

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2019

The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

Senator Emery offered the following prayer:

In the book of Proverbs we read “A man’s heart plans his way, but the Lord determines his steps.” (Proverbs 16:9)

Heavenly Father, help us to put our trust in You to direct our way as we consider the needs of the those You have entrusted to us to serve - our families, our neighbors, and our constituents. Make us willing to lay aside our plans for Yours. Lead us on the path that prepares us for a future that You know already, but we have yet to discover. Help us to seek the truth as declared by Your written word and to discern how to obey it. We ask You for wisdom to make right decisions so we can pursue with our hearts and strength the path You have devised and chosen for us. I pray in Jesus name; amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced photographers from Columbia Missourian, Missouri School of Journalism and KOMU-TV were given permission to take pictures in the Senate Chamber.

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

REMONSTRANCES

Senator Rowden offered the following remonstrance:

SENATE REMONSTRANCE NO. 1

Whereas, the University of Missouri-Columbia has a long tradition of athletic achievement in many sports and is a member of the National Collegiate Athletic Association (NCAA); and

Whereas, student-athletes at Mizzou spend countless hours maintaining a balance at achieving both academic and athletic excellence and should be commended for their dedication and work ethic; and

Whereas, the athletic department at Mizzou became aware of irregularities involving a tutor for some of the student-athletes; and

Whereas, in response to such awareness, the athletic department and administration immediately ended any association with the tutor and began an internal investigation and engaged in a joint investigation with the NCAA; and

Whereas, the athletic department was open and forthright with both the NCAA and the Southeastern Conference about the allegations; and

Whereas, unlike other member institutions of the NCAA, Mizzou did not try to obstruct the NCAA investigation and, in fact, cooperated fully with the NCAA; and

Whereas, there was no evidence in the resulting NCAA investigation that any administrator or university personnel in any way pressured the tutor into completing the student-athletes' work; rather that the tutor acted of her own accord and the NCAA report said as much when it was written that "Missouri did the right thing" in cooperating with its investigation and found fault with the tutor who received a ten year show-cause penalty; and

Whereas, despite the lack of any evidence of systemic problems in the athletic department and having the full cooperation and openness of the University, the NCAA Division I Committee on Infractions handed down a disproportionate penalty to the University of Missouri football, baseball, and softball programs, including a ban on post season play for their upcoming seasons as well as limitations on scholarships and recruiting and vacation of some wins and records; and

Whereas, the penalty is inconsistent and arbitrary when compared with the penalties handed down to other member institutions for far worse offenses and where the institution did not cooperate with the investigation; and

Whereas, this unjust and harsh penalty demonstrates the continued erosion of the credibility of the NCAA as a governing body for collegiate athletics; and

Whereas, if this unjust and harsh penalty is not reversed upon appeal by the University of Missouri, then serious questions should be asked about the continued need for the NCAA; and

Whereas, because of these onerous, unfair, and overly punitive sanctions, student-athletes who were not at fault in the least for the actions of the tutor will be the ones to suffer the punishment and deleterious effect on their collegiate athletic careers; and

Whereas, the decision of the NCAA tells other collegiate programs that doing the right thing and cooperating with an investigation should be the last resort; and

Whereas, the decision will erode what little faith many people had left in the ability of the NCAA to oversee collegiate athletics; and

Whereas, it is the duty of this body to speak out and demand the NCAA reverse its decision regarding the University of Missouri:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One-Hundredth General Assembly, First Regular Session, hereby remonstrate against the NCAA for its unfair and harsh sanctioning of the athletic department of the University of Missouri-Columbia; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mark Emmert, President of the NCAA.

RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 207, regarding Violet Watson, Mountain Grove, which was adopted.

Senator Hegeman offered Senate Resolution No. 208, regarding Olivia Zimmerman, Liberty, which was adopted.

Senator Cunningham offered Senate Resolution No. 209, regarding FMC Transport Inc., which was adopted.

Senator Brown offered Senate Resolution No. 210, regarding Walmart Transportation, which was adopted.

Senator Emery offered Senate Resolution No. 211, regarding Rose Steuck, Rockville, which was adopted.

