

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY—MONDAY, MAY 4, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk with wisdom towards them that are without...Let your speech be always with grace.” (Colossians 4:5-6)

Loving Father we gather once again and are grateful for our safe travel and our coming together once again. As we move to reopen our state and begin to greet one another may we be wise in doing so and practice “safe distancing” to keep ourselves and others safe and healthy. We thank You for our health and pray that we and our families also continue to be healthy and safe. And Father May we practice gracious and winsome behavior as we discuss those things that are before us as a Senate. And may our decisions be helpful and lead us along the path that You would have us take. 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 for Friday, May 1, 2020 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 | Hoskins | Hough | Koenig | Libla |
| Luetkemeyer | May | Nasheed | O’Laughlin | Onder | Riddle | Rizzo |
| Rowden | Sater | Schatz | Schupp | Sifton | Wallingford | Walsh |
| White | Wieland | Williams—31 | | | | |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 1430, regarding Daryl Bradley, Monett, which was adopted.

Senator Sater offered Senate Resolution No. 1431, regarding the Class 2 State Champions Monett High School Boys Wrestling Cubs, which was adopted.

Senators Hough and Burlison offered Senate Resolution No. 1432, regarding the death of Officer Christopher Ryan “Chris” Walsh, which was adopted.

Senator Sater offered Senate Resolution No. 1433, regarding the Seventieth Wedding Anniversary of Don and Margaret Beeson, Cassville, which was adopted.

Senator Arthur offered Senate Resolution No. 1434, regarding LeAnn L. Smith, Parkville, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were 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 passed **HCS** for **SCS** for **SB 653**, entitled:

An Act to repeal sections 210.112, 210.145, 210.566, 210.790, and 211.171, RSMo, and to enact in lieu thereof eight new sections relating to foster care.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 653, Page 1, Section 210.112, Line 8, by deleting “**subsection 3 of**”; and

Further amend said bill and section, Page 2, Line 48, by deleting “**subsection 5 of**”; and

Further amend said bill, Page 11, Section 210.123, Line 116, by deleting the word “**divisions**” and inserting in lieu thereof the word “**division**”; and

Further amend said bill, page, and section, Line 124 by deleting the phrase “**suitable adult or**”; and

Further amend said bill, Page 12, Section 210.145, Line 22, by inserting after the word “**subsection**” the phrase “**and shall also be completed within seventy-two hours of the report of abuse or neglect**”; and

Further amend said bill, Page 22, Section 211.171, Lines 11 to 12, by deleting all of said lines and inserting in lieu thereof “heard in, any hearing to be held with respect to[~~the~~] **a child in his or her care**, and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care.”; and

Further amend said bill, Page 23, Section 210.790, Lines 1-2, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 599**, entitled:

An Act to repeal sections 30.260, 30.753, 30.758, 362.1015, 362.1030, 362.1037, 362.1040, 362.1070, 370.010, 370.020, 370.030, 370.071, 370.110, 370.120, 370.130, 370.151, 370.170, 370.190, 370.200, 370.220, 370.230, 370.235, 370.260, 370.270, 370.275, 370.310, 370.340, 370.350, 370.355, 370.356, 370.358, 370.359, 376.945, 385.015, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.3-302, 409.4-412, 409.6-604, 443.717, 443.825, 443.855, and 443.857, RSMo, and to enact in lieu thereof forty-eight new sections relating to financial instruments.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 599, Page 7, Section 30.758, Line 54, by inserting after all of said line the following:

“70.705. 1. The “Members Deposit Fund” is hereby created. It shall be the fund in which shall be accumulated the contributions made by members to the system, and from which shall be made transfers and refunds of members’ contributions as provided in sections 70.600 to 70.755.

2. Except as provided otherwise in this section, the contributions of a member to the system shall be four percent of his compensations after the date he has completed sufficient employment for six months of credited service. Such contributions shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of a member’s compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him to a political subdivision, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each political subdivision shall cause the contributions provided for in this section to be deducted from the compensation of each member in the employ of the political subdivision, on each and every payroll, for each and every payroll period after the date he has completed sufficient employment for six months of credited service to the date his membership terminates. When deducted, each of these amounts shall be paid by the political subdivision to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the amounts shall be credited to the members deposit fund account of the member from whose compensations the contributions were deducted.

