

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—THURSDAY, APRIL 26, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is God who girds me about with strength and makes my way secure.” (Psalm 18:33)

Merciful God, as we finish up this long week and head home we ask for the gift to walk in Your righteous pathways. Help us make time with those we love special and our worship of You worthy and meaningful. Bless this time that our ways may be Your ways and our love be like Yours. 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.

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	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Eigel offered Senate Resolution No. 1870, regarding Emily Bodrow, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1871, regarding Molly Frei, Weldon Springs, which was adopted.

Senator Sater offered Senate Resolution No. 1872, regarding Eagle Scout Michael Gerard Bernsen, Shell Knob, which was adopted.

Senator Wasson offered Senate Resolution No. 1873, regarding 2018 Nixa's Sucker Day, which was adopted.

Senator Wasson offered Senate Resolution No. 1874, regarding Willard Central Elementary School, Springfield, which was adopted.

Senator Richard offered Senate Resolution No. 1875, regarding Ann Brand, which was adopted.

Senator Sifton offered Senate Resolution No. 1876, regarding Catherine Fix, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1877, regarding Irina Sarah Grimm, Oakland, which was adopted.

Senator Crawford offered Senate Resolution No. 1878, regarding Wayne and Kay Morris, Louisburg, which was adopted.

Senator Crawford offered Senate Resolution No. 1879, regarding Diane Zinn, Sedalia, which was adopted.

Senator Crawford offered Senate Resolution No. 1880, regarding Leonard Zanatta, Bolivar, which was adopted.

Senator Crawford offered Senate Resolution No. 1881, regarding Mildred Reid, Lebanon, which was adopted.

Senator Crawford offered Senate Resolution No. 1882, regarding Billy D. Pearson, Wheatland, which was adopted.

Senator Crawford offered Senate Resolution No. 1883, regarding Joseph "Carter" Kinkead, DVM, Warsaw, which was adopted.

Senator Crawford offered Senate Resolution No. 1884, regarding Charles T. Bourland, Osceola, which was adopted.

Senator Crawford offered Senate Resolution No. 1885, regarding Lynne Hedrick, El Dorado Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1886, regarding William Bryant Elementary School, Blue Springs R-IV School District, which was adopted.

Senator Eigel offered Senate Resolution No. 1887, regarding Kate Mossman, St. Charles, which was adopted.

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:

Terra N. Frazier, Courtney L. Kovachevich and Danielle T. Smith as members of the Child Abuse and Neglect Review Board;

Jeffrey S. Glaser, Republican, as a member of the State Board of Registration for the Healing Arts;

Luke M. Legrand, as a representative of the Southeast Missouri State University Board of Regents;

Dana Lopez, as a member of the Missouri State Foster Care and Adoption Board;

Kenneth L. Lovelace, Republican, as a member of the State Soil and Water Districts Commission;

Kenneth “Brooks” Miller and Michael McClaskey, as members of the Truman State University Board of Governors; and

William L. Miller, as student representative of the Missouri State University Board of Governors.

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.

HOUSE BILLS ON THIRD READING

Senator Cunningham moved that **HB 1880**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Eigel, the above amendment was withdrawn.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 5, Section 394.080, Line 3, by inserting after “value” the following: “, which, notwithstanding any other provision of law, shall always be greater than zero,”.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Schaaf, **SA 2** was withdrawn.

Senator Schaaf offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 5, Section

394.080, Line 1, by inserting after the word “condemnation” the following: “**filed after August 28, 2018**”; and further amend line 3, by inserting after the word “value” the following: “, **which, notwithstanding any other provision of law, shall always be greater than zero,**”.

Senator Schaaf moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

Senator Sifton offered **SA 1 to SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 1, Line 5, by inserting after “zero,” the following: “; and further amend line 5 by inserting after the word “case” the following: “**filed after August 28, 2018**”.

Senator Sifton moved that the above amendment be adopted.

Senator Cunningham requested a roll call vote be taken on the adoption of **SA 1 to SA 3**. He was joined in his request by Senators Brown, Emery, Kehoe and Richard.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Eigel	Holsman	Hummel	Koenig	Nasheed
Rizzo	Romine	Schaaf	Schupp	Sifton	Walsh—13	

NAYS—Senators

Brown	Crawford	Cunningham	Dixon	Emery	Hegeman	Hoskins
Kehoe	Munzlinger	Onder	Richard	Riddle	Rowden	Sater
Schatz	Wallingford	Wasson	Wieland—18			

Absent—Senators

Cierpiot	Libla—2
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Schaaf, **SA 3** was withdrawn.

