

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 19, 2019

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Labor to keep alive in your breast that little spark of celestial fire, called conscience.” (George Washington)

Heavenly Father, You have taught us to listen to that “wee small voice” that helps us follow the right path and do the right things that our inner voice would guide us to follow. For You have written Your words on our heart so we might know what You require of us and encourage us to do and say what is always the most helpful and need. May we always find time and ways to quiet our minds so we might know You are with us and we might hear Your word to guide us. 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—Senators —None

Vacancies—None

The Lieutenant Governor was present.

Senator Wallingford assumed the Chair.

INTRODUCTION OF BILLS

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

SB 408—By May.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state endangered species.

SB 409—By Wieland, Romine and Crawford.

An Act to amend chapters 59, 442, and 486, RSMo, by adding thereto seventeen new sections relating to electronic certification of documents, with a penalty provision and a delayed effective date.

SB 410—By Koenig.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to the calculation of Missouri adjusted gross income.

SB 411—By Romine.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to statewide assessments for elementary and secondary education students.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Rose Marie Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the Missouri Development Finance Board, for a term ending September 14, 2020, and until her successor is duly appointed and qualified; vice, Rose Marie Carmichael, reappointed.

Respectfully submitted,

Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Bradley G. Gregory, Republican, 1800 West Northwood, Bolivar, Polk County, Missouri 65613, as a member of the Missouri Development Finance Board, for a term ending September 14, 2019, and until his successor is duly appointed and qualified; vice, Bradley G. Gregory, reappointed.

Respectfully submitted,

Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Clifford Kent Holekamp, Republican, 47 Fair Oaks Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2020, and until his successor is duly appointed and qualified; vice, Patrick Lamping, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Rick Holton, Jr., Republican, 12 Upper Ladue Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2022, and until his successor is duly appointed and qualified; vice, Larry D. Neff, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Deborah L. Kerber, 14534 Radcliffeborough Court, Chesterfield, Saint Louis County, Missouri 63017, as a member of the State Board of Optometry, for a term ending June 30, 2019, and until her successor is duly appointed and qualified; vice, Carrie T. Hruza, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
February 19, 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:

Scott R. Ream, 23 Dogwood Circle, West Plains, Howell County, Missouri 65775, as a member of the State Board of Optometry, for a term ending June 30, 2021, and until his successor is duly appointed and qualified; vice, James E. Bureman, term expired.

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 18** and **SCR 19** to the Committee on 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 President Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Rowden, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 21**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Hegeman, **SB 30**, with **SCS**, was placed on the Informal Calendar.

Senator Romine moved that **SB 16**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 16

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to workforce incentive grants.

Was taken up.

Senator Romine moved that **SCS** for **SB 16** be adopted.

Senator Romine offered **SS** for **SCS** for **SB 16**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 16

An Act to repeal sections 620.511, 620.513, 620.800, 620.803, 620.806, and 620.809, RSMo, and to enact in lieu thereof seven new sections relating to workforce development.

Senator Romine moved that SS for SCS for SB 16 be adopted.

Senator Holsman offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Section 173.2553, Line 24 of said page, by inserting immediately after “(3)” following: **““Employed in the state of Missouri”, employed full time at a workplace located within the state of Missouri and required to make returns of income in accordance with section 143.481, or self-employed, with at least fifty percent of an individual’s annual income coming from self-employment, while a Missouri resident;**

(4)”; and

Further amend said bill and section, page 3, line 26 of said page, by striking “to the” and inserting in lieu thereof the following: **“or repayment for each”**; and

Further amend said bill and section, page 4, line 10 of said page, by inserting immediately after “student” the following: **“up to ten thousand dollars per semester”**; and

Further amend said bill and section, page 5, line 4 of said page, by inserting immediately after “11.” the following: **“Grants issued under this section shall be repaid to the department unless the eligible student qualifies for the grant forgiveness provisions of this section and the rules promulgated by the department relating to grant forgiveness. Eligible students who are in compliance with program requirements, as established by the coordinating board, may qualify for forgiveness of a grant or grants received through the program by agreeing to be employed in the state of Missouri beginning within one calendar year of the cessation of the program of study and fulfilling the terms outlined in subsection 13 of this section.**

12. The coordinating board shall approve grant forgiveness on a year-by-year basis. Each twelve months of qualifying employment authorizes the forgiveness of one third of the total amount of the grant or grants received. Eligible students who cease to be employed in the state of Missouri and students who elect not to comply with these employment requirements, or who fail to meet these requirements, shall be required to repay all outstanding grant balances under the contractual provisions described in subsection 13 of this section.

