

Journal of the Senate
ONE HUNDREDTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION
VETO SESSION

WEDNESDAY, SEPTEMBER 11, 2019

The Senate was called to order in Veto Session by Lieutenant Governor Mike Kehoe.

Reverend Carl Gauck offered the following prayer:

“I give thanks to the Lord with my whole heart; I will tell of all your wonderful deeds.” (Psalm 9:1)

Gracious God, as we have gathered to fulfill our constitutional requirement we are mindful of this day and the tragedy that struck the United States in 2001. We remember the lives lost and the suffering of so many others physically and many more emotionally. We all give thanks for the leadership You provided then and continue even today as you raised up men and women to guide our time here. So we are truly thankful to You to be here this day and we do what is required of us and will rejoice in this time. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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	Nasheed	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

May Schupp—2

Vacancies—None

The Lieutenant Governor was present.

Senator Rowden announced photographers from The Missouri Times, Jefferson City News Tribune and KRCG-TV were given permission to take pictures in the Senate Chamber.

The Senate observed a moment of silence in remembrance of the victims of September 11, 2001.

RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the One Hundredth General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the One Hundredth General Assembly.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate Bills were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 12, 2019

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
100th GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147 entitled:

AN ACT

To repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

I disapprove of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147. My reasons for disapproval are as follows:

Senate Bill No. 147 contains many provisions of which I approve. However, it also includes a provision that significantly undermines one of the provisions of Senate Bill No. 5, which was enacted in 2015.

Senate Bill No. 5 modified numerous provisions relating to municipal courts, including exempting all minor traffic violations from the driver's license suspension provisions in Section 302.341, RSMo. This bill modifies that section so that only minor traffic violations that occurred in St. Louis City or St. Louis County are exempt from driver's license suspension proceedings. This provision reverses a beneficial component of Senate Bill No. 5.

Furthermore, the provisions in Section 302.341 contained in this bill are likely unconstitutional. The 2017 Missouri Supreme Court case of *City of Normandy v. Greitens*, 518 S.W.3d 183 (Mo. banc 2017) held that a separate provision in Senate Bill No. 5 was unconstitutional because it constituted a special law without substantial justification. The provision at issue in that case lowered the cap on the percentage of revenue that political subdivisions can receive from municipal traffic violations to 20%, except for St. Louis County, which was reduced to a cap of 12.5%. The Missouri Supreme Court held that a separate cap on one county, without evidence of substantial justification, was a special law in violation of Article III, Section 40(30) of the Missouri Constitution. The provision contained in Senate Bill No. 147 that singles out St. Louis City and St. Louis County would also constitute a special law.

Senate Bill No. 147 also contains a provision establishing the "Towing Task Force," which is directed to make recommendations relating to a process for the adjudication of consumer complaints regarding nonconsensual tow charges. The Attorney General's office has a system in place to handle such complaints, which is managed by the Consumer Complaint Division. As I believe adequate protections already exist to

address these matters, I cannot support the establishment of a redundant task force.

Respectfully Submitted,
Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 12, 2019

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
100th GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202 entitled:

AN ACT

To amend chapter 256, RSMo, by adding thereto one new section relating to mining royalties on federal land.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202. My reasons for disapproval are as follows:

While I agree with the goal of distributing mining royalties to the counties where such royalties accrued, this bill's provisions contradict federal law. Payments the Office of Administration receives from the United States Department of the Interior, Office of Natural Resources Revenue (ONRR), represent 25 percent of the amount of mining revenues collected from companies that extract natural resources from federal land. The distribution of mining revenues received by the state from ONRR is controlled by federal statute, 16 U.S.C. Section 500. That section limits the use of mining revenues to "the benefit of the public schools and public roads of the county or counties in which such national forest is situated." It goes on to specify that when any national forest is located in more than one county, the distributive share to each county from the proceeds of such forest shall be proportional to its area therein.

Senate Bill No. 202 allows counties to expend such mining "royalties", a term that is not defined and is more limited than the broader mining "revenues" collected, for public safety purposes. This conflicts with the above mentioned limitations found in 16 U.S.C. Section 500. Senate Bill No. 202 also requires such mining royalties to be distributed on a proportional basis to each county where such mining royalties accrued. Under 16 U.S.C. Section 500, mining revenues generated from the Mark Twain National Forest are distributed to all counties that have national forest land. Senate Bill No. 202 would limit the distribution of such royalties to only counties where mining occurs, in direct contravention of federal statute.

I understand the plight of these counties and agree that, logically, mining revenues should be distributed to the locations where such mining actually occurred. However, federal law would need to change to achieve this goal. Unfortunately, that cannot be accomplished by a change to state statute.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 202 without my approval.