At the request of Senator Cunningham, **HB 1880**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Romine moved that **HCS** for **HB 1286**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Schatz, the above amendment was withdrawn.

Senator Romine moved that **SCS** for **HCS** for **HB 1286** be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HCS** for **HB 1286** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Schupp	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Eigel	Koenig	Sifton—3
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Absent—Senator Dixon—1

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

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

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

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

Senator Cunningham moved that **HCS** for **HB 1879**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Cunningham, **HCS** for **HB 1879**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 553**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Rowden assumed the Chair.

Senator Nasheed moved that **SA 1** be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 553, Pages 1-3, Section 67.398, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **SB 553**, as amended, be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **SB 553**, as amended, be perfected and requested a roll call vote be taken. He was joined in his request by Senators Hummel, Kehoe, Munzlinger and Walsh.

SS for **SCS** for **SB 553**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Emery	Hoskins
Hummel	Kehoe	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Sater	Schatz	Wallingford	Wasson	Wieland—20	

NAYS—Senators

Chappelle-Nadal	Curls	Eigel	Hegeman	Holsman	Koenig	Nasheed
Rowden	Schaaf	Schupp	Sifton	Walsh—12		

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

HOUSE BILLS ON THIRD READING

Senator Koenig moved that **HCS** for **HB 1500**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 3** was again taken up.

At the request of Senator Koenig, **SS** for **SCS** for **HCS** for **HB 1500** was withdrawn, rendering **SSA 1** for **SA 3** and **SA 3** moot.

Senator Koenig offered **SS No. 2** for **SCS** for **HCS** for **HB 1500**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1500

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to reduction in regulation of certain occupations.

Senator Koenig moved that **SS No. 2** for **SCS** for **HCS** for **HB 1500** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 32, Section 329.275, Line 26, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS No. 2** for **SCS** for **HCS** for **HB 1500**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS No. 2** for **SCS** for **HCS** for **HB 1500**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Onder	Richard	Riddle	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Wasson	Wieland—27	

NAYS—Senators

Chappelle-Nadal	Nasheed	Rizzo	Schaaf	Walsh—5
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Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SCS** for **SB 1007**, be taken up for perfection, which motion prevailed.

SCS for **SB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1007

An Act to repeal sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the state personnel law, with existing penalty provisions.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 1007** be adopted.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1007, Page 35, Section 621.075, Line 2, by striking the bold-faced language from said line; and

Further amend said bill and section, Page 36, Line 3, by striking the bold-faced language from said line and inserting in lieu thereof the following: “**regular employee, as that term is defined in section 36.020,**”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1007, Pages 32-35, Section 105.055, by striking all of said section and inserting in lieu thereof the following:

“105.055. 1. **As used in this section, the following terms mean:**

(1) “Disciplinary action”, any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee’s compensation;

(2) “Public employee”, any employee, volunteer, intern, or other individual performing work or services for a public employer;

(3) “Public employer”, any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.

2. No supervisor or appointing authority of any [state agency] public employer shall prohibit any employee of the [agency] public employer from discussing the operations of the [agency] public employer, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating [such] any alleged misconduct described in this section.

[2.] 3. No supervisor or appointing authority of any [state agency] public employer shall:

(1) Prohibit a [state] public employee from or take any disciplinary action whatsoever against a [state] public employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] a public employee to give notice to the supervisor or appointing authority prior to [making any such report] disclosing any activity described in subdivision (1) of this subsection; or

(3) Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.

[3.] **4.** This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] **a public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public employer** or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer**;

(2) Permitting [an] **a public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] **a public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer**; or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

5. In addition to any other remedies provided by law, any **state** employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission[]; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390]. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission [or appropriate review body] finds that disciplinary action taken was [unreasonable] **taken for any reason that violates this section**, the commission [or appropriate review body] shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission [or appropriate review body] in such cases may be appealed by any party pursuant to law.

6. Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

7. (1) In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may**

request a trial by jury.

(3) [An] **A public employee [must] shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages **including, but not limited to, lost wages and restoration of benefits, punitive damages of no more than five times the amount of actual damages, reinstatement, and an injunction against further employment actions related to the reporting of misconduct,** and may also award the complainant all or a portion of the costs of litigation, including **court costs and** reasonable attorney fees.

8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor’s report.

9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.

105.725. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.”; and

Further amend the title and enacting clause accordingly.

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

Having voted on the prevailing side, Senator Schupp moved that the vote by which **SA 2** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Hegeman
Holsman	Hoskins	Kehoe	Koenig	Munzlinger	Nasheed	Onder
Richard	Riddle	Rizzo	Rowden	Sater	Schaaf	Schatz
Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal	Emery	Hummel	Romine—4
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Absent with leave—Senators

Eigel	Libla—2
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Vacancies—1

SA 2 was again taken up.

