined in his request by Senators Emery, Schatz, Sater and Hoskins.

The committee report was adopted by the following vote:

YEAS—Senators

|         |             |            |            |            |         |        |
|---------|-------------|------------|------------|------------|---------|--------|
| Arthur  | Brown       | Crawford   | Cunningham | Dixon      | Eigel   | Emery  |
| Hegeman | Hoskins     | Munzlinger | Nasheed    | Onder      | Richard | Riddle |
| Rizzo   | Romine      | Rowden     | Sater      | Schaaf     | Schatz  | Schupp |
| Sifton  | Wallingford | Walsh      | Wasson     | Wieland—26 |         |        |

NAYS—Senator Cierpiot—1

Absent—Senator Holsman—1

Absent with leave—Senators

|                 |       |        |        |         |
|-----------------|-------|--------|--------|---------|
| Chappelle-Nadal | Curls | Hummel | Koenig | Libla—5 |
|-----------------|-------|--------|--------|---------|

Vacancies—1

Senator Munzlinger assumed the Chair.

## REFERRALS

President Pro Tem Richard referred **SCR 1**, **SR 15** and **SR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## COMMUNICATIONS

President Pro Tem Richard submitted the following:

September 14, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

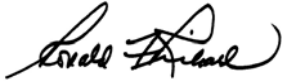
Pursuant to Rule 12, I request the following changes to committees:

I hereby remove Senator Mike Cunningham from the committee on Judiciary and Civil and Criminal Jurisprudence and appoint Senator Andrew Koenig.

I hereby, remove Senator Rob Schaaf from the committee on Appropriations and appoint Senator Jeanie Riddle.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Richard", written in a cursive style.

Ron Richard

President Pro Tem

On motion of Senator Onder, the Senate adjourned until 1:00 p.m., Wednesday, September 19, 2018.

✓