

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 7, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord of lords...who alone does great wonders, for his steadfast love endures forever.” (Psalm 136:3-4)

Heavenly Father, as we conclude this short week let us return home mindful of what has already transpired here and give thanks for what has been given to us. Lord we ask, given the dissonance within our country, we may be instruments of peace and may we experience Your claiming Word and share its love with others we encounter this weekend. Travel with us this day keeping us mindful of our responsibilities to those who travel our roads bringing us safely to those we love. 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	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	O’Laughlin	Razer	Rehder
Riddle	Rizzo	Roberts	Rowden	Schatz	Washington	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Bernskoetter	Burlison	Onder	Schupp—4
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 6, regarding Matt Schoo, which was adopted.

Senator Hegeman offered Senate Resolution No. 7, regarding the One Hundredth Birthday of Alfred Cecil Bowman, Maryville, which was adopted.

Senator May offered Senate Resolution No. 8, regarding the One Hundredth Anniversary of the Upsilon Omega Chapter of Omega Psi Phi Fraternity Incorporated, St. Louis, which was adopted.

Senator Schatz moved that **SR 4** be taken up for adoption, which motion prevailed.

Senator Schatz moved that **SR 4** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 4, as it appears on Page 7 of the Senate Journal for Wednesday, January 6, 2021, Line 34 of said journal page, by striking the number “8” and inserting in lieu thereof the following: “7”.

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

Senator Rizzo offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 4, as it appears on Page 6 of the Senate Journal for Wednesday, January 6, 2021, Lines 35-36 of said journal page, by striking “60, 61, 64, 88, and 96” and inserting in lieu thereof the following: “**and 88**”; and further amend said resolution, page 10, lines 5-22 by striking all of said lines; and further amend lines 25-36 by striking all of said lines.

Senator Rizzo moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Schatz offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 2**

Amend Senate Resolution No. 4, as it appears on Page 6 of the Senate Journal for Wednesday, January 6, 2021, Lines 35-36 of said journal page, by striking “60, 61, 64,”; and further amend said resolution, page 10, lines 5-22 by striking all of said lines; and further amend line 30 by inserting after the word “chamber.” the following: “**Any such approved electronic device shall not be a laptop computer.**”.

Senator Schatz moved that the above substitute amendment be adopted, which motion prevailed, rendering **SA 2** moot.

Senator Hoskins offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 4, as it appears on Page 9 of the Senate Journal for Wednesday, January 6, 2021, Line 4 of said journal page, by inserting after the word “other.” the following: “**Such hearing, as**

well as a vote of the committee on such bill, shall occur within thirty calendar days of referral of the bill to the committee.”.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Hoskins, SA 3 was withdrawn.

Senator May offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Resolution No. 4, as it appears on Page 7 of the Senate Journal for Wednesday, January 6, 2021, Line 39 of said journal page, by inserting at the end of said line the following: “Any bill referred to a committee shall receive a hearing, and vote of the committee, within thirty calendar days of referral of the bill to the committee.”; and

Further amend said resolution, page 9, line 4 by inserting after the word “other.” the following: “Such hearing, as well as a vote of the committee on such bill, shall occur within thirty calendar days of referral of the bill to the committee.”.

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

Senator Schatz moved that SR 4, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Brattin	Brown	Cierpiot	Crawford
Eigel	Eslinger	Gannon	Hegeman	Hoskins	Hough	Koenig
Luetkemeyer	May	Moon	Mosley	Razer	Rehder	Rizzo
Roberts	Rowden	Schatz	Washington	White	Wieland	Williams—28

NAYS—Senators—None

Absent—Senators

O’Laughlin Riddle—2

Absent with leave—Senators

Bernskoetter Burlison Onder Schupp—4

Vacancies—None

CONCURRENT RESOLUTIONS

Senator White offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

Relating to an application to Congress for the calling of an Article V Convention of states to propose an amendment to the United States Constitution to authorize the several states to repeal certain federal actions.

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in addition to the encroachment by Congress on powers reserved to the states, the federal courts have exceeded powers granted

to the federal judiciary under Article III of the U.S. Constitution by rulings that encroach upon powers reserved to the states; and

Whereas, the United States Constitution should be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and the federal courts and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing an amendment to the United States Constitution to give states the authority to repeal a Federal rule, regulation, or statute, or a Federal court ruling relating to certain federal actions, when ratified by the legislatures of two-thirds of the several states; and

Be It Further Resolved that the following article be proposed as an amendment to the Constitution of the United States:

“Section 1. The several states may repeal, in whole or in part, any:

- 1) Presidential Executive order, rule, regulation, other regulatory action, administrative ruling issued by a department, agency, or instrumentality of the United States;
- 2) Statute that has duly passed both houses of Congress; or
- 3) Federal Court ruling relating to the provisions of subsection 1 or 2 of this section.