4. In addition to the contributions deducted from the compensations of a member, as heretofore provided, a member shall deposit in the members deposit fund, by a single contribution or by an increased rate of contributions, as approved by the board, the amount or amounts he may have withdrawn therefrom and not repaid thereto, together with regular interest from the date of withdrawal to the date of repayment. In no case shall a member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he returns to the members deposit fund all amounts due the fund by him.

5. Upon the retirement of a member, or upon his death if an allowance becomes payable on account of his death, his accumulated contributions shall be transferred to the benefit reserve fund.

6. Each political subdivision, by majority vote of its governing body, may elect with respect to its

members **an alternate contribution amount of two percent or six percent of compensation or to eliminate future member contributions otherwise provided for in this section. Should a political subdivision elect one benefit program for members whose political subdivision employment is concurrently covered by federal Social Security and a different benefit program for members whose political subdivision employment is not concurrently covered by federal Social Security, as provided in section 70.655, the political subdivision may also, by majority vote of its governing body, make one election concerning member contributions provided for in this section for members whose political subdivision employment is concurrently covered by federal Social Security and one election concerning member contributions provided for in this section for members whose political subdivision employment is not concurrently covered by federal Social Security.** The clerk or secretary of the political subdivision shall certify the election concerning member contributions to the board within ten days after such vote. The effective date of the political subdivision’s member contribution election is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of such election, or the effective date of the political subdivision’s becoming an employer, whichever is the latest. Such election concerning member contributions may be changed from time to time by such vote, but not more often than once in two years. Except as provided in section 70.707, if such election is to eliminate member contributions, then such election shall apply only to future member compensations and shall not change the status of any member contributions made before such election. If the effect of such election is to require member contributions, then such election shall apply only to future member compensations and shall not change any member contribution requirements existing before such election. Should an employer change its member contribution requirements as provided in this section, the employer contribution requirements shall be correspondingly changed effective the same date as the member contribution change. The limitation on increases in an employer’s contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing to eliminate member contributions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 599, Page 30, Section 385.015, Line 21, by inserting after all of said section and line the following:

“408.512. 1. Any traditional installment loan lender licensed under sections 367.100 to 367.200 or section 408.510 shall be permitted to make loans and charge fees and interest as authorized under sections 408.100, 408.140, and 408.170.

2. No charter provision, ordinance, rule, order, permit, policy, guideline, or other governmental action of any political subdivision of the state, local government, city, county, or any agency, authority, board, commission, department, or officer thereof shall:

(1) Prevent, restrict, or discourage traditional installment loan lenders from lending under sections 408.100, 408.140, and 408.170;

(2) Prevent, restrict, or discourage traditional installment loan lenders from operating in any location where any lender who makes loans payable in equal installments over more than ninety days is permitted; or

(3) Create **any** disincentives for any traditional installment loan lender from engaging in lending

under sections 408.100, 408.140, and 408.170. **Any fee charged to any traditional installment loan lender that is not charged to all lenders licensed or regulated by the division of finance shall be a disincentive in violation of this section.**

The provisions of this subsection shall not apply where a charter provision or valid ordinance as of August 28, 2014, expressly applies to traditional installment loan lenders.

