

# Journal of the Senate

FIRST REGULAR SESSION

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**FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2019**

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The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“And all of you must clothe yourselves with humility in dealing with one another, for God opposes the proud, but gives grace to the humble.” (1 Peter 5:5b)

Gracious God, as we work through this day and the many things that demand our best help us deal with one another and those who need our help, in humble ways so we communicate our sincere desire to use our gifts to do what we can that is most helpful. And may we do so in ways that are most respectful to those we interact this day and every day. 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

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—None

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Arthur offered Senate Resolution No. 198, regarding Nicole Wagoner, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 199, regarding Sienna Snead, Liberty, which was adopted.

Senator Arthur offered Senate Resolution No. 200, regarding Riley Sutherland, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 201, regarding Sabrina Madison, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 202, regarding Rachel Kim, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 203, regarding Rachel Adger, Kansas City, which was adopted.

Senator Arthur offered Senate Resolution No. 204, regarding Sydney Cole, Liberty, which was adopted.

Senator Arthur offered Senate Resolution No. 205, regarding Jenyn Pinkley, Kansas City, which was adopted.

Senator Schatz offered Senate Resolution No. 206, regarding Katie North, St. Clair, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Burlison offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 15

Relating to the appointment and duties of commissioners to attend an Article V convention.

Whereas, it is necessary for each state to provide for the selection of commissioners to attend any Article V Convention:

Now Therefore Be It Resolved that the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby adopt the following procedures for the selection of commissioners to attend an Article V Convention:

#### Section 1. Selection of Commissioners

When a convention is called to propose amendments to the United States Constitution pursuant to Article V of the United States Constitution, the selection and participation of commissioners from Missouri to such convention shall be governed by this Resolution.

#### Section 2. Number, Eligibility, and Selection of Commissioners

A. Missouri shall have a number of commissioners equal to the number of congressional districts in the state at the time with one commissioner from each congressional district and a number of alternate commissioners equal to the number of congressional districts in the state at the time with one alternate commissioner from each congressional district.

B. Commissioners and alternates shall be citizens of the State of Missouri and shall otherwise meet the same qualifications necessary to hold office in the Missouri House of Representatives. Commissioners and alternates may include persons holding public office, subject to further limits described below, except that no person will be eligible who is:

- (1) A member of the United States House of Representatives or Senate;
- (2) An employee of the United States;
- (3) An employee or other representative of a contractor with the United States; or
- (4) An elected official holding a statewide office.

Commissioners and alternates are also subject to those existing ethics rules which apply to members of the General Assembly.

C. The House of Representatives and Senate shall select, by adoption of a concurrent resolution, the commissioners and alternates who meet the eligibility requirements described herein and who are submitted to the House of Representatives and the Senate by the Joint Legislative Committee as provided in Section 4 of this resolution. Of the commissioners, at least one-third shall not be sitting members of the General Assembly. Of the alternate commissioners, at least one-third shall not be sitting members of the General Assembly.

D. A majority of the commissioners shall constitute a quorum for all decisions made by the delegation, and no commissioner may give his or her vote by proxy or otherwise to any other commissioner. The commissioners shall select a chairperson to administer the work of the commissioners.

Section 3. Authority of Commissioners

A. Each commissioner and alternate shall, by oath or affirmation as a condition of participating in the convention, agree to faithfully and impartially discharge all the duties incumbent upon a commissioner, including the duty to abide by instructions established by concurrent resolution of the General Assembly for participation in the convention and the duty to act only within the scope of the General Assembly's application for the convention, if Missouri applied for the convention in which the commissioners are participating. Each commissioner and alternate shall further agree to immediately notify the Joint Legislative Committee if he or she believes that any Missouri commissioner or alternate has violated his or her oath or instructions while participating in the convention.

B. Prior to the Article V Convention, the General Assembly shall consider "Recommended Commissioner Instructions" presented to it by the Joint Legislative Committee as discussed further in Section 4 of this resolution, and shall by concurrent resolution provide duly approved instructions to the commissioners and alternates regarding the scope of matters they may consider and vote on at convention, including rules of procedure and proposed amendments. Such instructions may be changed by the General Assembly prior to or during the convention. These instructions shall include, but shall not be limited to:

1. An instruction that the commissioners shall not support any voting rule other than the rule whereby each state exercises one vote; and
2. An instruction that on all voting matters at the convention, the decision of a simple majority of the Missouri commissioners shall constitute a single vote for the State of Missouri.