Senator Onder offered Senate Resolution No. 212, regarding Charles Leo “Charlie” Roth, Defiance, which was adopted.

Senator Wallingford offered Senate Resolution No. 213, regarding Buchheit Logistics Inc., which was adopted.

Senator Eigel offered Senate Resolution No. 214, regarding Paul Otto “Bert” Bertman, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 215, regarding Norbert Daniel “Dan” Wilmes, St. Charles, which was adopted.

INTRODUCTION OF BILLS

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

SB 348—By O’Laughlin.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage rate required to be paid to employees of private religious schools.

SB 349—By O’Laughlin.

An Act to repeal sections 167.268 and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

SB 350—By O’Laughlin.

An Act to repeal section 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

SB 351—By Williams.

An Act to repeal section 174.125, RSMo, and to enact in lieu thereof one new section relating to teacher training on trauma-informed approach.

SB 352—By Williams.

An Act to repeal sections 337.020, 337.025, 337.050, 337.315, 337.320, 337.507, 337.510, 337.515, 337.612, 337.615, 337.618, 337.662, 337.712, 337.715, and 337.718, RSMo, and to enact in lieu thereof sixteen new sections relating to cultural competency training for health care professionals.

SB 353—By Emery.

An Act to repeal section 195.080, RSMo, and to enact in lieu thereof one new section relating to opioid controlled substance prescriptions.

SB 354—By Cierpiot.

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the

motor vehicle franchise practices act.

SB 355—By Cierpiot.

An Act to repeal section 135.100, RSMo, and to enact in lieu thereof one new section relating to a tax credit for new business facilities.

SB 356—By Bernskoetter.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 15—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Hoskins.

SENATE BILLS FOR PERFECTION

Senator Libla moved that **SB 20** be taken up for perfection, which motion prevailed.

On motion of Senator Libla, **SB 20** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 448** and **206**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up by Senator Sifton.

On motion of Senator Sifton, **HCS** for **HBs 448** and **206** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

CONCURRENT RESOLUTIONS

SCR 2, introduced by Senator Hegeman, entitled:

Relating to the replacement of a statue in the Statutory Hall of the Capitol of the United States.

Was taken up.

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

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the concurrent resolution passed.

On motion of Senator Hegeman, title to the concurrent resolution was agreed to.

Senator Hegeman moved that the vote by which the concurrent resolution passed be reconsidered.

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

RESOLUTIONS

Senator White offered Senate Resolution No. 216, regarding Chase Shockley, Carthage, which was adopted.

Senator Libla offered Senate Resolution No. 217, regarding Three Rivers College, Poplar Bluff, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

February 5, 2019

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

Dear Ms. Crouse:

Pursuant to RSMo 160.254, I am appointing Senators Ed Emery, Cindy O’Laughlin, and Andrew Koenig to replace Senators Rowden, Dan Hegeman, and Paul Wieland on the Joint Committee on Education.

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

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

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

Dear Ms. Crouse:

Pursuant to RsMO 680.200, I am reappointing Senator Ed Emery for a new term on the Midwest Interstate Passenger Rail Commission.

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

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

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

Dear Ms. Crouse:

Pursuant to RSMo 104.160, I am appointing Senator Mike Bernskoetter to fill my position on the Missouri Department of Transportation and Highway Patrol Employees' Retirement System Board of Trustees.

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

Sincerely,



Dave Schatz

President Pro Tem

Also,

February 6, 2019

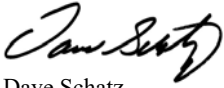
Ms. Adriane Crouse
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RSMo 21.553, I am appointing Senator Mike Bernskoetter to replace former Senator Rob Schaaf on the Joint Committee on Public Employee Retirement.

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

Sincerely,



Dave Schatz

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator O’Laughlin introduced to the Senate, Beth Summers, Macon; and Makayla Garza, Shelbina, representatives of Family, Career and Community Leaders of America.

Senator Sifton introduced to the Senate, Dean and Linda Hermann Wimpfheimer, St. Louis County.

Senator Brown introduced to the Senate, Police Chief Sean Fagan, Rolla.

