

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 10, 2019

The Senate met pursuant to adjournment.

Senator Luetkemeyer in the Chair.

Senator Williams offered the following prayer:

“Those of steadfast mind you keep in perfect peace - in peace because they trust in you.” (Isaiah 26:3)

Heavenly Father, we have confidence in You, our God knowing that all we have done the good and our failings are in Your forgiving, gracious hands. So we ask You to remove doubts and concerns that afflict our hearts and grant us the strength, joy and calm which You have promised, so we may better serve You and those You have given us to care for. 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
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Curls Walsh—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rowden offered Senate Resolution No. 606, regarding the Fiftieth Anniversary of Central Missouri Subcontracting Enterprises and CMSE Giving Gardens, which was adopted.

Senator May offered Senate Resolution No. 607, regarding the death of Charles Stephen Ryan, which was adopted.

Senator Cunningham offered Senate Resolution No. 608, regarding the 2018-2019 Class 2 State Champion Thayer High School Lady Bobcats Basketball team, which was adopted.

Senator Rizzo offered Senate Resolution No. 609, regarding Mikayla Dixon, which was adopted.

Senator Brown offered Senate Resolution No. 610, regarding Sojeong Lee, which was adopted.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR
STATE OF MISSOURI

April 10, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Michael Malecki, Republican, 25377 Highway AA, Edwards, Benton County, Missouri 65326, as the Southern District Commissioner of the Benton County Commission, for a term ending when his successor is duly elected or appointed and qualified; vice, Dale Jr. Estes, resigned.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI

April 10, 2019

To the Senate of the 100th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David L. Smith, 1651 North Phillips Road, Nixa, Christian County, Missouri 65714, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, for a term ending September 30, 2020, and until his successor is duly appointed and qualified; vice, Kelley P. Cramm, resigned.

Respectfully submitted,
Michael L. Parson
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Schatz referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred **SS** for **SCS** for **SJR**s **14** and **9** to the Committee on Fiscal Oversight.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 6—Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Burlison moved that **SB 465**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 465**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 465

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to lease agreements for early childhood education programs, with an emergency clause.

Was taken up.

Senator Burlison moved that SCS for **SB 465** be adopted.

President Kehoe assumed the Chair.

Senator Burlison offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, Section 162.703, Lines 7-9, by striking all of said lines and inserting in lieu thereof the following: **“entered into by a school district before March 2, 2015.”**

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

Senator Wallingford offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, In the Title, Lines 2-3, by striking the following: “lease agreements for”; and further amend line 3, by inserting immediately after “clause” the following: “for a certain section”; and

Further amend said bill and page, section 162.703, line 10, by inserting immediately after said line the following:

“163.018. 1. (1) Notwithstanding the definition of “average daily attendance” in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:

(a) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; **or**

(b) That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education

shall be included in the district’s or charter school’s calculation of average daily attendance. The total number of such pupils included in the district’s or charter school’s calculation of average daily attendance

shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

(2) If a pupil described under subdivision (1) of this subsection leaves an early childhood education program during the school year, a district or charter school shall be allowed to fill the vacant enrollment spot with another pupil between the ages of three and five who is eligible for free and reduced price lunch without affecting the district's or charter school's calculation of average daily attendance.

2. In establishing standards for any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency, the state board of education shall consider:

(1) Whether a program offers full-day and full-year programming;

(2) Whether a program has teacher-to-child ratios consistent with reasonable standards set by early childhood education program accrediting agencies;

(3) Whether a program offers professional development supports for educators and the type of supports offered;

(4) Whether a program uses appropriately credentialed educators;

(5) Whether a program uses an early childhood education curriculum that has been approved by the department of elementary and secondary education and whether the curriculum is developmentally appropriate; and

(6) Any other factor that the state board of education determines to be significant in ensuring that children achieve high levels of kindergarten readiness.

The state board of education shall require that staff members of any early childhood education program that is under contract with a district or charter school that has declared itself as a local educational agency undergo background checks as described in section 168.133.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.”; and

Further amend said bill and page, section B, line 2, by striking “section A” and inserting in lieu thereof the following: “the enactment of section 162.703”; and further amend line 5, by striking “section A” and inserting in lieu thereof the following: “the enactment of section 162.703”; and

Further amend the title and enacting clause accordingly.