13. The coordinating board shall annually enter into a contract with each eligible student electing to participate in the program at the time at which the individual makes that election. The written contract shall contain, but not be limited to, the following:

(1) The terms and conditions under which the grant is made and the requirements for repayment of the grant by the eligible student;

(2) A stipulation that no interest shall be assessed on any grant provided through the program;

(3) The terms and conditions for qualifying for forgiveness of grant proceeds received through the program, including a provision stating that if an eligible student is unable to be employed in the state of Missouri due to serious and unusual personal circumstances, such eligible student may seek a waiver of the repayment requirements of this section by appealing to the coordinating board for an extension or complete waiver, to be determined by the board under rules promulgated by such; and

(4) A provision that any financial obligations arising out of a contract entered into, and any obligations of the eligible student which are conditioned thereon, are contingent upon funds being appropriated to the Fast-Track Workforce Incentive Grant Fund established under subsection 14 of this section.

14.”; and further amend said section by renumbering the remaining subsection accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Hoskins offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Section 173.2553, Line 23, by inserting after the word “student” the following: “, **provided that the minimum term of repayment shall be at least five years**”; and

Further amend said amendment page 3, line 1 by inserting after the word “circumstances”, the following: “**or military transfer**”.

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

SA 1, as amended, was again taken up.

Senator Onder offered SA 2 to SA 1, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 2, Line 23, by inserting after the word student “student” the following: “, **including the assessment of interest on such repayment at a rate not to exceed the adjusted prime rate charged by banks, as determined in section 32.065, in effect on January 1 prior to the date that the student is required to begin repayment**”; and further amend lines 24-25 by striking all of said lines; and further renumber the remaining subdivisions accordingly.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Holsman, SA 1, as amended, was withdrawn, rendering SA 2 to SA 1 moot.

Senator May offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 9, Section 620.800, Line 2, by inserting after the word “premiums” the following: “. **“Full-time employee” shall include any student in grade eleven or twelve enrolled in a public secondary school or public charter school who participates in a paid internship or paid job training program through which the student is employed by a qualified company and for which the student receives credit from the student’s district of residence or public charter school**”; and

Further amend said bill and section, page 11, line 9 by inserting after the word “premiums” the

following: “, **provided a qualified company shall not be required to offer health insurance to a full-time employee who is a student as described under subdivision (8) of this section**”.

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

Senator Eigel offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 1, Section A, Line 5, by inserting after all of said line the following:

“143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00	1 ½% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 ½% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 ½% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 ½% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 ½% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. No more than five reductions shall be made under this subsection. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half percent, and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining

income bracket.

3. (1) In addition to the rate reductions under subsection 2 of this section, beginning with the 2019 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by four-tenths of one percent. Such reduction in the rate of tax shall take effect on January first of the 2019 calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

4. (1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2020 calendar year, the top rate of tax under subsection 1 of this section shall be reduced by one and one-tenth percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.

(2) The modification of tax rates under this subsection shall only apply to tax years that begin on or after the date the modification takes effect.

(3) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection.

5. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

[5.] **6.** As used in this section, the following terms mean:

(1) “CPI”, the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) “CPI for the preceding calendar year”, the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) “Net general revenue collected”, all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(4) “Percent increase in inflation”, the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Rizzo raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 16**, with **SCS, SS** for **SCS, SA 3** and the point of order (pending), on the Informal Calendar.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 282, regarding Lowell Mohler, Oregon, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 283, regarding Eagle Scout Jack Stanlee Kelley, Parkville, which was adopted.

Senator Curls offered Senate Resolution No. 284, regarding Ashley Moore, Raytown, which was adopted.

Senator Brown offered Senate Resolution No. 285, regarding Andrew D. Baker, Dixon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Walsh introduced to the Senate, Mayor Michele DeShay and Alderwoman Darlene Bell, Moline Acres; and Alderwoman Alease Dailes, Bellefontaine Neighbors.

Senators Walsh and May introduced to the Senate, former State Representative Tommie Pierson, Sr., Bellefontaine Neighbors.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Kristin Weidle, M.D., Washington.

Senator Hough introduced to the Senate, Jacquelynn Capriano, Paul Gantner, Jason Jacoby, Melissa Leavy, Robert Linhares, Erin Merkle, Nikki Mitchell, Brian Quinn and Stephen Stark, representatives of the MO Chapter of National Academy of Elder Law Attorneys.

Senator Williams introduced to the Senate, Councilwoman Ella M. Jones, Ferguson; and City Manager Gregory Rose and Councilman Jeff Hales, University City.

Senator Curls introduced to the Senate, representatives of Delta Sigma Theta Sorority, Inc., Kansas City and St. Louis.

Senator Eigel introduced to the Senate, Dr. Aubra Houchin, and his wife, Patty, St. Peters.

Senator White introduced to the Senate, Cookie Estrada, Joplin; Jonathan Roberts, Carthage; Ben Coffey, Neosho; Jeff Snyder, Nevada; and Kathryn Custer, Springfield, representatives of Southwest Region YMCA.

Senator Sater introduced to the Senate, Blake Wright, Verona.

On behalf of Senator Bernskoetter and himself, the President introduced to the Senate, Bernie Fechtel, Joe Scheppers and Chris Ebright, Jefferson City.