C. Any vote cast by a commissioner or alternate at an Article V convention that is outside the scope of any of the following is an unauthorized vote, and is therefore void:

1. The instructions established by any concurrent resolution adopted under this Resolution or later amending resolutions.
2. Any limits identified in the Missouri General Assembly's application for the convention.

Section 4. Authorization for and Role of the Joint Legislative Committee

A. After or near the time an Article V convention is called, a Joint Legislative Committee shall be duly authorized by the General Assembly for the purposes described in this section. The Joint Legislative Committee shall be comprised of five members of the Senate appointed by the President Pro Tempore of the Senate, with three members from the majority party and two members from the minority party, and five members of the House appointed by the Speaker of the House of Representatives, with three members from the majority party and two members from the minority party, and shall have the initial task of recommending eligible commissioners to the House of Representatives and the Senate for consideration of appointment as commissioners. The Joint Legislative Committee shall submit at least three persons from each congressional district who are eligible, as provided in this resolution, to serve as a commissioner and at least three different persons from each congressional district who are eligible, as provided in this resolution, to serve as an alternate commissioner. The House of Representatives and the Senate shall select a commissioner and alternate commissioner from each congressional district from the names submitted by the Joint Legislative Committee. The Joint Legislative Committee shall also be charged with presenting "Recommended Commissioner Instructions" to the full General Assembly for consideration leading to a concurrent resolution as discussed in Section 3(B) of this resolution. Such Commissioner Instructions will define the scope of matters the Commissioners may consider and vote on at the Article V Convention, including rules of procedure and proposed amendments as discussed more fully in Section 3 of this resolution. All recommendations that secure a simple majority vote of the members present will be deemed approved "Recommended Commissioner Instructions" to be submitted to the full General Assembly for its consideration.

B. After commissioners have been selected, the Joint Legislative Committee may recall any commissioner and revoke such commissioner's authority. However, the Joint Legislative Committee may only recall and revoke the authority in the event the commissioner casts or attempts to cast an unauthorized vote as described in this Resolution. The Joint Legislative Committee shall also appoint one of the selected alternates to take the place of a commissioner so recalled. The Joint Legislative Committee shall promptly investigate any notice that a commissioner or alternate has cast an unauthorized vote or otherwise exceeded the scope of the General Assembly's application for the convention or the General Assembly's instructions to the commissioners. The Joint Legislative Committee shall act to ensure that the commissioners remain faithful to the terms of the convention application and the General Assembly's instructions. Before or during the Article V Convention, the Joint Legislative Committee may advise the commissioners on questions which arise regarding the scope of the convention and the legislative instructions to commissioners.

C. By concurrent resolution, the General Assembly may change or supersede any action of the Joint Legislative Committee or recall commissioners or alternates to the convention, or appoint new commissioners or alternates.

D. The Joint Legislative Committee shall be authorized to conduct its business via telephone or by electronic communication.

Section 5. Conflicts with Convention Rules or Procedures

Should the provisions of this Resolution conflict with the rules or procedures established by the Article V convention, the General Assembly may by concurrent resolution conform these provisions to such rules or procedures; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

**INTRODUCTION OF BILLS**

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

**SB 345**—By Koenig, Emery, Eigel, Hoskins, O’Laughlin, Burlison, Onder, Brown, Bernskoetter, Wieland, Crawford and Wallingford.

An Act to repeal section 188.010, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions and a contingent effective date.

**SB 346**—By Schupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage of prescription contraceptives.

**SB 347**—By Burlison.

An Act to repeal sections 382.010 and 382.230, RSMo, and to enact in lieu thereof three new sections relating to insurance holding companies.

**SJR 20**—By Koenig.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4(d) and 26 of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to taxation.

**INTRODUCTIONS OF GUESTS**

Senator Emery introduced to the Senate, Dr. Kenneth Jones, Clinton; and Trisha Riggs, Brianna Cline, Whitney Combs, Trish Lavish, Davis Guilliams and Hanna Pettit, representatives of Southwest Area Health Education Center, Springfield.

Senator Rowden introduced to the Senate, Chancellor Alexander Cartwright, University of Missouri, Columbia.

Senator Luetkemeyer introduced to the Senate, Mayor Kathy Rose, and Mike Duffy, Riverside; and representatives of Great Northwest Missouri Days, Buchanan County.

Senator Bernskoetter introduced to the Senate, President Dr. Jerald Jones Woolfolk, and representatives of Lincoln University, Jefferson City.

Senator Holsman introduced to the Senate, Joe Reardon, Kansas City Chamber of Commerce.

Senator Curls introduced to the Senate, Jean Johnson, Leather Branch and Davion Thomas, representatives of Lincoln University Alumni Association.