3. As used in this section, the following terms shall mean:

(1) “Fully amortized”, the principal, defined as amount financed under the federal Truth in Lending Act, and the scheduled interest, defined as finance charge under the federal Truth in Lending Act, are repaid in substantially equal multiple installments at fixed intervals to fulfill the consumer’s obligation;

(2) “Traditional installment loan”, fixed rate, fully amortized closed-end extensions of direct consumer loans. However, if any of the following are true, the transaction is not a traditional installment loan:

(a) The transaction has a repayment term of one hundred eighty-one days or fewer and is secured by the title to the borrower’s motor vehicle or auto;

(b) The transaction requires that the full amount of the credit extended together with all fees and charges for the credit be repaid in ninety-one days or fewer;

(c) The transaction’s scheduled repayment plan contains one or more interest-only payments or a payment that is more than ten percent greater than the average of all other scheduled payment amounts;

(d) The transaction, at origination, requires the borrower:

a. To agree to a preauthorized automatic withdrawal in the form of a bank draft, a preapproved automated clearing house or its equivalent;

b. To agree to an allotment or an agreement to defer presentment of one or more contemporaneously-dated or postdated checks; or

c. To repay the loan in full at a borrower’s next payday or other recurring deposit cycle, where the repayment is connected with a bank account;

(3) “Traditional installment loan lender”, a licensee under sections 367.100 to 367.200 or section 408.510 whose direct consumer loans are limited only to traditional installment loans.

4. Nothing in this section shall apply to or preempt any ordinance governing installment lenders, or any amendment to any such ordinance, in a home rule city with more than four hundred thousand inhabitants and located in more than one county.

5. Traditional installment loan lenders may charge, in addition to any other contractual fees, a convenience fee or surcharge for payments made by a debit or credit card in an amount not to exceed any third-party charge.

6. Any traditional installment loan lender who prevails against a political subdivision in an action to enforce this section or in defending an action using this section as a defense shall receive from the political subdivision costs actually incurred including, but not limited to, attorney’s fees.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 599, Page 7, Section 30.758, Line 54, by inserting after all of said line the following:

“100.255. As used in sections 100.250 to 100.297, the following terms mean:

- (1) “Board”, the Missouri development finance board created by section 100.265;
- (2) “Borrower”, any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297;
- (3) “Development agency”, any of the following:
 - (a) A port authority established pursuant to chapter 68;
 - (b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, and sections 238.010 to 238.100;
 - (c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660;
 - (d) A county, city, incorporated town or village or other political subdivision or public body of this state;
 - (e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;
 - (f) An industrial development corporation established pursuant to sections 349.010 to 349.105;
 - (g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865;
 - (h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraphs (a) through (g) of this subdivision;
- (4) “Development and reserve fund”, the industrial development and reserve fund established pursuant to section 100.260;
- (5) “Export finance fund”, the Missouri export finance fund established pursuant to section 100.260;
- (6) “Export trade activities” includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;
- (7) “Guarantee fund”, the industrial development guarantee fund established by section 100.260;
- (8) “Infrastructure development fund”, the infrastructure development fund established under section 100.263;
- (9) “Infrastructure facilities”, the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, wastewater treatment facilities, airports, railroads, reservoirs, dams and waterways in this state, acquisition of blighted real estate and the improvements thereon, demolition of existing structures

and preparation of sites in anticipation of development, public facilities, and any other improvements provided by any form of government or development agency;

(10) “Jobs now fund”, the jobs now fund established under section 100.260;

(11) “Jobs now projects”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures, or facilities, whether or not now in existence, used or to be used primarily as infrastructure facilities or public facilities. When any entity provides a certified design or operation plan which is demonstrably less than the usual and customary average industry determination of cost for installation, construction, purchasing, extension, and improvement of real estate, manufacturing facilities, buildings, structures or facilities, including public facilities, then the entity or company providing such service may receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of such aforementioned criteria of such facility is less than the usual and customary average industrial determination of cost for installation, construction, materials, extension and improvement of real estate, manufacturing facilities, buildings, structures, or facilities, including public facilities. Such entity shall also pay to such company providing such aforementioned service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the customary average industry determination of cost for operation for such facility, procedure, or service for a period of time equal to one-fourth the design lifetime of such entity or five years whichever is less;

(12) “Participating lender”, a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(13) “Project”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, office building, port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, nursing or retirement facility or combination thereof, recreational facility, cultural facility, public facilities, job training or other vocational training facility, infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of the facilities defined as a project in this subdivision. The term “project” shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency. **The term “project” shall also include any transfer, expenditure or working capital of the state, any agency or department of the state or any development agency;**

(14) “Public facility”, any facility or improvements available for use by the general public including facilities for which user or other fees are charged on a nondiscriminatory basis.

“; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Schatz referred **HB 1559**, with **SCS**; **HB 1700**, with **SCS**; **HCS** for **HB 1683**, with **SCS**; **HB 1963**, with **SCS**; **HCS No. 2** for **HB 1896**, with **SCS**; and **HCS** for **HB 1682**, with **SCS** to the Committee on Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS** for **HB 1414**, with **SCS** and **SS No. 2** for **SB 704**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS No. 2 for **SB 704**, introduced by Senator Hoskins, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 704**

An Act to repeal sections 67.730, 67.1360, 94.838, 94.900, 94.902, 99.805, 99.810, 99.825, 99.843, 105.145, 135.305, 135.550, 137.115, 137.180, 137.275, 137.355, 137.385, 138.060, 138.090, 138.434, 143.121, 143.171, 143.991, 144.757, 205.202, 321.552, 326.289, 347.179, 347.183, 358.460, 358.470, 620.2005, and 620.2010, RSMo, and to enact in lieu thereof forty-one new sections relating to taxation, with penalty provisions.

Was taken up.

On motion of Senator Hoskins, **SS No. 2** for **SB 704** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | |
|-------------|--------------|---------|-------------|----------|----------|------------|
| Arthur | Bernskoetter | Brown | Burlison | Cierpiot | Crawford | Cunningham |
| Eigel | Emery | Hegeman | Hoskins | Hough | Koenig | Libla |
| Luetkemeyer | May | Nasheed | O'Laughlin | Riddle | Rizzo | Sater |
| Schatz | Schupp | Sifton | Wallingford | Walsh | White | Wieland |

Williams—29

NAYS—Senators—None

Absent—Senators

Onder Rowden—2

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

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

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

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

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Hegeman, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2009**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 1467, introduced by Representative Pike and **HB 1934**, introduced by Representative Wiemann, with **SCS**, entitled, respectively:

An Act to repeal section 70.705, RSMo, and to enact in lieu thereof one new section relating to the Missouri Local Government Employees' Retirement System.

An Act to repeal section 169.020, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri.

Was taken up by Senator Onder.

SCS for **HBs 1467** and **1934**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1467 AND 1934

An Act to repeal sections 70.705, 104.010, 104.090, 104.395, 104.1003, 104.1027, and 169.020, RSMo, and to enact in lieu thereof eight new sections relating to public employee retirement systems.

Was taken up.

Senator Onder moved that **SCS** for **HBs 1467** and **1934** be adopted.

Senator Onder offered **SS** for **SCS** for **HBs 1467** and **1934**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1467 AND 1934

An Act to repeal sections 70.705, 104.010, 104.090, 104.395, 104.1027, and 169.020, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems.

Senator Onder moved that **SS** for **SCS** for **HBs 1467** and **1934** be adopted.

Senator Cierpiot offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bills Nos. 1467 and 1934, Page 31, Section 104.1089, Line 27 of the page, by inserting after “1.” the following: “**Subject to the provisions of the Internal Revenue Code,**”.

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

Senator Onder moved that **SS** for **SCS** for **HBs 1467** and **1934**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **HBs 1467** and **1934**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | |
|-------------|--------------|------------|----------|-------------|----------|------------|
| Arthur | Bernskoetter | Brown | Burlison | Cierpiot | Crawford | Cunningham |
| Eigel | Emery | Hegeman | Hoskins | Hough | Koenig | Libla |
| Luetkemeyer | Nasheed | O’Laughlin | Onder | Riddle | Rizzo | Rowden |
| Sater | Schatz | Schupp | Sifton | Wallingford | Walsh | White |
| Wieland | Williams—30 | | | | | |

NAYS—Senators—None

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

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

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

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

Senator Hoskins moved that **HCS** for **HB 1854**, with **SCS**, **SS** for **SCS**, **SA 4** and the point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Onder, **SA 4** was withdrawn, rendering the point of order moot.