At the request of Senator Schupp, the above amendment was withdrawn.

Senator Schupp offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1007, Pages 32-35, Section 105.055, by striking all of said section and inserting in lieu thereof the following:

“105.055. 1. As used in this section, the following terms mean:

(1) “Disciplinary action”, any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee’s compensation;

(2) “Public employee”, any employee, volunteer, intern, or other individual performing work or services for a public employer;

(3) “Public employer”, any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.

2. No supervisor or appointing authority of any [state agency] **public employer** shall prohibit any employee of the [agency] **public employer** from discussing the operations of the [agency] **public employer**, either specifically or generally, with any member of the legislature, state auditor, attorney general, a **prosecuting or circuit attorney, a law enforcement agency, news media, the public**, or any state official or body charged with investigating [such] **any** alleged misconduct **described in this section**.

[2.] 3. No supervisor or appointing authority of any [state agency] **public employer** shall:

(1) Prohibit a [state] **public** employee from or take any disciplinary action whatsoever against a [state] **public** employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, **violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons**, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] **a public** employee to give notice to the supervisor or appointing authority prior to [making any such report] **disclosing any activity described in subdivision (1) of this subsection; or**

(3) **Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.**

[3.] 4. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] **a public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public**

employer or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer**;

(2) Permitting [an] **a public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] **a public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer**; or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

5. **In addition to any other remedies provided by law**, any **state** employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission[; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390]. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission [or appropriate review body] finds that disciplinary action taken was [unreasonable] **taken for any reason that violates this section**, the commission [or appropriate review body] shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission [or appropriate review body] in such cases may be appealed by any party pursuant to law.

6. Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

7. (1) In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may request a trial by jury.**

(3) [An] **A public** employee [must] **shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited

activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.

8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor's report.

9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.

105.725. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kehoe moved that **SCS for SB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS for SB 1007**, as amended, was declared perfected and ordered printed.

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 refuses to adopt **SS for HB 1858**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2002**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2003**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2004**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2005**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2006**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2007**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2008**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2009**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2010**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2011**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2012**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2013**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1291**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1291**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 11**, entitled:

An Act to repeal sections 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.145, 210.487, 210.498, 211.093, 431.056, 453.121, and 610.021, RSMo, and to enact in lieu thereof thirteen new sections relating to persons under protective custody.

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 **HCB 16**, entitled:

An Act to repeal sections 89.020, 137.010, 137.016, 137.017, 137.021, 144.025, 192.947, 265.300, 265.490, 265.494, and 414.032, RSMo, and to enact in lieu thereof sixteen new sections relating to agriculture, with penalty provisions and a delayed effective date for a certain section.

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 **HCB 14**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto ten new sections relating to the designation of state highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Brown requested unanimous consent of the Senate to make one motion to send **SCS** for **HCS** for **HB 2002**; **SCS** for **HCS** for **HB 2003**; **SCS** for **HCS** for **HB 2004**; **SCS** for **HCS** for **HB 2005**; **SCS** for **HCS** for **HB 2006**, as amended; **SCS** for **HCS** for **HB 2007**, as amended; **SCS** for **HCS** for **HB 2008**; **SCS** for **HCS** for **HB 2009**; **SS** for **SCS** for **HCS** for **HB 2010**; **SCS** for **HCS** for **HB 2011**; **SCS** for **HCS** for **HB 2012**; and **SCS** for **HCS** for **HB 2013** to conference in one motion, which request was granted.

Senator Brown moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2002**; **SCS for HCS for HB 2003**; **SCS for HCS for HB 2004**; **SCS for HCS for HB 2005**; **SCS for HCS for HB 2006**, as amended; **SCS for HCS for HB 2007**, as amended; **SCS for HCS for HB 2008**; **SCS for HCS for HB 2009**; **SS for SCS for HCS for HB 2010**; **SCS for HCS for HB 2011**; **SCS for HCS for HB 2012**; and **SCS for HCS for HB 2013** and grant the House a conference thereon, which motion prevailed.