On behalf of Senators Bernskoetter, Emery, Hegeman, Hoskins, O’Laughlin, Riddle, Rowden, Sater, Libla and White, Senator Crawford introduced to the Senate, 2018-2019 State FFA Officers Paxton Dahmer, Nevada; Chloe Momphard, Troy; Regan Ragsdale, Holliday; Adriene Aubuchon, Owensville; Madison Bader, Hermann; Quentin Carlyle, East Prairie; Shelby Davies, Dawn; Madelyn Derks, King City; Hattie Grisham, Eldon; Alexandria Lock, Carrollton; McKenzie Loftis, Mount Vernon; Audrey Martin, Bucklin; Andi Montgomery, Everton; Dillon Reinitz, Brunswick; Ryan Siegel, Otterville; Hannah Viets, Sweet Springs; and Abby Bertz, Mayview.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Kyle Ostron, and his wife, Felicia, Labadie.

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

SENATE CALENDAR

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SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2019

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 247-Hough
SB 222-Hough	SB 248-Brown
SB 223-Brown	SB 249-Koenig
SB 224-Luetkemeyer	SB 250-Koenig
SB 225-Curls	SB 251-Koenig
SB 226-Sater	SB 252-Wieland
SB 227-Sater	SB 253-Sater
SB 228-Sater	SB 254-Bernskoetter
SB 229-Crawford	SB 255-Bernskoetter
SB 230-Crawford	SB 256-Hegeman
SB 231-Hough	SB 257-Hoskins
SB 232-Sater	SB 258-Wallingford
SB 233-Sater	SB 259-Romine
SB 234-White	SB 260-Onder
SB 235-White	SB 261-Nasheed
SB 236-White	SB 262-Sater
SB 237-White	SB 263-Schupp
SB 238-Emery	SB 264-Crawford
SB 239-White	SB 265-Luetkemeyer
SB 240-White	SB 266-Wieland
SB 241-Rizzo	SB 267-Wieland
SB 242-Walsh	SB 268-Wieland
SB 243-Walsh	SB 269-Eigel
SB 244-Walsh	SB 270-White and Crawford
SB 245-Walsh	SB 271-Emery
SB 246-Hough	SB 272-Emery

SB 273-Emery	SB 313-Onder
SB 274-Sater	SB 314-Burlison
SB 275-Sater	SB 315-Burlison
SB 276-Rowden	SB 316-Burlison
SB 277-Crawford	SB 317-Burlison
SB 278-Wallingford	SB 318-Burlison
SB 279-Onder and Emery	SB 319-Wieland
SB 280-Sater	SB 320-Hough
SB 281-Brown	SB 321-Hegeman
SB 282-Brown	SB 322-Bernskoetter
SB 283-Hoskins	SB 323-Hough
SB 284-Hoskins	SB 324-Arthur
SB 285-Hough	SB 325-Crawford
SB 286-Hough	SB 326-Sater
SB 287-Wieland	SB 327-Luetkemeyer
SB 288-Wieland	SB 328-Burlison
SB 289-Wieland	SB 329-Burlison
SB 290-Brown	SB 330-Brown
SB 291-Wallingford	SB 331-Brown
SB 292-Eigel	SB 332-Brown
SB 293-Hough	SB 333-Rizzo
SB 294-Hough	SB 334-Onder
SB 295-Hough	SB 335-Onder
SB 296-Cierpiot	SB 336-Schupp
SB 297-White	SB 337-Wieland
SB 298-White	SB 338-Wieland
SB 299-Rizzo, et al	SB 339-Wieland
SB 300-Eigel	SB 340-Wieland
SB 301-Eigel	SB 341-Wieland
SB 302-Wallingford	SB 342-Curls
SB 303-Riddle	SB 343-Eigel
SB 304-Riddle	SB 344-Eigel
SB 305-Riddle	SB 345-Koenig, et al
SB 306-White	SB 346-Schupp
SB 307-Cierpiot	SB 347-Burlison
SB 308-Onder	SJR 16-Sifton
SB 309-Sater	SJR 17-Nasheed
SB 310-Arthur	SJR 18-Cunningham
SB 311-Nasheed	SJR 19-Nasheed
SB 312-Eigel	SJR 20-Koenig

HOUSE BILLS ON SECOND READING

HCS for HB 397

SENATE BILLS FOR PERFECTION

SB 20-Libla

HOUSE BILLS ON THIRD READING

HCS for HBs 448 & 206 (Sifton)

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 2-Hegeman

SCR 4-Curls, et al

To be Referred

SCR 15-Burlison

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