At the request of Senator Hoskins, **SS** for **SCS** for **HCS** for **HB 1854** was withdrawn.

Senator Hoskins offered **SS No. 2** for **SCS** for **HCS** for **HB 1854**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1854

An Act to repeal sections 29.230, 36.155, 50.166, 50.327, 54.140, 59.021, 59.100, 64.805, 67.730, 67.1360, 67.1545, 94.838, 94.900, 94.902, 105.145, 115.127, 115.621, 115.646, 137.180, 138.434, 144.757, 205.202, 238.207, 238.235, 238.237, 321.015, 321.190, 321.300, 321.552, 321.603, 506.384, 610.021, 620.2005, and 620.2010, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-one new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 1854** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1854, Page 76, Section 115.646, Lines 26-28 by striking said lines; and further amend page 77, section 115.646, lines 1-27, by striking said lines.

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

Senator May offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1854, Page 103, Section 144.757, Line 17 of said page, by inserting immediately after all of said line the following:

“174.290. Harris-Stowe University is hereby designated and shall hereafter be operated as an institution with a statewide mission in science, technology, engineering, and mathematics (STEM).”; and

Further amend the title and enacting clause accordingly.

Senator Rowden raised the point of order that **SA 2** is out of order as it goes beyond the scope and title of the underlying bill. The point of order was referred to the President Pro Tem who ruled well taken.

Senator Hough offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1854, Page 160, Section 620.2010, Line 8 of said page, by inserting immediately after said line the following:

“620.2250. 1. This section shall be known and may be cited as the “Targeted Industrial Manufacturing Enhancement Zones Act”.

2. As used in this section, the following terms shall mean:

(1) “County average wage”, the average wage in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(2) “Department”, the Missouri department of economic development;

(3) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the completion of an agreement pursuant to subsection 6 of this section and no job that is relocated from another location within this state shall be deemed a new job. An employee that spends less than fifty percent of the employee’s work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the county average wage;

(4) “Political subdivision”, a town, village, city, or county located in this state;

(5) “Related facility”, a facility operated by a company or a related company prior to the establishment of the TIME zone in question, and which is directly related to the operations of the facility within the new TIME zone;

(6) “TIME zone”, an area identified through an ordinance or resolution passed pursuant to subsection 4 of this section that is being developed or redeveloped for any purpose so long as any infrastructure or building built or improved is in the development area;

(7) “Zone board”, the governing body of a TIME zone.

3. The governing bodies of at least two contiguous or overlapping political subdivisions in this state may establish one or more TIME zones, which shall be political subdivisions of the state, for the purposes of completing infrastructure projects to promote the economic development of the region. Such zones may only include the area within the governing bodies’ jurisdiction, ownership, or control, and may include any such area. The governing bodies shall determine the boundaries for each TIME zone, and more than one TIME zone may exist within the governing bodies’ jurisdiction or under the governing bodies’ ownership or control, and may be expanded or contracted by resolution of the zone board.

4. (1) To establish a TIME zone, the governing bodies of at least two political subdivisions shall each propose an ordinance or resolution creating such zone. Such ordinance or resolution shall set forth the names of the political subdivisions which will form the TIME zone, the general nature of the proposed improvements, the estimated cost of such improvements, the boundaries of the proposed TIME zone, and the estimated number of new jobs to be created in the TIME zone. Prior to approving such ordinance or resolution, each governing body shall hold a public hearing to consider the creation of the TIME zone and the proposed improvements therein. The governing bodies shall

hear and pass upon all objections to the TIME zone and the proposed improvements, if any, and may amend the proposed improvements, and the plans and specifications therefor.

(2) After the passage or adoption of the ordinance or resolution creating the TIME Zone, governance of the TIME zone shall be by the zone board, which shall consist of seven members selected from the political subdivisions creating the TIME zone. Members of a zone board shall receive no salary or other compensation for their services as members, but shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. The zone board may expand or contract such TIME zone through an ordinance or resolution following a public hearing conducted to consider such expansion or contraction.

