

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY—FRIDAY, JUNE 25, 2021

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“He made of one every nation of men to dwell on the face of the earth, having determined their appointed seasons, and the bounds of their habitation.” (Acts 17:26)

Gracious Lord, You meet us in history as well as our daily lives and show us Your loving kindness. Make us partakers of Your joy as it moves us along with our appointed task this day. As we spend time together and listen to the words of our colleagues we are grateful for the shared knowledge and wisdom we need to bring to a close what is laid before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Rowden announced that photographers from KRCG-TV, KMBC-TV and KOMU 8 News were given permission to take pictures in the Senate Chamber.

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 | Hough |
| Koenig | Luetkemeyer | May | Moon | Mosley | O’Laughlin | Onder |
| Razer | Rehder | Riddle | Rizzo | Roberts | Rowden | Schatz |
| Schupp | Washington | White | Wieland | Williams—33 | | |

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 7, regarding Gary R. Bangert, Jefferson City, which was adopted.

Senator Brown offered Senate Resolution No. 8, regarding Sergeant Wayne Rapier, which was adopted.

INTRODUCTION OF BILLS

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

SB 6—By Onder.

An Act to repeal sections 190.839, 198.439, 208.152, 208.153, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to MO HealthNet.

SB 7—By Moon.

An Act to repeal sections 44.010, 44.032, and 44.100, RSMo, and to enact in lieu thereof three new sections relating to emergency powers.

SB 8—By Moon.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to contagious diseases, with an emergency clause.

SB 9—By Moon.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to middle school, high school, and college athletics.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 1** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 1**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 1

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care, with an emergency clause.

Senator Hegeman moved that **SS** for **SB 1** be adopted.

Senator Arthur offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1, Pages 1-17, Section 208.152, by striking all of said section from the bill; and

Further amend said bill, pages 18-19, section 208.659, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted and requested a roll call vote be taken. She

was joined in her request by Senators Mosley, Razer, Schupp and Williams.

SA 1 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | |
|--------|------------|-------------|--------|-------|-------|---------|
| Arthur | Beck | May | Mosley | Razer | Rizzo | Roberts |
| Schupp | Washington | Williams—10 | | | | |

NAYS—Senators

| | | | | | | |
|------------|--------------|---------|---------|----------|----------|-------------|
| Bean | Bernskoetter | Brattin | Brown | Burlison | Cierpiot | Crawford |
| Eigel | Eslinger | Gannon | Hegeman | Hough | Koenig | Luetkemeyer |
| Moon | O’Laughlin | Onder | Rehder | Rowden | Schatz | White |
| Wieland—22 | | | | | | |

Absent—Senator Riddle—1

Absent with leave—Senator Hoskins—1

Vacancies—None

Senator Onder offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1, Page 3, Section 208.152, Line 69, by inserting after the word “elsewhere” the following: “, **provided, no funds shall be expended to any abortion facility or any affiliate or associate thereof**”.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 1, Page 1, Line 4, by striking all of said line and inserting in lieu thereof the following: “**facility, as defined in section 188.015, or any affiliate or associate thereof**”; and

Further amend said bill and section, page 17, line 523, by inserting after all of said line the following:

“208.153. 1. Pursuant to and not inconsistent with the provisions of sections 208.151 and 208.152, the MO HealthNet division shall by rule and regulation define the reasonable costs, manner, extent, quantity, quality, charges and fees of MO HealthNet benefits herein provided. The benefits available under these sections shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them, and all persons shall be required to apply for and utilize all benefits available to them and to pursue all causes of action to which they are entitled. Any person entitled to MO HealthNet benefits may obtain it from any provider of services with which an agreement is in effect under this section and which undertakes to provide the services, as authorized by the MO HealthNet division, **provided, said provider shall not include any abortion facility, as defined in section 188.015,**

or any affiliate or associate thereof. At the discretion of the director of the MO HealthNet division and with the approval of the governor, the MO HealthNet division is authorized to provide medical benefits for participants receiving public assistance by expending funds for the payment of federal medical insurance premiums, coinsurance and deductibles pursuant to the provisions of Title XVIII B and XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), as amended.

2. MO HealthNet shall include benefit payments on behalf of qualified Medicare beneficiaries as defined in 42 U.S.C. Section 1396d(p). The family support division shall by rule and regulation establish which qualified Medicare beneficiaries are eligible. The MO HealthNet division shall define the premiums, deductible and coinsurance provided for in 42 U.S.C. Section 1396d(p) to be provided on behalf of the qualified Medicare beneficiaries.

