

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 19, 2021

The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

The Reverend Carl Gauck offered the following prayer:

“You trace my journeys and my resting-places and are acquainted with all my ways.” (Psalm 139:3)

Gracious God, we give You thanks for our safe travel here and knowing You are our God. We rejoice in remembering Martin Luther King’s day and for all he tried to teach us and help many of us to be more tolerant and understanding of the differences between people. As we begin a new week, we are mindful of our responsibilities and seek Your help to do what You expect of us. Grant us wisdom and guidance to know what we must be about. 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 Thursday, January 14, 2021, was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Eslinger	Gannon	Hegeman	Hoskins
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Rehder	Rizzo	Roberts	Rowden	Schatz	Washington	White
Wieland	Williams—30					

Absent—Senators—None

Absent with leave—Senators

Hough	Razer	Riddle	Schupp—4
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Vacancies—None

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 25, regarding Nancy Gratz, Wardsville, which was adopted.

On behalf of Senator Riddle, Senator Rowden offered Senate Resolution No. 26, regarding Hubert “Hubie” Kluesner, Marthasville, which was adopted.

Senator Hegeman offered Senate Resolution No. 27, regarding Anna Milazzo, Galt, which was adopted.

Senator Roberts offered Senate Resolution No. 28, regarding the death of Delores Talley Roberts, St. Louis, which was adopted.

Senator Crawford offered Senate Resolution No. 29, regarding Avery Schiereck, El Dorado Springs, which was adopted.

CONCURRENT RESOLUTIONS

Senator Eigel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

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 Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, ...with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

Whereas, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

Whereas, the Congress has latent but neglected powers to correct such judicial supremacy by means of Article III Section 2 regulations on appellate jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the several states, heeding Jefferson’s warnings that we not make the Constitution “a mere thing of wax in the hands of the judiciary” for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the states remain the closest and most representative voice of the people; and

Whereas, the United States Constitution should then 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 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 strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1. Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in Congress.

Section 2. The several states shall have power to make regulations and exceptions to the appellate jurisdiction of the Supreme Court and all inferior courts and tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several states approve identical resolutions for this purpose no more than five years apart.”; and

Be It Further Resolved that should the Congress fail to act after two-thirds of the several states petition alike in substance for a State Powers Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

Be It Further Resolved that the state of Missouri reserves its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

Be It Further Resolved that copies of this resolution be forwarded to the legislatures of all the several states inviting them to likewise join in support of this petition; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

INTRODUCTION OF BILLS

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

SB 395—By Brattin.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to inmate charges for medical treatment at correctional facilities.

SB 396—By Brattin.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to historic cemeteries.

SB 397—By Rehder.

An Act to repeal section 174.453, RSMo, and to enact in lieu thereof two new sections relating to statewide missions of institutions of higher education.

SB 398—By Eigel.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to prohibited uses of public funds.

SB 399—By Eigel.

An Act to repeal sections 116.155 and 116.190, RSMo, and to enact in lieu thereof two new sections relating to ballot titles for proposed ballot measures prepared by the general assembly.

SB 400—By Onder.

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof two new sections relating to the accreditation of public schools and school districts.

SB 401—By Onder.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to payments for health care services.

SB 402—By Onder.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to forfeiture by wrongdoing.

SB 403—By Onder.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to health care.

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

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 20, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 85-Hegeman	SB 115-Bernskoetter
SB 86-Hegeman	SB 116-Bernskoetter
SB 87-Hegeman	SB 117-Burlison
SB 88-Wieland	SB 118-Burlison
SB 89-Wieland	SB 119-Burlison
SB 90-Wieland	SB 120-White
SB 91-Riddle	SB 121-White
SB 92-Riddle	SB 122-White
SB 93-Onder	SB 123-Hough
SB 94-Onder	SB 124-Hough
SB 95-Onder	SB 125-Hough
SB 96-Hoskins	SB 126-Brown
SB 97-Hoskins	SB 127-Brown
SB 98-Hoskins	SB 128-Brown
SB 99-Koenig	SB 129-Luetkemeyer
SB 100-Koenig	SB 130-Luetkemeyer
SB 101-Koenig	SB 131-Luetkemeyer
SB 102-Eigel	SB 132-O'Laughlin
SB 103-Eigel	SB 133-O'Laughlin
SB 104-Eigel	SB 134-O'Laughlin
SB 105-Crawford	SB 135-May
SB 106-Crawford	SB 136-Rehder
SB 107-Crawford	SB 137-Brattin
SB 108-Cierpiot	SB 138-Brattin
SB 109-Cierpiot	SB 139-Bean
SB 110-Cierpiot	SB 140-Bean
SB 111-Arthur	SB 141-Bean
SB 112-Arthur	SB 142-Beck
SB 113-Arthur	SB 143-Beck
SB 114-Bernskoetter	SB 144-Beck