5. The boundaries of the proposed TIME zone shall be described by metes and bounds, streets, or other sufficiently specific description.

6. (1) Prior to retaining any state withholding tax pursuant to subsection 9 of this section, a zone board shall enter into an agreement with the department. Such agreement shall include, but shall not be limited to:

(a) The estimated number of new jobs to be created;

(b) The estimated average wage of new jobs to be created;

(c) The estimated net fiscal impact of the new jobs;

(d) The estimated costs of the proposed improvements;

(e) The estimated amount of withholding tax to be retained pursuant to subsection 9 of this section over the period of the agreement; and

(f) A copy of the ordinance establishing the board and a list of its members.

(2) The department shall not approve an agreement with a zone board unless the zone board commits to creating the following number of new jobs:

(a) For a TIME zone with a total population of less than five thousand inhabitants as determined by the most recent decennial census, a minimum of five new jobs with an average wage that equals or exceeds ninety percent of the county average wage;

(b) For a TIME zone with a total population of at least five thousand inhabitants but less than fifty thousand inhabitants as determined by the most recent decennial census, a minimum of ten new jobs with an average wage that equals or exceeds ninety percent of the county average wage;

(c) For a TIME zone with a total population of at least fifty thousand inhabitants but less than one hundred fifty thousand inhabitants as determined by the most recent decennial census, a minimum of fifteen new jobs with an average wage that equals or exceeds ninety percent of the county average wage; and

(d) For a TIME zone with a total population of at least one hundred fifty thousand inhabitants as determined by the most recent decennial census, a minimum of twenty-five new jobs with an average wage that equals or exceeds ninety percent of the county average wage.

7. (1) The term of the agreement entered into pursuant to subsection 6 of this section shall not exceed ten years. A zone board may apply to the department for approval to renew any agreement.

Such application shall be made on forms provided by the department. In determining whether to approve the renewal of an agreement, the department shall consider:

- (a) The number of new jobs created and the average wage and net fiscal impact of such jobs;
- (b) The outstanding improvements to be made within the TIME zone and the funding necessary to complete such improvements; and
- (c) Any other factor the department requires.

(2) The department may approve the renewal of an agreement for a period not to exceed ten years. If a zone board has not met the new job requirements pursuant to subdivision (2) of subsection 6 of this section by the end of the agreement, the department shall recapture from such zone board the amount of withholding tax retained by the zone board pursuant to this section and the department shall not approve the renewal of an agreement with such zone board.

(3) A zone board shall not retain any withholding tax pursuant to this section in excess of the costs of improvements completed by the zone board.

8. If a qualified company is retaining withholding tax pursuant to sections 620.2000 to 620.2020 for new jobs, as such terms are defined in section 620.2005, that also qualify for the retention of withholding tax pursuant to this section, the department shall not authorize an agreement pursuant to this section that results in more than fifty percent of the withholding tax for such new jobs being retained pursuant to this section and sections 620.2000 to 620.2020.

9. Upon the completion of an agreement pursuant to subsection 6 of this section, twenty-five percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within a TIME zone after development or redevelopment has commenced shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall be deposited into the TIME zone fund established pursuant to subsection 10 of this section for the purpose of continuing to expand, develop, and redevelop TIME zones identified by the zone board, and may be used for managerial, engineering, legal, research, promotion, planning, and any other expenses.

10. There is hereby created in the state treasury the "TIME Zone Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the zone boards of the TIME zones from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section, which shall not exceed ten percent of the total amount collected within the TIME zones of a zone board. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The zone board shall approve projects consistent with the provisions of this section that begin construction and disburse any money collected under this section. The zone board shall submit an annual budget for the funds to the department explaining how and when such money will be spent.