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

Senator Hegeman offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 465, Page 1, Section 162.703, Line 1, by inserting after “1.” the following: “**Subject to appropriations and**”.

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

Senator Burlison moved that SCS for **SB 465**, as amended, be adopted, which motion prevailed.

On motion of Senator Burlison, SCS for **SB 465**, as amended, was declared perfected and ordered printed.

Senator Brown moved that **SB 282** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 282, Page 9, Section 194.119, Line 84, by inserting after all of said line the following:

“333.011. 1. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

(1) “Board”, the state board of embalmers and funeral directors created by this chapter;

(2) “**Crematory**”, **the building or portion of a building which houses the cremation chamber and holding facility or an outdoor human cremation facility**;

(3) “Embalmer”, any individual licensed to engage in the practice of embalming;

[(3)] (4) “Funeral director”, any individual licensed to engage in the practice of funeral directing;

[(4)] (5) “Funeral establishment”, a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

[(5)] (6) “Funeral merchandise”, caskets, grave vaults, receptacles, and other personal property incidental to the final disposition of a dead human body, including grave markers, monuments, tombstones, and urns;

[(6)] (7) “**Outdoor human cremation facility**”, **the facility or part of a facility that is outdoors where the technical heating process which reduces remains to bone fragments through heat and evaporation occurs**;

(8) “Person”, any individual, partnership, corporation, cooperative, association, or other entity;

[(7)] (9) “Practice of embalming”, the work of preserving, disinfecting and preparing by arterial embalming, including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

[(8)] (10) “Practice of funeral directing”, engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control,

supervision or management of the operations of a funeral establishment;

[(9)] (11) “Preneed agent”, any person authorized to sell a preneed contract for or on behalf of a seller;

[(10)] (12) “Provider”, the person designated or obligated to provide the final disposition, funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

[(11)] (13) “Seller”, the person who executes a preneed contract with a purchaser and who is obligated under such preneed contract to remit payment to the provider.

2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same meaning when used in this chapter.

333.072. 1. Only a licensed funeral director, or a person with a limited license for cremation set forth in section 333.042, shall perform a cremation at any funeral establishment, including an outdoor human cremation facility as set forth in rules promulgated by the board under this section.

2. The board is hereby authorized to promulgate rules and regulations for establishing and regulating outdoor human cremation facilities. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cunningham offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 282, Page 9, Section 194.119, Line 84, by inserting immediately after said line the following:

“194.265. 1. When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of any donor registry and other applicable records that it knows exist for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

2. A procurement organization must be allowed reasonable access to information in the records of the department of health and senior services and department of revenue to ascertain whether an individual at or near death is a donor.

3. When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows a contrary intent had or has been expressed by the individual or an agent of the individual, or if the individual is incapacitated

and he or she has no agent, knows a contrary intent has been expressed by any person listed in section 194.245 having priority to make an anatomical gift on behalf of the individual.

4. Unless prohibited by law other than sections 194.210 to 194.294, at any time after a donor's death, the person to which a part passes under section 194.255 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

5. Unless prohibited by law other than sections 194.210 to 194.294, an examination under subsection 3 or 4 of this section may include an examination of all medical records of the donor or prospective donor.

6. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke a refusal.

7. Upon referral by a hospital under subsection 1 of this section, a procurement organization shall make a reasonable search for any person listed in section 194.245 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

8. Subject to subsection 9 of section 194.255 and section 58.785, the rights of the person to which a part passes under section 194.255 are superior to rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this act, a person that accepts an anatomical gift of an entire body may allow embalming or cremation and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 194.255, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

9. Neither the physician who attends the decedent immediately prior to or at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

10. No physician who removes or transplants a part from the decedent, or a procurement organization, shall have primary responsibility for the health care treatment, or health care decision-making for such individual's terminal condition during the hospitalization for which the individual becomes a donor.

11. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

12. When a hospital refers an individual at or near death to a procurement organization, the hospital shall notify the organization of any refusal to make an anatomical gift that has been expressed by the individual or agent of the individual or, if the individual is incapacitated and he or she has no agent, any refusal expressed by any person listed in section 194.245 having priority to make an anatomical gift on behalf of the individual that is known to the hospital or produced during a reasonable search under section 194.260. A procurement organization that has notice of a refusal to make an anatomical gift shall cease any ongoing examination of the individual for medical suitability and shall not make further contact with the individual, agent, or person having priority under section 194.245 regarding the anatomical gift.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Brown, **SB 282**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 363**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 363**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 363

An Act to repeal section 43.540, RSMo, and to enact in lieu thereof three new sections relating to background checks, with a penalty provision and an emergency clause.

Was taken up.

Senator Riddle moved that **SCS** for **SB 363** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 363**, was declared perfected and ordered printed.

Senator Riddle moved that **SB 34**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 34**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to repeal sections 58.095, 58.451, 58.720, and 193.145, RSMo, and to enact in lieu thereof six new sections relating to coroners.

Was taken up.

Senator Riddle moved that **SCS** for **SB 34** be adopted.

Senator Riddle offered **SS** for **SCS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to repeal sections 58.095, 58.451, 58.720, 193.145, and 193.265, RSMo, and to enact in lieu thereof seven new sections relating to coroners.

Senator Riddle moved that **SS** for **SCS** for **SB 34** be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **SCS** for **SB 34**, was declared perfected and ordered printed.

Senator Wallingford moved that **SB 184**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 184**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 184

An Act to repeal sections 620.800, 620.803, 620.806, 620.809, and 620.2475, RSMo, and to enact in lieu thereof five new sections relating to job training.

Was taken up.

Senator Wallingford moved that **SCS for SB 184** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS for SB 184**, was declared perfected and ordered printed.

Senator Libla moved that **SB 88** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 88, Page 2, Section 210.160, Line 21, by striking “prior to” and inserting in lieu thereof the following: “**within seven days following**”.

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

At the request of Senator Libla, **SB 88**, as amended, was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Rowden introduced to the Senate, representatives of Leadership Missouri.

Senator Emery introduced to the Senate, Ted Ballenger, his wife, Sandy, and his son, Chris, Jefferson City.

Senator Cierpiot introduced to the Senate, Corrina Suddarth, and her son, Evan, Lee’s Summit; and Evan was made an honorary page.

Senator Cunningham introduced to the Senate, Leigh Ann McCann, Kathleen Wolf, Patricia Lamb and Donna Taylor, West Plains; and Samantha Banks, Houston, representatives of CASA.

Senator Brown introduced to the Senate, Taylor Schwartz, representative of CASA, Rolla.

On behalf of the Senator Luetkemeyer, the President introduced to the Senate, Mayor Bill McMurray, Bruce Woody, Brian Carter and Tamara Wagner, St. Joseph.

Senator Schatz introduced to the Senate, Lukas Krosley, Wildwood; and Lukas was made an honorary page.

Senator O’Laughlin introduced to the Senate, Robbi Shedron, Kirksville.

Senator Sifton introduced to the Senate, Leadership St. Louis Class of 2018-2019.

Senator Bernskoetter introduced to the Senate, Glenda Volmert and Stephanie Sachs, representatives of CASA, Union.

Senator Koenig introduced to the Senate, Asher and Katie Wilhelm, Jefferson City.

Senator Hoskins introduced to the Senate, representatives of the University of Central Missouri College Republicans, Warrensburg.

On behalf of Senator White and himself, the President introduced to the Senate, Shannon and Amber Lenker, and their son, River, Webb City.