Senator Schupp introduced to the Senate, Abygail Ruether, Troy; and Nova Girten, Tipton, representatives of Missouri Family, Career and Community Leaders of America.

Senator White introduced to the Senate, Mary Hayes, Cassville, representative of Family, Career and Community Leaders of America.

Senator Crawford introduced to the Senate, representatives of the American College of Obstetricians and Gynecologists; representatives of the Missouri Hospice and Palliative Care Association; and Kaylee Pipes, Osceola, and Madison Atkinson, Buffalo, representatives of Family, Career and Community Leaders of America.

Senator Williams introduced to the Senate, Dr. Jeff Pittman, St. Louis.

Senator Riddle introduced to the Senate, Luc Bronaugh, Montgomery City, representative of Family, Career and Community Leaders of America.

Senator Wallingford introduced to the Senate, Emily Pickett, Zalma.

Senator Rowden introduced to the Senate, Catherine Mayhan and Bethany Eppinger, Columbia.

Senator Cunningham introduced to the Senate, Edward Hansford, Thayer, representative of Family, Career and Community Leaders of America.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. Nathaniel Barbe, M.S., D.O., Mountain Grove.

Senator Hoskins introduced to the Senate, Brittney Kerley, representative of Family, Career and Community Leaders of America; and Crystall Narr, Amy Mason, Ed Douglas, Darin Chappell and Amy Supple, representatives of the Chillicothe Chamber of Commerce.

Senator Curls introduced to the Senate, Kari Russell, Macon.

Senator Brown introduced to the Senate, Alan Gerson and Doyle Edwards, Rolla.

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

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2019

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 221-Crawford	SB 252-Wieland
SB 222-Hough	SB 253-Sater
SB 223-Brown	SB 254-Bernskoetter
SB 224-Luetkemeyer	SB 255-Bernskoetter
SB 225-Curls	SB 256-Hegeman
SB 226-Sater	SB 257-Hoskins
SB 227-Sater	SB 258-Wallingford
SB 228-Sater	SB 259-Romine
SB 229-Crawford	SB 260-Onder
SB 230-Crawford	SB 261-Nasheed
SB 231-Hough	SB 262-Sater
SB 232-Sater	SB 263-Schupp
SB 233-Sater	SB 264-Crawford
SB 234-White	SB 265-Luetkemeyer
SB 235-White	SB 266-Wieland
SB 236-White	SB 267-Wieland
SB 237-White	SB 268-Wieland
SB 238-Emery	SB 269-Eigel
SB 239-White	SB 270-White and Crawford
SB 240-White	SB 271-Emery
SB 241-Rizzo	SB 272-Emery
SB 242-Walsh	SB 273-Emery
SB 243-Walsh	SB 274-Sater
SB 244-Walsh	SB 275-Sater
SB 245-Walsh	SB 276-Rowden
SB 246-Hough	SB 277-Crawford
SB 247-Hough	SB 278-Wallingford
SB 248-Brown	SB 279-Onder and Emery
SB 249-Koenig	SB 280-Sater
SB 250-Koenig	SB 281-Brown
SB 251-Koenig	SB 282-Brown

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	SB 348-O'Laughlin
SB 309-Sater	SB 349-O'Laughlin
SB 310-Arthur	SB 350-O'Laughlin
SB 311-Nasheed	SB 351-Williams
SB 312-Eigel	SB 352-Williams
SB 313-Onder	SB 353-Emery
SB 314-Burlison	SB 354-Cierpiot
SB 315-Burlison	SB 355-Cierpiot
SB 316-Burlison	SB 356-Bernskoetter
SB 317-Burlison	SJR 16-Sifton
SB 318-Burlison	SJR 17-Nasheed
SB 319-Wieland	SJR 18-Cunningham
SB 320-Hough	SJR 19-Nasheed
SB 321-Hegeman	SJR 20-Koenig
SB 322-Bernskoetter	

HOUSE BILLS ON SECOND READING

HCS for HB 397

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 1/31

SB 17-Romine

RESOLUTIONS

SR 20-Holsman

Reported from Committee

SCR 4-Curls, et al

MISCELLANEOUS

To be Referred

REMONSTRANCE 1-Rowden

✓