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 183-O'Laughlin	SB 223-Onder
SB 184-Bean	SB 224-Onder

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 263-Crawford	SB 303-Gannon
SB 264-Arthur	SB 304-Eslinger

SB 305-Roberts	SB 345-Brown
SB 306-Bernskoetter	SB 346-O'Laughlin
SB 307-Brown	SB 347-O'Laughlin
SB 308-Koenig	SB 348-O'Laughlin
SB 309-Hegeman	SB 349-Roberts
SB 310-Crawford	SB 350-White
SB 311-Roberts	SB 351-Koenig
SB 312-Roberts	SB 352-Koenig
SB 313-Eigel	SB 353-Moon
SB 314-Hough	SB 354-Hoskins
SB 315-Hough	SB 355-Hoskins
SB 316-Hough	SB 356-May
SB 317-May	SB 357-Washington
SB 318-May	SB 358-Arthur
SB 319-May	SB 359-Wieland
SB 320-Roberts	SB 360-Wieland
SB 321-Roberts	SB 361-Wieland
SB 322-Roberts	SB 362-Wieland
SB 323-May	SB 363-Mosley
SB 324-Hegeman	SB 364-Mosley
SB 325-Hegeman	SB 365-Wieland
SB 326-Beck	SB 366-Wieland
SB 327-Koenig	SB 367-Hoskins
SB 328-Rowden	SB 368-Arthur
SB 329-Rowden	SB 369-White
SB 330-Burlison	SB 370-Brown
SB 331-Burlison	SB 371-Rizzo
SB 332-Burlison	SB 372-Riddle
SB 333-Burlison	SB 373-Bean
SB 334-Bernskoetter	SB 374-Luetkemeyer
SB 335-Brattin	SB 375-Eigel
SB 336-Brattin	SB 376-Hegeman
SB 337-Riddle	SB 377-Eslinger
SB 338-Luetkemeyer	SB 378-Onder
SB 339-Luetkemeyer	SB 379-O'Laughlin
SB 340-White	SB 380-Moon
SB 341-White	SB 381-Burlison
SB 342-White	SB 382-Burlison
SB 343-Brown	SB 383-Moon
SB 344-Brown	SB 384-Brown

SB 385-Brown	SJR 3-Hoskins
SB 386-Eslinger	SJR 4-Koenig
SB 387-Hough	SJR 5-Eigel
SB 388-Burlison	SJR 6-Eigel
SB 389-Hegeman	SJR 7-Eigel
SB 390-Luetkemeyer	SJR 8-Cierpiot
SB 391-Moon	SJR 9-Cierpiot
SB 392-Moon	SJR 10-Cierpiot
SB 393-Moon	SJR 11-Burlison
SB 394-Moon	SJR 12-Luetkemeyer
SB 395-Brattin	SJR 13-Brattin
SB 396-Brattin	SJR 14-Brattin
SB 397-Rehder	SJR 15-Eslinger
SB 398-Eigel	SJR 16-Eslinger
SB 399-Eigel	SJR 17-Washington
SB 400-Onder	SJR 18-Eigel
SB 401-Onder	SJR 19-Cierpiot
SB 402-Onder	SJR 20-Cierpiot
SB 403-Onder	SJR 21-Schatz
SJR 1-Hegeman	SJR 22-Mosley
SJR 2-Onder	SJR 23-Roberts

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 5-Eigel

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