3. MO HealthNet shall include benefit payments for Medicare Part A cost sharing as defined in clause (p)(3)(A)(i) of 42 U.S.C. 1396d on behalf of qualified disabled and working individuals as defined in subsection (s) of Section 42 U.S.C. 1396d as required by subsection (d) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The MO HealthNet division may impose a premium for such benefit payments as authorized by paragraph (d)(3) of Section 6408 of P.L. 101-239.

4. MO HealthNet shall include benefit payments for Medicare Part B cost sharing described in 42 U.S.C. Section 1396(d)(p)(3)(A)(ii) for individuals described in subsection 2 of this section, but for the fact that their income exceeds the income level established by the state under 42 U.S.C. Section 1396(d)(p)(2) but is less than one hundred and ten percent beginning January 1, 1993, and less than one hundred and twenty percent beginning January 1, 1995, of the official poverty line for a family of the size involved.

5. For an individual eligible for MO HealthNet under Title XIX of the Social Security Act, MO HealthNet shall include payment of enrollee premiums in a group health plan and all deductibles, coinsurance and other cost-sharing for items and services otherwise covered under the state Title XIX plan under Section 1906 of the federal Social Security Act and regulations established under the authority of Section 1906, as may be amended. Enrollment in a group health plan must be cost effective, as established by the Secretary of Health and Human Services, before enrollment in the group health plan is required. If all members of a family are not eligible for MO HealthNet and enrollment of the Title XIX eligible members in a group health plan is not possible unless all family members are enrolled, all premiums for noneligible members shall be treated as payment for MO HealthNet of eligible family members. Payment for noneligible family members must be cost effective, taking into account payment of all such premiums. Non-Title XIX eligible family members shall pay all deductible, coinsurance and other cost-sharing obligations. Each individual as a condition of eligibility for MO HealthNet benefits shall apply for enrollment in the group health plan.

6. Any Social Security cost-of-living increase at the beginning of any year shall be disregarded until the federal poverty level for such year is implemented.

7. If a MO HealthNet participant has paid the requested spenddown in cash for any month and subsequently pays an out-of-pocket valid medical expense for such month, such expense shall be allowed as a deduction to future required spenddown for up to three months from the date of such expense.”; and

Further amend the title and enacting clause accordingly.”.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Burlison, Eigel, Moon and Wieland.

Senator Rizzo raised the point of order that **SA 1 to SA 2** is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 1**, with **SS, SA 2, SA 1 to SA 2** and the point of order (pending), on the Informal Calendar.

Senator Bean assumed the Chair.

On motion of Senator Rowden, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SB 1**, with **SS, SA 2, SA 1 to SA 2** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Hegeman, **SS** for **SB 1** was withdrawn, rendering **SA 2, SA 1 to SA 2** and the point of order moot.

Senator Hegeman offered **SS No. 2** for **SB 1**, entitled:

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

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 208.659, 338.550, and 633.401, RSMo, and to enact in lieu thereof eight new sections relating to health care, with an emergency clause.

Senator Hegeman moved that **SS No. 2** for **SB 1** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 1, Page 3, Section 208.152, Lines 70-72, by striking said lines and inserting in lieu thereof the following:

“(b) No funds shall be”; and further amend line 74, by striking “. The state”; and further amend lines 75-77, by striking said lines and inserting in lieu thereof the following: **“;”**.

Senator Onder moved that the above amendment be adopted.

Senator Onder offered **SA 1 to SA 1**:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 1, Page 1, Line 1, by striking “Lines 70-72” and inserting in lieu thereof the following: “Lines 68-77”; and further amend lines 4-7 of said amendment, by striking said lines and inserting in lieu thereof the following:

“(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere, provided, no funds shall be expended to any abortion facility, as defined in section 188.015, or any

affiliate or associate thereof;” and

Further amend said bill, page 18, section 208.153, lines 16-19, by striking said lines; and further amend line 20, by striking “208.152” and inserting in lieu thereof the following: “**provided, said provider shall not include any abortion facility, as defined in section 188.015, or any affiliate or associate thereof**”.”.

Senator Onder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Eigel, Koenig and Moon.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | |
|------|------------|----------|----------|------------|--------|-------------|
| Bean | Brattin | Burlison | Crawford | Eigel | Koenig | Luetkemeyer |
| Moon | O’Laughlin | Onder | Rehder | Wieland—12 | | |

NAYS—Senators

| | | | | | | |
|---------|--------|--------------|--------|------------|----------|-------------|
| Arthur | Beck | Bernskoetter | Brown | Cierpiot | Eslinger | Gannon |
| Hegeman | Hough | May | Mosley | Razer | Riddle | Rizzo |
| Roberts | Rowden | Schatz | Schupp | Washington | White | Williams—21 |

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—None

At the request of Senator Onder, **SA 1** was withdrawn.