Such repeal shall be effective when the legislatures of two-thirds of the several States approve resolutions for this purpose that particularly describe the same provision or provisions of the Executive order, rule, regulation, other regulatory action, administrative ruling or statute, or ruling to be repealed.

Section 2. Congress shall have power to enforce this article by appropriate legislation.”; and

Be It Further Resolved that the General Assembly adopts this application with the following understandings (as the term “understandings” is used within the context of “reservations, understandings, and declarations”):

- (1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to “call” for a convention;
- (2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;
- (3) The power of Congress to “call” a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;
- (4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;
- (5) Congress possesses no power to set the number of delegates to be sent by any states;
- (6) Congress possesses no power whatsoever to determine any rules for such convention;
- (7) By definition, a Convention of States means that states vote on the basis of one state, one vote;
- (8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;
- (9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;
- (10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;
- (11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;
- (12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

Be It Further Resolved that this application shall expire five (5) years after the passage of this resolution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 351—By Koenig,

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to sales

tax filing deadlines.

SB 352—By Koenig.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to parental rights in public schools.

SB 353—By Moon.

An Act to repeal sections 144.020 and 144.190, RSMo, and to enact in lieu thereof two new sections relating to sales tax, with an emergency clause.

SB 354—By Hoskins.

An Act to repeal section 348.436, RSMo, and to enact in lieu thereof one new section relating to a tax credit for agricultural production.

SB 355—By Hoskins.

An Act to repeal section 135.686, RSMo, and to enact in lieu thereof one new section relating to a tax credit for the expansion of meat processing facilities.

SB 356—By May.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the use of credit reports by employers.

SB 357—By Washington.

An Act to amend chapter 487, RSMo, by adding thereto one new section relating to family court participants participating in the medical marijuana program.

SB 358—By Arthur.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for unemployment benefit payments.

SB 359—By Wieland.

An Act to repeal section 400.3-309, RSMo, and to enact in lieu thereof one new section relating to the enforcement of instruments by persons not in possession.

SB 360—By Wieland.

An Act to repeal section 287.715, RSMo, and to enact in lieu thereof one new section relating to supplemental surcharges collected by the division of workers' compensation.

SB 361—By Wieland.

An Act to repeal sections 287.220, 287.280, and 287.480, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 362—By Wieland.

An Act to repeal sections 361.110, 361.727, 362.023, 362.044, 362.165, 362.247, 362.250, 362.340, 362.550, 362.570, 367.150, and 369.049, RSMo, and to enact in lieu thereof eleven new sections relating

to financial institutions.

SB 363—By Mosley.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the creation of wards in certain school districts.

SB 364—By Mosley.

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to the statewide licensure of home improvement contractors and salespersons, with penalty provisions.

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 adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers, to wit:

- Speaker Rob Vescovo
- Speaker Pro Tem John Wiemann
- Chief Clerk Dana Rademan Miller
- Doorkeeper Charles Hildebrand
- Sergeant-at-Arms Randy Werner
- Chaplain Reverend Monsignor Robert Kurwicki

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the One Hundred First General Assembly, First Regular Session, of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

RESOLUTIONS

On behalf of Senator Bernskoetter, Senator Rowden offered Senate Resolution No. 9, regarding Corrections Officer I (CO-I) Oluropo Akins, Jefferson City, which was adopted.

Senator Hoskins offered Senate Resolution No. 10, regarding the One Hundred and Fiftieth Anniversary of the University of Central Missouri, Warrensburg, which was adopted.

Senator Riddle offered Senate Resolution No. 11, regarding Dan Hampson, Warrenton, which was adopted.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Monday, January 11, 2021.

SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 11, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Hegeman	SB 32-Cierpiot
SB 2-Hegeman	SB 33-Arthur
SB 3-Hegeman	SB 34-Arthur
SB 4-Wieland	SB 35-Arthur
SB 5-Wieland	SB 36-Bernskoetter
SB 6-Wieland	SB 37-Bernskoetter
SB 7-Riddle	SB 38-Bernskoetter
SB 8-Riddle	SB 39-Burlison
SB 9-Riddle	SB 40-Burlison
SB 10-Schatz	SB 41-Burlison
SB 11-Schatz	SB 42-White
SB 12-Onder	SB 43-White
SB 13-Onder	SB 44-White
SB 14-Onder	SB 45-Hough
SB 15-Schupp	SB 46-Hough
SB 16-Schupp	SB 47-Hough
SB 17-Schupp	SB 48-Brown
SB 18-Hoskins	SB 49-Brown
SB 19-Hoskins	SB 50-Brown
SB 20-Hoskins	SB 51-Luetkemeyer
SB 21-Koenig	SB 52-Luetkemeyer
SB 22-Koenig	SB 53-Luetkemeyer
SB 23-Koenig	SB 54-O'Laughlin
SB 24-Eigel	SB 55-O'Laughlin
SB 25-Eigel	SB 56-O'Laughlin
SB 26-Eigel	SB 57-May
SB 27-Crawford	SB 58-May
SB 28-Crawford	SB 59-May
SB 29-Crawford	SB 60-Williams
SB 30-Cierpiot	SB 61-Williams
SB 31-Cierpiot	SB 62-Williams

SB 63-Rehder	SB 103-Eigel
SB 64-Rehder	SB 104-Eigel
SB 65-Rehder	SB 105-Crawford
SB 66-Brattin	SB 106-Crawford
SB 67-Brattin	SB 107-Crawford
SB 68-Brattin	SB 108-Cierpiot
SB 69-Gannon	SB 109-Cierpiot
SB 70-Gannon	SB 110-Cierpiot
SB 71-Gannon	SB 111-Arthur
SB 72-Eslinger	SB 112-Arthur
SB 73-Bean	SB 113-Arthur
SB 74-Bean	SB 114-Bernskoetter
SB 75-Bean	SB 115-Bernskoetter
SB 76-Beck	SB 116-Bernskoetter
SB 77-Beck	SB 117-Burlison
SB 78-Beck	SB 118-Burlison
SB 79-Razer	SB 119-Burlison
SB 80-Razer	SB 120-White
SB 81-Razer	SB 121-White
SB 82-Washington	SB 122-White
SB 83-Washington	SB 123-Hough
SB 84-Washington	SB 124-Hough
SB 85-Hegeman	SB 125-Hough
SB 86-Hegeman	SB 126-Brown
SB 87-Hegeman	SB 127-Brown
SB 88-Wieland	SB 128-Brown
SB 89-Wieland	SB 129-Luetkemeyer
SB 90-Wieland	SB 130-Luetkemeyer
SB 91-Riddle	SB 131-Luetkemeyer
SB 92-Riddle	SB 132-O'Laughlin
SB 93-Onder	SB 133-O'Laughlin
SB 94-Onder	SB 134-O'Laughlin
SB 95-Onder	SB 135-May
SB 96-Hoskins	SB 136-Rehder
SB 97-Hoskins	SB 137-Brattin
SB 98-Hoskins	SB 138-Brattin
SB 99-Koenig	SB 139-Bean
SB 100-Koenig	SB 140-Bean
SB 101-Koenig	SB 141-Bean
SB 102-Eigel	SB 142-Beck

SB 143-Beck	SB 183-O’Laughlin
SB 144-Beck	SB 184-Bean
SB 145-Washington	SB 185-Bean
SB 146-Washington	SB 186-Beck
SB 147-Washington	SB 187-Beck
SB 148-Onder	SB 188-Beck
SB 149-Onder	SB 189-Washington
SB 150-Onder	SB 190-Washington
SB 151-Hoskins	SB 191-Washington
SB 152-Hoskins	SB 192-Onder
SB 153-Koenig	SB 193-Onder
SB 154-Koenig	SB 194-Onder
SB 155-Koenig	SB 195-Koenig
SB 156-Eigel	SB 196-Koenig
SB 157-Eigel	SB 197-Koenig
SB 158-Eigel	SB 198-Eigel
SB 159-Crawford	SB 199-Eigel
SB 160-Crawford	SB 200-Eigel
SB 161-Crawford	SB 201-Crawford
SB 162-Cierpiot	SB 202-Cierpiot
SB 163-Cierpiot	SB 203-Cierpiot
SB 164-Cierpiot	SB 204-Cierpiot
SB 165-Arthur	SB 205-Arthur
SB 166-Arthur	SB 206-Arthur
SB 167-Arthur	SB 207-Arthur
SB 168-Burlison	SB 208-Burlison
SB 169-Burlison	SB 209-Burlison
SB 170-Burlison	SB 210-Burlison
SB 171-White	SB 211-White
SB 172-White	SB 212-White
SB 173-White	SB 213-White
SB 174-Hough	SB 214-Hough
SB 175-Hough	SB 215-Hough
SB 176-Hough	SRB 216-Hough
SB 177-Brown	SB 217-Luetkemeyer
SB 178-Brown	SB 218-Luetkemeyer
SB 179-Luetkemeyer	SB 219-Luetkemeyer
SB 180-Luetkemeyer	SB 220-Beck
SB 181-Luetkemeyer	SB 221-Beck
SB 182-O’Laughlin	SB 222-Beck