12. A zone board shall submit an annual report by December thirty-first of each year to the department and the general assembly. Such report shall include, but shall not be limited to:

- (1) **The locations of the established TIME zones governed by the zone board;**
 - (2) **The number of new jobs created within the TIME zones governed by the zone board;**
 - (3) **The average wage of the new jobs created within the TIME zones governed by the zone board;**
- and**
- (4) **The amount of withholding tax retained pursuant to subsection 9 of this section from new jobs created within the TIME zones governed by the zone board.**

13. No political subdivision shall establish a TIME zone with boundaries that overlap the boundaries of an advanced industrial manufacturing zone established pursuant to section 68.075.

14. The total amount of withholding taxes retained by all TIME zones pursuant to the provisions of this section shall not exceed five million dollars per fiscal year.

15. The department may promulgate rules to implement the provisions of this section. 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, 2020, shall be invalid and void.

16. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized pursuant to this section shall sunset automatically on August 28, 2024, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized pursuant to this section shall sunset automatically twelve years after the effective date of the reauthorization; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized pursuant to this section is sunset.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Hoskins moved that **SS No. 2 for SCS for HCS for HB 1854**, as amended, be adopted, which motion prevailed.

Senator Hoskins moved that **SS No. 2 for SCS for HCS for HB 1854**, be read the 3rd time and was recognized to close.

President Pro Tem Schatz referred **SS No. 2 for SCS for HCS for HB 1854** to the Committee on Fiscal Oversight.

HCS for HB 1655, with SCS, entitled:

An Act to repeal sections 2.020 and 2.110, RSMo, and to enact in lieu thereof two new sections relating to the secretary of state.

Was taken up by Senator Crawford.

SCS for HCS for **HB 1655**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1655

An Act to repeal sections 2.020, 2.110, 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof one hundred new sections relating to official documents, with penalty provisions.

Was taken up.

Senator Crawford moved that **SCS for HCS for HB 1655** be adopted, which motion prevailed.

On motion of Senator Crawford, **SCS for HCS for HB 1655** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | |
|-------------|--------------|---------|-------------|----------|----------|------------|
| Arthur | Bernskoetter | Brown | Burlison | Cierpiot | Crawford | Cunningham |
| Eigel | Emery | Hegeman | Hoskins | Hough | Koenig | Libla |
| Luetkemeyer | May | Nasheed | O’Laughlin | Onder | Rizzo | Rowden |
| Schatz | Schupp | Sifton | Wallingford | Walsh | White | Wieland |
| Williams—29 | | | | | | |

NAYS—Senators—None

Absent—Senators

| | |
|--------|---------|
| Riddle | Sater—2 |
|--------|---------|

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

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

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

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

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

SENATE CALENDAR

 FORTY-NINTH DAY—TUESDAY, MAY 5, 2020

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

- | | |
|---------------------------------------------------------------------|---------------------------------------------------|
| 1. HCS for HB 1414, with SCS | 13. HS for HCS for HB 2004, with SCS (Hegeman) |
| 2. HCS for HB 1682, with SCS (Sater) (In Fiscal Oversight) | 14. HS for HCS for HB 2005, with SCS (Hegeman) |
| 3. HCS for HB 1683, with SCS (Wallingford) (In Fiscal Oversight) | 15. HS for HCS for HB 2006, with SCS (Hegeman) |
| 4. HCS for HB 2049, with SCS (Emery) | 16. HS for HCS for HB 2007, with SCS (Hegeman) |
| 5. HB 1963-Fitzwater, with SCS (Libla) (In Fiscal Oversight) | 17. HS for HCS for HB 2008, with SCS (Hegeman) |
| 6. HCS#2 for HB 1896, with SCS (Onder) (In Fiscal Oversight) | 18. HS for HCS for HB 2009, with SCS (Hegeman) |
| 7. HB 1559-Remole, with SCS (Hoskins) (In Fiscal Oversight) | 19. HS for HCS for HB 2010, with SCS (Hegeman) |
| 8. HB 1700-Fishel, with SCS (Hough) (In Fiscal Oversight) | 20. HS for HCS for HB 2011, with SCS (Hegeman) |
| 9. HB 1330-Veit, with SCS (Bernskoetter) | 21. HS for HCS for HB 2012, with SCS (Hegeman) |
| 10. HCS for HB 2001 (Hegeman) | 22. HCS for HB 2013, with SCS (Hegeman) |
| 11. HS for HCS for HB 2002, with SCS (Hegeman) | |
| 12. HS for HCS for HB 2003, with SCS (Hegeman) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--------------------------------------------------------|-------------------------------------------------------------|
| SB 522-Sater | SB 529-Cunningham, with SCS |
| SB 524-Sater | SB 530-Cunningham, with SCS, SS for SCS & SA 1 (pending) |
| SB 525-Emery, with SCS, SS for SCS & SA 1 (pending) | SB 531-Wallingford, with SS & SA 1 (pending) |
| SB 526-Emery, with SCS | SB 537-Libla |