At the request of Senator Hegeman, **SS No. 2** for **SB 1** was withdrawn.

Senator Hegeman offered **SS No. 3** for **SB 1**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE BILL NO. 1

An Act to repeal sections 190.839, 198.439, 208.152, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to MO HealthNet.

Senator Hegeman moved that **SS No. 3** for **SB 1** be adopted.

Senator Moon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 1, Page 1, Section A, Line 5, by inserting after all of said line the following:

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

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

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

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

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

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

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

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

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

4. **(1) In addition to the rate reductions under subsections 2 and 3 of this section, beginning with the 2022 calendar year, the top rate of tax under subsection 1 of this section may be reduced by seventeen-hundredths of one percent. Such reduction in the rate of tax shall take effect on January first of a calendar year.**

(2) A reduction in the rate of tax under this subsection shall only occur if one or more institutions is subject to the tax imposed on the endowments of institutions of higher education under section 146.200.

(3) The modification of tax rates under this subsection shall only apply to tax years that begin on

or after a modification takes effect.

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

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

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

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

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

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

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

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

(1) “Endowment”, a permanent fund held by an institution of higher education that:

(a) Consists of property, cash, cash equivalents, stocks, bonds, or any other marketable security;

(b) Is used for purposes indicated by donors to such fund or for other purposes related to the mission of the institution of higher education; and

(c) Attempts to maintain and grow the principal of such fund, while annually disbursing all or part of investment earnings generated by the fund;

(2) “Qualifying institution of higher education”, an institution of higher education that:

(a) Is affiliated with, or provides medical faculty to, any abortion facility, as such term is defined in section 188.015;

(b) Offers specific medical residencies or fellowships that offer training in performing or inducing abortions; or

(c) Supports in any manner any abortion facility where abortions are performed or induced when not necessary to save the life of the mother.

2. For all tax years beginning on or after January 1, 2022, a tax is hereby imposed for every tax year on the endowment of a qualifying institution of higher education at a rate of one and nine-tenths percent of the aggregate fair market value of the assets of such endowment. Any institution that becomes a qualifying institution of higher education on or after January 1, 2022, shall remain subject

to the tax imposed under this section regardless of whether such institution no longer meets the definition of a qualifying institution of higher education as defined under this section.

3. Revenues generated by the tax imposed under this section shall be deposited in the general revenue fund.

4. The department of revenue shall 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 under 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 the effective date of this act shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brattin, Burlison, Eigel and Onder.

Senator Rizzo raised the point of order that **SA 1** is out of order as it exceeds the scope of the Governor’s Extra Session call.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Hegeman moved that **SS No. 3** for **SB 1** be adopted, which motion prevailed.

At the request of Senator Hegeman, **SS No. 3** for **SB 1** was placed on the Informal Calendar.

On motion of Senator Rowden, the Senate recessed until 10:50 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

SENATE BILLS FOR PERFECTION

Senator Hegeman moved that **SS No. 3** for **SB 1** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

On motion of Senator Hegeman, **SS No. 3** for **SB 1** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 3** for **SB 1**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Schatz referred **SS No. 3** for **SB 1** to the Committee on Governmental Accountability

and Fiscal Oversight.

RESOLUTIONS

Senator Rizzo offered Senate Resolution No. 9, regarding Krystal Olson, Independence, which was adopted.

Senator Rizzo offered Senate Resolution No. 10, regarding Amanda Reasons, Kansas City, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

June 25, 2021

Ms. Adriane Crouse
Secretary of the Senate
201 West Capitol Avenue
Jefferson City, MO 65101

Dear Ms. Crouse,

Please remove Senator Rowden from the Committee on Appropriations and replace him with Senator Crawford.

Thank you,



Senator Dave Schatz
President Pro-Tem

INTRODUCTION OF GUESTS

Senator Bernskoetter introduced to the Senate, Fatima Comets 4th grade students, Westphalia.

On behalf of Senator Hegeman and himself, President Kehoe introduced to the Senate, Jason Bagley, Maryville.

On motion of Senator Rowden, the Senate adjourned until 12:05 a.m., Saturday, June 26, 2021.

SENATE CALENDAR

FOURTH DAY – SATURDAY, JUNE 26, 2021

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 6-Onder

SB 7-Moon

SB 8-Moon

SB 9-Moon

THIRD READING OF SENATE BILLS

SS#3 for SB 1-Hegeman (In Fiscal Oversight)

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