Senator Hoskins moved that the Senate refuse to concur in **HCS for SS for SB 608**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sater moved that the Senate refuse to concur in **HCS for SS for SCS for SB 826**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

Robert P. MacDonald, Democrat, 218 Kaylee Circle, Poplar Bluff, Butler County, Missouri 63901, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Kendra Neely-Martin, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

Chassity S. Nevels, 38866 West Saint Cloud Circle, Richmond, Ray County, Missouri 64085, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Lana M. Martin, withdrawn.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

Margaret “Ellen” Nichols, Republican, 2122 East 47th Street, Joplin, Newton County, Missouri 64804, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2019, and until her successor is duly appointed and qualified; vice, James B. Kelly Jr., withdrawn.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

Janet Rogers, 601 Center Street, Lathrop, Clinton County, Missouri 64465, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Rhonda K. Haight, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

Casey J. Short, 91 Route O, Greenfield, Dade County, Missouri 65661, as the student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2019, and until her successor is duly appointed and qualified; vice, Mathew R. Martinez, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 26, 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:

John Stamm, Independent, 4152 Juniata Street #2 , Saint Louis, Saint Louis City, Missouri 63116, as a member of the Missouri Community Service Commission, for a term ending March 26, 2021, and until his successor is duly appointed and qualified; Nicole N. Roach, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

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

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HCR 96—Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Libla offered Senate Resolution No. 1888, regarding Lake Road Elementary School, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1889, regarding Richland Elementary School, Richland, which was adopted.

Senator Romine offered Senate Resolution No. 1890, regarding Dr. Tim Hager, Van Buren, which was adopted.

Senator Romine offered Senate Resolution No. 1891, regarding Jamie Goodman, Van Buren, which was adopted.

Senator Romine offered Senate Resolution No. 1892, regarding Roberta Ives, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1893, regarding Sharon Masters, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1894, regarding Gary L. Streiler, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1895, regarding Joan M. Flieg, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1896, regarding Clare Schwent-Roth, Saint Mary, which was adopted.

Senator Romine offered Senate Resolution No. 1897, regarding Mary Jo Holland, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1898, regarding Sherrie Jackson, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1899, regarding Deborah Loeffelman, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1900, regarding Mary Beth Reed, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1901, regarding Dana Daniels, De Soto, which was adopted.

Senator Hummel offered Senate Resolution No. 1902, regarding DeSmet Retirement Community, Florissant, which was adopted.

Senator Hummel offered Senate Resolution No. 1903, regarding Christopher Worth, St. Louis, which

was adopted.

Senator Hoskins offered Senate Resolution No. 1904, regarding Ian Czarnowski, Wentzville, which was adopted.

Senator Wieland offered Senate Resolution No. 1905, regarding Allison Leible, Barnhart, which was adopted.

INTRODUCTION OF GUESTS

Senator Richard introduced to the Senate, the Honorable Dr. Naomi Shabaan, Senator George Khaniri, Senator Aaron Cheruyiot, Dr. Lonah Mumelo, Michael Sialai, Anthony Njoroge, Noor Ghalgan, Osborn Obayo and Gertrude Nangira, Parliamentary Service Commission members and staff from Kenya.

Senator Romine introduced to the Senate, Mike McGirl, Potosi.

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Robert L. Corder, St. Joseph.

Senator Rizzo introduced to the Senate, his brother, Anthony Rizzo, and nephew Henry, Kansas City.

Senator Holsman introduced to the Senate, Jennifer Taylor, Tom Greer and Danny Hotson, representatives of the American Society of Civil Engineers, Kansas City.

Senator Kehoe introduced to the Senate, teachers Mrs. Limbach and Mrs. VanDyke, parents, grandparents and fourth-grade students from Eugene Elementary School.

Senator Libla introduced to the Senate, Kyle Aubuchon, Poplar Bluff.

Senator Hegeman introduced to the Senate, twenty-six third-grade students from Rock Port Elementary School.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, April 30, 2018.

SENATE CALENDAR

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SIXTY-FIRST DAY—MONDAY, APRIL 30, 2018

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2140

HB 2336-Tate

HCS for HBs 2523 & 2524

HCS for HB 1542

HCS for HB 1915

HB 2155-Schroer

HCS for HB 2017

HCS for HB 2018

HCS for HB 1999

HCS for HB 1289

HC B 11-Neely
HC B 16-Houghton

HC B 14-Reiboldt

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)
SS for SB 699-Sifton (In Fiscal Oversight)