Respectfully Submitted,
Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
July 12, 2019

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
100th GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you House Committee Substitute for Senate Bill No. 282 entitled:

AN ACT

To repeal sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof eight new sections relating to the disposition of human remains.

I disapprove of House Committee Substitute for Senate Bill No. 282. My reasons for disapproval are as follows:

Sections 333.011 and 333.072 of the bill allow for licensed funeral establishments to perform outdoor cremations. The burial of our loved ones or the disposal of their remains is deeply personal and should be treated with the utmost care and respect. Without more thorough vetting to ensure that outdoor cremations can be conducted in a manner that fully disposes of the entire remains while also addressing the health and safety concerns of individuals who may be impacted nearby, I am not comfortable with allowing these types of ceremonies to be conducted in our state.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 282 without my approval.

Respectfully Submitted,
Michael L. Parson
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

July 12, 2019

TO THE SECRETARY OF STATE
OF THE STATE OF MISSOURI
100th GENERAL ASSEMBLY
FIRST REGULAR SESSION

Herewith I return to you Senate Substitute for Senate Bill No. 414 entitled:

AN ACT

To amend chapter 376, RSMo, by adding thereto two new sections relating to innovations in health insurance.

I disapprove of Senate Substitute for Senate Bill No. 414. My reasons for disapproval are as follows:

While I recognize the leadership shown by the General Assembly in their efforts to identify innovations and improvements to the health insurance market in this state, I cannot approve this bill as presented to me.

Senate Bill No. 414 seeks to identify these innovations and improvements by establishing a Health Insurance Innovation Task Force. This task force would be charged with developing recommendations for an application to be submitted to the Centers for Medicare and Medicaid Services, seeking approval of a Section 1332 innovation waiver under the Patient Protection and Affordable Care Act.

Such a waiver could provide meaningful improvements in access to health care to 1.6 million Missourians. It could also increase the types of health insurance coverage currently available in the 101 counties that have only one insurance company from which to choose. It could positively impact the uninsured rates in our rural counties, 43 of which have uninsured rates exceeding 15%. A waiver would potentially encompass the redirection of approximately \$1 billion annually in premium tax credits and cost-sharing reduction payments. This administration is supportive of such efforts.

However, because of the impact to our state, any recommendations presented to my office and the General Assembly for legislation necessary to qualify for a Section 1332 waiver should be given adequate time to develop and consider. Senate Bill No. 414 places several deadlines on the work of the task force in developing their recommendations for a Section 1332 waiver that would be difficult to meet since an emergency clause was not adopted.

An issue of this importance should be carefully considered, with ample time to fully form recommendations and possible solutions.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute for Senate Bill No. 414 without my approval.

Respectfully Submitted,
Michael L. Parson
Governor

CCS No. 2 for HCS for SCS for SB 147 was called thereafter and no motion was taken thereon.

CCS for **HCS** for **SB 202** was called thereafter and no motion was taken thereon.

HCS for **SB 282** was called thereafter and no motion was taken thereon.

SS for **SB 414** was called thereafter and no motion was taken thereon.

RESOLUTIONS

Senator Rowden offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of **CCS#2** for **HCS** for **SCS** for **SB 147**; **CCS** for **HCS** for **SB 202**; **HCS** for **SB 282**; and **SS** for **SB 414** when the bills were called by the president.

MESSAGES FROM THE HOUSE

The following message was 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 has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundredth General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2019 Constitutional Veto Session and ready for consideration of business.

INTRODUCTIONS OF GUESTS

Senator Williams introduced to the Senate, Zach Sept, Charles Dent, Jordyn Runke, Britni Fischer and Stephanie Church, St. Louis Community College Student Government Association, Wildwood.

Senator Onder introduced to the Senate, coaches Lindsey Bryant, Brad Henderson and Roger Uphoff; and Lana Adams, Caroline Arslanbas, A. J. Baldwin, Aly Bryant, Peyton Duffing, Addie Henderson, Riley Henderson, Anna Kolkmeier, Calli LaBarbera, Alysse Lamb, Grace Luedde, Anna Rosenberg, Emily Sanabria, Alyssa Schulte, Sicily Trost, Graysen Wheeler and Grace White, Sporting St. Louis Academy Girls Soccer Team, St. Charles County.

Senator Nasheed introduced to the Senate, former State Representative Hope Whitehead, St. Louis City.

Senator White introduced to the Senate, representatives of the American Scandinavian Student Exchange.

On behalf of Senator Crawford and himself, Senator White introduced to the Senate, students from Stockton High School.

On motion of Senator Rowden, the Senate of the Veto Session of the First Regular Session of the 100th General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE
Lieutenant Governor

ADRIANE D. CROUSE
Secretary of Senate

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