SBs 538, 562 & 601-Libla, with SCS,
 SS for SCS & SA 1 (pending)
 SB 539-Libla, with SA 1 (pending)
 SB 542-Nasheed, with SCS
 SB 548-Hegeman
 SB 555-Riddle
 SB 557-Schatz, with SCS
 SB 558-Schatz, with SCS
 SB 559-Schatz, with SCS
 SB 568-Hoskins, with SCS
 SB 572-Rowden
 SB 575-Eigel, with SS#2 & SA 2 (pending)
 SB 576-Crawford, with SCS
 SB 581-Cierpiot, with SCS
 SB 583-Arthur, with SCS
 SB 586-Bernskoetter, with SCS
 SB 590-Burlison, with SCS
 SB 592-White
 SB 595-Hough, with SCS
 SBs 602, 778 & 561-Luetkemeyer, with SCS
 SB 605-O'Laughlin, with SCS
 SB 608-May, with SCS
 SB 612-Emery, with SCS
 SB 613-Emery, with SCS
 SB 615-Cunningham
 SB 625-Libla, with SCS
 SB 633-Hegeman
 SB 636-Wieland
 SB 639-Riddle
 SB 640-Onder
 SB 645-Hoskins, with SCS
 SB 646-Koenig
 SB 647-Koenig, with SCS
 SB 648-Koenig, with SCS, SS#2 for SCS &
 SA 1 (pending)
 SB 649-Eigel

SB 661-Bernskoetter, with SCS
 SB 665-Burlison
 SB 670-Hough, with SCS, SS for SCS & SA 1
 (pending)
 SB 674-Brown
 SBs 675 & 705-Luetkemeyer, with SCS
 SB 677-Luetkemeyer
 SB 690-Cunningham
 SB 696-Sifton
 SB 699-Riddle, with SCS
 SB 701-Onder
 SB 703-Hoskins, with SCS
 SB 714-Burlison, with SCS
 SB 716-Burlison
 SB 748-White
 SB 756-Sifton, with SCS
 SB 764-Onder, with SCS
 SB 768-Onder, with SCS
 SB 779-Crawford
 SB 780-Hough, with SCS
 SB 784-Wallingford
 SB 797-Wieland, with SCS
 SB 802-Hegeman
 SB 809-Brown, with SCS
 SB 857-Luetkemeyer, with SCS
 SB 885-Walsh
 SB 896-Eigel
 SB 996-Onder, with SCS
 SJR 31-Sater
 SJR 32-Sater
 SJR 33-Emery, with SCS
 SJR 40-Koenig
 SJR 44-Eigel
 SJRs 48, 41 & 43-Luetkemeyer, with SCS
 SJR 59-Eigel
 SJR 61-Nasheed, with SCS

HOUSE BILLS ON THIRD READING

HB 1383-Washington, with SCS (Onder)

HB 1640-Taylor (Bernskoetter)

SS#2 for SCS for HCS for HB 1854
(Hoskins) (In Fiscal Oversight)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 599-Brown, with HCS, as amended

SCS for SB 653-Crawford, with HCS, as amended

RESOLUTIONS

Reported from Committee

SCR 28-Luetkemeyer
SCR 29-Wallingford
SCR 30-Schupp
SCR 31-Emery

SCR 33-May
SCR 34-Hoskins
SCR 35-Hoskins

✓