SB 223-Onder	SB 263-Crawford
SB 224-Onder	SB 264-Arthur
SB 225-Onder	SB 265-Eslinger
SB 226-Koenig	SB 266-Mosley
SB 227-Arthur	SB 267-Mosley
SB 228-Arthur	SB 268-Mosley
SB 229-Arthur	SB 269-Mosley
SB 230-Burlison	SB 270-Mosley
SB 231-Burlison	SB 271-Mosley
SB 232-Burlison	SB 272-Mosley
SB 233-White	SB 273-Mosley
SB 234-White	SB 274-Mosley
SB 235-White	SB 275-Mosley
SB 236-Hough	SB 276-Mosley
SB 237-Hough	SB 277-Mosley
SB 238-Luetkemeyer	SB 278-Mosley
SB 239-Luetkemeyer	SB 279-Mosley
SB 240-Luetkemeyer	SB 280-Cierpiot
SB 241-Beck	SB 281-Brown
SB 242-Beck	SB 282-Hegeman
SB 243-Beck	SB 283-Hoskins
SB 244-Onder	SB 284-Crawford
SB 245-Onder	SB 285-Arthur
SB 246-Onder	SB 286-Hough
SB 247-Arthur	SB 287-Crawford
SB 248-Arthur	SB 288-Eigel
SB 249-Burlison	SB 289-Brown
SB 250-Burlison	SB 290-Hegeman
SB 251-Onder	SB 291-Brown
SB 252-Onder	SB 292-Schupp
SB 253-Hegeman	SB 293-Hoskins
SB 254-Riddle	SB 294-Hoskins
SB 255-Riddle	SB 295-Crawford
SB 256-Rowden	SB 296-Brattin
SB 257-Burlison	SB 297-Roberts
SB 258-White	SB 298-Arthur
SB 259-O'Laughlin	SB 299-Bernskoetter
SB 260-O'Laughlin	SB 300-Bernskoetter
SB 261-Williams	SB 301-Bernskoetter
SB 262-Schatz	SB 302-Gannon

SB 303-Gannon	SB 344-Brown
SB 304-Eslinger	SB 345-Brown
SB 305-Roberts	SB 346-O'Laughlin
SB 306-Bernskoetter	SB 347-O'Laughlin
SB 307-Brown	SB 348-O'Laughlin
SB 308-Koenig	SB 349-Roberts
SB 309-Hegeman	SB 350-White
SB 310-Crawford	SB 351-Koenig
SB 311-Roberts	SB 352-Koenig
SB 312-Roberts	SB 353-Moon
SB 313-Eigel	SB 354-Hoskins
SB 314-Hough	SB 355-Hoskins
SB 315-Hough	SB 356-May
SB 316-Hough	SB 357-Washington
SB 317-May	SB 358-Arthur
SB 318-May	SB 359-Wieland
SB 319-May	SB 360-Wieland
SB 320-Roberts	SB 361-Wieland
SB 321-Roberts	SB 362-Wieland
SB 322-Roberts	SB 363-Mosley
SB 323-May	SB 364-Mosley
SB 324-Hegeman	SJR 1-Hegeman
SB 325-Hegeman	SJR 2-Onder
SB 326-Beck	SJR 3-Hoskins
SB 327-Koenig	SJR 4-Koenig
SB 328-Rowden	SJR 5-Eigel
SB 329-Rowden	SJR 6-Eigel
SB 330-Burlison	SJR 7-Eigel
SB 331-Burlison	SJR 8-Cierpiot
SB 332-Burlison	SJR 9-Cierpiot
SB 333-Burlison	SJR 10-Cierpiot
SB 334-Bernskoetter	SJR 11-Burlison
SB 335-Brattin	SJR 12-Luetkemeyer
SB 336-Brattin	SJR 13-Brattin
SB 337-Riddle	SJR 14-Brattin
SB 338-Luetkemeyer	SJR 15-Eslinger
SB 339-Luetkemeyer	SJR 16-Eslinger
SB 340-White	SJR 17-Washington
SB 341-White	SJR 18-Eigel
SB 342-White	SJR 19-Cierpiot
SB 343-Brown	SJR 20-Cierpiot

SJR 21-Schatz
SJR 22-Mosley

SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 1-White

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