Senator Wallingford introduced to the Senate, Morgan Crutsinger, Whitewater; and Nevin Sharky, Sikeston, 4H Legislative Academy.

Senator Brown introduced to the Senate, Bethany Donnell, Davisville.

On behalf of Senator Hegeman and himself, the President introduced to the Senate, Anderson Rogers,

Bethany.

Senator Brown introduced to the Senate, Robert Shields, III, Camdenon; and Mary Shields, Sunrise Beach.

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

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 20, 2019

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 334-Onder	SB 358-Sater
SB 335-Onder	SB 359-Eigel
SB 336-Schupp	SB 360-Crawford
SB 337-Wieland	SB 361-Riddle
SB 338-Wieland	SB 362-Riddle
SB 339-Wieland	SB 363-Riddle
SB 340-Wieland	SB 364-Williams
SB 341-Wieland	SB 365-Hoskins
SB 342-Curls	SB 366-Hoskins
SB 343-Eigel	SB 367-Burlison
SB 344-Eigel	SB 368-Hough
SB 345-Koenig, et al	SB 369-Brown
SB 346-Schupp	SB 370-Brown
SB 347-Burlison	SB 371-Eigel
SB 348-O'Laughlin	SB 372-Hoskins
SB 349-O'Laughlin	SB 373-Schupp
SB 350-O'Laughlin	SB 374-Burlison
SB 351-Williams	SB 375-Riddle
SB 352-Williams	SB 376-Riddle
SB 353-Emery	SB 377-Riddle
SB 354-Cierpiot	SB 378-Hough
SB 355-Cierpiot	SB 379-Romine
SB 356-Bernskoetter	SB 380-Hough
SB 357-Sater	SB 381-Onder

SB 382-Emery	SB 400-Burlison
SB 383-Emery	SB 401-Burlison
SB 384-Schupp	SB 402-Eigel
SB 385-Bernskoetter	SB 403-Eigel
SB 386-O'Laughlin	SB 404-Nasheed
SB 387-Hough	SB 405-Wallingford
SB 388-Burlison, et al	SB 406-Wallingford
SB 389-Burlison	SB 407-Wallingford
SB 390-Wallingford	SB 408-May
SB 391-Bernskoetter	SB 409-Wieland, et al
SB 392-Wieland	SB 410-Koenig
SB 393-Hough	SB 411-Romine
SB 394-O'Laughlin	SJR 16-Sifton
SB 395-Rizzo	SJR 18-Cunningham
SB 396-Onder	SJR 20-Koenig
SB 397-White	SJR 21-May
SB 398-White	SJR 22-Nasheed
SB 399-Burlison	

HOUSE BILLS ON SECOND READING

HCS for HB 67	HCS for HB 185
HB 445-Dogan	HCS for HB 255
HB 188-Rehder	HB 214-Trent
HB 182-Shull	HB 77-Black
HB 280-Ruth	HCS for HB 447
HB 108-Sommer	HCS for HBs 243 & 544
HB 72-Tate	HB 283-Anderson

THIRD READING OF SENATE BILLS

SS for SCS for SB 28-Hegeman	SB 21-Libla
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SENATE BILLS FOR PERFECTION

- | | |
|-----------------------|---------------------------|
| 1. SB 134-Wallingford | 4. SB 90-Libla, with SCS |
| 2. SB 14-Wallingford | 5. SB 154-Luetkemeyer |
| 3. SB 36-Riddle | 6. SB 197-Onder, with SCS |

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|---------------------------------|------------------------------|
| 7. SB 72-O'Laughlin and Emery | 11. SB 182-Cierpiot, et al |
| 8. SBs 46 & 50-Koenig, with SCS | 12. SB 57-Cierpiot |
| 9. SB 53-Crawford | 13. SB 133-Cunningham |
| 10. SB 196-Bernskoetter | 14. SB 194-Hoskins, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| SB 4-Sater | SB 44-Hoskins, with SCS & SS for SCS
(pending) |
| SB 7-Emery | SB 49-Rowden, with SCS |
| SB 16-Romine, with SCS, SS for SCS, SA 3
& point of order (pending) | SB 56-Cierpiot, with SCS, SA 1 & SA 1 to
SA 1 (pending) |
| SB 30-Hegeman, with SCS | SB 160-Koenig, with SCS |
| SB 39-Onder | |

CONSENT CALENDAR

Senate Bills

Reported 2/7

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|------------------------|----------------|
| SB 131-Emery, with SCS | SB 54-Crawford |
| SB 103-Schupp | |

Reported 2/14

- | | |
|----------------------------|------------------|
| SB 83-Cunningham, with SCS | SB 164-Schupp |
| SB 179-Cunningham | SB 84-Cunningham |

RESOLUTIONS

SR 20-Holsman

Reported from Committee

- | | |
|--------------------|---------------|
| SCR 4-Curls, et al | SCR 10-Rowden |
| SCR 5-Wallingford | SCR 12-Sater |
| SCR 6-Schupp | SCR 14-Schatz |