SS for SCS for SB 907-Kehoe

SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS
SB 678-Eigel

SB 1102-Kehoe, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| 1. HCS for HB 2116, with SCS (Schatz) | 8. HB 1428-Muntzel (Munzlinger) |
| 2. HB 1355-Phillips, with SCS (Schatz) | 9. HCS for HB 2034, with SCS (Munzlinger) |
| 3. HCS for HB 1617, with SCS (Onder) | 10. HCS for HB 1796 (Rowden) |
| 4. HB 1492-Lynch (Brown) | 11. HB 2122-Engler, with SCS (Schatz) |
| 5. HCS for HB 1597, with SCS (Dixon) | 12. HCS for HB 1443, with SCS (Sater) |
| 6. HB 1744-Hansen (Romine) | 13. HCS for HB 1645 (Rowden) |
| 7. HCS for HB 1606 (Romine) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &
667-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)
SB 550-Wasson, with SCS
SBs 555 & 609-Brown, with SCS
SB 556-Brown, with SA 1 (pending)
SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,
SA 1 & SA 1 to SA 1 (pending)
SB 578-Romine
SB 591-Hegeman, with SCS
SB 596-Riddle, with SCS

SB 599-Schatz
SB 602-Onder, with SCS
SB 612-Koenig, with SCS, SS#2 for SCS,
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1
for SA 2 (pending)
SB 663-Schatz, with SCS, SS for SCS & SA 1
(pending)
SB 730-Wallingford, with SCS & SA 1
(pending)
SB 751-Schatz
SB 767-Hoskins, with SCS, SS for SCS &
SA 2 (pending)
SB 774-Munzlinger
SB 813-Riddle, with SCS & SA 1 (pending)
SB 822-Hegeman, with SCS & SS for SCS
(pending)
SB 832-Rowden, with SCS, SS#2 for SCS &
point of order (pending)
SB 837-Rowden

SB 848-Riddle
SB 849-Kehoe and Schupp, with SCS, SA 1
& SA 1 to SA 1 (pending)
SB 859-Koenig, with SCS & SS for SCS
(pending)
SB 860-Koenig, with SCS, SS for SCS & SA 1
(pending)
SB 861-Hegeman, with SCS
SB 865-Kehoe
SB 893-Sater, with SCS, SS for SCS & SA 1
(pending)
SB 912-Rowden, with SCS & SS#3 for SCS
(pending)
SB 920-Riddle, with SS & SA 2 (pending)
SB 928-Onder, with SCS
SB 949-Emery, with SCS, SS for SCS & SA 2
(pending)
SB 1003-Wasson, with SS & SA 1 (pending)
SB 1021-Dixon and Wallingford, with SCS

HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS
(Dixon)
HB 1303-Alferman, with SCS (Rowden)
HB 1329-Remole, with SCS, SS for SCS &
SA 5 (pending) (Munzlinger)
SS for SCS for HB 1350-Smith (163)
(Rowden)
HB 1413-Taylor, with SCS, SS for SCS &
SA 1 (pending) (Onder)
HB 1442-Alferman, with SCS, SS for SCS &
SA 1 (pending) (Schatz)
HCS for HB 1461 (Rowden)
HB 1578-Kolkmeier (Munzlinger)

HCS for HB 1605, with SCS (Kehoe)
HB 1630-Evans (Rowden)
HB 1691-Miller, with SCS (Emery)
HCS for HBs 1729, 1621 & 1436 (Brown)
HB 1769-Mathews, with SCS (Schatz)
HCS for HB 1879, with SCS, SS for SCS &
SA 1 (pending) (Cunningham)
HB 1880-Trent, with SCS & SS for SCS
(pending) (Cunningham)
HCS for HB 1991, with SCS (Rowden)
HB 2044-Taylor, with SCS (pending)
(Dixon)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 775-Brown, with HCS,
as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 569-Cunningham, with HCS, as amended	HCS for HB 2007, with SCS, as amended
HB 1291-Henderson, with SS for SCS,	(Brown)
as amended (Romine) (House adopted CCR	HCS for HB 2008, with SCS (Brown)
and passed CCS)	HCS for HB 2009, with SCS (Brown)
HCS for HB 2002, with SCS (Brown)	HCS for HB 2010, with SS for SCS (Brown)
HCS for HB 2003, with SCS (Brown)	HCS for HB 2011, with SCS (Brown)
HCS for HB 2004, with SCS (Brown)	HCS for HB 2012, with SCS (Brown)
HCS for HB 2005, with SCS (Brown)	HCS for HB 2013, with SCS (Brown)
HCS for HB 2006, with SCS, as amended	
(Brown)	

Requests to Recede or Grant Conference

SS for SB 608-Hoskins, with HCS (Senate	SS for HB 1858-Christofanelli (Eigel)
requests House recede or grant conference)	(House requests Senate recede or
SS for SCS for SB 826-Sater, with HCS,	grant conference)
as amended (Senate requests House	
recede or grant conference)	

RESOLUTIONS

SR 1137-Walsh, with SS (pending)	SR 1487-Schaaf
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Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)	SCR 37-Eigel and Onder
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