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

SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 11, 2019

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 218-Hoskins (In Fiscal Oversight)
SCS for SB 330-Brown

SS for SCS for SJRs 14 & 9-Luetkemeyer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|----------------------------------|
| 1. SB 514-Sater | 13. SB 208-Wallingford |
| 2. SB 430-Libla | 14. SB 189-Crawford, with SCS |
| 3. SB 186-Hegeman | 15. SB 385-Bernskoetter |
| 4. SB 302-Wallingford | 16. SB 409-Wieland, et al |
| 5. SB 347-Burlison | 17. SB 437-Hoskins |
| 6. SB 439-Brown | 18. SB 286-Hough |
| 7. SB 303-Riddle, with SCS | 19. SB 325-Crawford, with SCS |
| 8. SB 376-Riddle | 20. SBs 8 & 74-Emery, with SCS |
| 9. SB 82-Cunningham, with SCS | 21. SB 386-O'Laughlin, with SCS |
| 10. SB 161-Cunningham | 22. SB 272-Emery, with SCS |
| 11. SB 144-Burlison, with SCS | 23. SB 265-Luetkemeyer, with SCS |
| 12. SJR 20-Koenig, with SCS | |

HOUSE BILLS ON THIRD READING

HB 188-Rehder (Luetkemeyer)
(In Fiscal Oversight)

HB 612-Coleman (97) (Crawford)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1-Curls and Nasheed, with SCS
SB 3-Curls
SB 4-Sater
SB 5-Sater, et al, with SCS
SB 10-Cunningham, with SCS & SA 1 (pending)
SB 11-Cunningham
SB 14-Wallingford
SB 16-Romine, with SCS, SS for SCS, SA 3
& point of order (pending)
SB 19-Libla, with SA 1 (pending)
SB 29-Hegeman, with SCS
SB 31-Wieland
SB 37-Onder and Nasheed, with SCS
SB 39-Onder
SB 44-Hoskins, with SCS & SS#3 for SCS
(pending)
SBs 46 & 50-Koenig, with SCS, SS for SCS
& SA 6 (pending)
SB 49-Rowden, with SCS
SB 52-Eigel, with SCS
SB 56-Cierpiot, with SCS, SS for SCS & SA 1
(pending)
SB 57-Cierpiot
SB 60-Arthur, with SCS
SB 62-Burlison, with SCS
SB 65-White, with SS (pending)
SB 69-Hough
SBs 70 & 128-Hough, with SCS
SB 76-Sater, with SCS (pending)
SB 78-Sater
SB 88-Libla
SB 97-Hegeman, with SCS
SB 100-Riddle
SB 118-Cierpiot, with SCS
SB 132-Emery, with SCS
SB 141-Koenig
SB 150-Koenig, with SCS
SBs 153 & 117-Sifton, with SCS
SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 155-Luetkemeyer
SB 160-Koenig, with SCS, SS for SCS & SA 2
(pending)
SB 168-Wallingford, with SCS
SB 201-Romine
SB 203-Nasheed, with SCS
SB 205-Arthur, with SCS
SB 210-May
SB 211-Wallingford
SB 222-Hough
SB 224-Luetkemeyer, with SS#2 (pending)
SB 225-Curls
SB 234-White
SB 252-Wieland, with SCS
SB 255-Bernskoetter
SB 259-Romine
SB 276-Rowden, with SCS
SB 278-Wallingford, with SCS
SBs 279, 139 & 345-Onder and Emery, with
SCS
SB 292-Eigel, with SCS & SS#2 for SCS
(pending)
SB 293-Hough, with SCS
SB 296-Cierpiot, with SCS
SB 298-White, with SCS
SB 300-Eigel
SB 312-Eigel
SB 316-Burlison
SB 318-Burlison
SB 328-Burlison, with SCS
SB 332-Brown
SB 333-Rizzo
SB 336-Schupp

SB 343-Eigel, with SCS	SB 414-Wieland
SB 344-Eigel, with SCS	SB 426-Williams
SB 349-O'Laughlin, with SCS	SB 431-Schatz, with SCS
SB 350-O'Laughlin	SJR 1-Sater and Onder
SB 354-Cierpiot, with SCS	SJR 13-Holsman, with SCS, SS for SCS &
SB 391-Bernskoetter	SA 1 (pending)
SB 412-Holsman	SJR 18-Cunningham

CONSENT CALENDAR

House Bills

Reported 4/4

HB 182-Shull (Crawford)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Hegeman)

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 1-Walsh	SCR 14-Schatz, with SS (pending)
SCR 8-Holsman	SCR 15-Burlison
SCR 13-Emery	SCR 19-Eigel

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