

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

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**WEDNESDAY, SEPTEMBER 15, 2021**

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

Reverend Carl Gauck offered the following prayer:

“Remember my affliction and bitterness, the wormwood and the gall! My soul continually thinks of it and is bowed down within me. But this I call to mind, and therefore I have hope. The steadfast love of the Lord never ceases, his mercies never come to an end;...” (Lamentations 3:19-22)

Gracious God: As we gather to serve the people of Missouri we are mindful of the anniversary of 9/11 that just passed and those who brought death, pain and grief to our people. We remember that amidst the charred ruins and bitterness we experienced, we turned to You and You comforted us and gave us hope. In this hope may we find both individually and as a nation, ways to put an end to the violence in our time and seek a unity as one people. We pray, help us Lord, enjoy peace and harmony among us all. And Lord may it begin with us. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Photographers from KOMU 8 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	Hoskins
Hough	Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin
Onder	Razer	Riddle	Rizzo	Rowden	Schatz	Schupp
Washington	White	Wieland	Williams—32			

Absent—Senator Roberts—1

Absent with leave—Senator Rehder—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

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

## SENATE RESOLUTION NO. 1

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

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

## SENATE RESOLUTION NO. 2

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

**COMMUNICATIONS FROM THE GOVERNOR**

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

GOVERNOR  
STATE OF MISSOURI  
July 9, 2021

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
101st GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill 226, entitled:

## AN ACT

To repeal sections 137.115, 143.121, 144.011, and 144.080, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with an existing penalty provision and an emergency clause for a certain section.

I disapprove of Conference Committee Substitute for House Committee Substitute for Senate Bill 226. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing taxation, I cannot approve this bill as presented to me.

I understand section 139.305 was designed to narrowly target small, local businesses harmed by overly intrusive local health measures. However, the language of the bill is severely problematic. Section 139.305 creates broad property tax credits for residents of cities or counties whose real property was affected by “restrictive orders” as defined in the bill. The definition of “restrictive orders” includes “any city-wide or county-wide ordinance or order imposed by a city or county that prohibits or otherwise restricts the use of a taxpayer’s real property, including, but not limited to, occupancy restrictions,” but not “any ordinance or order prohibiting or restricting the use of a taxpayer’s real property due to a violation of a public health or safety code.” This section’s broad construction would result in several problems. First, this provision would prevent Missouri residents who live outside of a city or county with a qualifying restrictive order from receiving the property tax credit for business property owned within that jurisdiction. Second, as a result of “restrictive orders” being defined so broadly, nearly anyone living in a city or county could claim a property tax credit under the language of the bill. This is a significant departure from the current tax structure in Missouri, and could severely undermine the ability of cities and counties to provide local services. Additionally, this could result in a city or county violating Article VI, Section 26(f) of the Missouri Constitution if they are unable to make annual debt service payments. Third, this section provides conflicting guidance on tax collection and remittance, which could result in taxpayer frustration and inconsistent application. The intent of the section appears to require a taxpayer to pay their tax bill and then receive a property tax credit; however, the language could allow taxpayers to receive the property tax refund before the property tax is actually paid. I support tax relief for businesses that could not operate during the pandemic due to excessive restrictions. I also value Missouri’s local industries and sympathize with the hardships they have endured over the past 16 months. However, this legislation carries significant unintended consequences that could greatly harm localities beyond its attempted protection of individuals and businesses impacted by COVID-19.

Section 144.142 only benefits a single industry, while many industries were also affected by the recent pandemic. Entertainment venues were

undoubtedly directly impacted by COVID-19, and their presence is vital to our state. However, they were not the only industry that suffered detrimental impacts. There are numerous other affected industries that were not provided this special tax treatment opportunity by the General Assembly. Additionally, the U.S. Small Business Administration recently created a unique grant assistance program specifically designed to provide assistance to entertainment venues, providing over \$16 billion in assistance to these venues for this purpose.

Moreover, and most troubling, Section 144.142 would subvert sales and use taxes from remittance to the state and instead empower private businesses to keep those taxes. This would result in individuals paying sales and use tax under the guise that their funds were being used to fund public services, but instead were maintained by the businesses that collected it as additional profit. Section 144.142 does not broadly serve Missouri's interests.

Regrettably, section 144.813, providing a sales tax exemption for certain cancer treatment devices, would have provided tax relief for Missourians fighting rare cancers. I am supportive of this tax deduction, which is consistent with other related medical devices and provides appropriate state tax relief. It is my hope that the General Assembly will pass this provision again in the next legislative session.

Two of the other provisions of this bill, which I also support, relate to aircraft property taxation and sales tax remittance filing periods. Such provisions have been signed into law in Senate Bills 153 & 97, relating to taxation.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill 226 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

Senator Rowden moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

**CCS for HCS for SB 226** was called thereafter and no motion was taken thereon.

### **RESOLUTIONS**

Senator Eigel offered Senate Resolution No. 3, regarding Dr. Suzanna "Suzy" Zerr, St. Peters, which was adopted.

Senator Eslinger offered Senate Resolution No. 4, regarding Gerald "Jerry" L. Snyder, Bucyrus, which was adopted.

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

#### SENATE RESOLUTION NO. 5

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of Conference Committee Substitute for House Committee Substitute for Senate Bill 226 when the bill was called by the president.

Senator Bernskoetter offered Senate Resolution No. 6, regarding CeCe Cheek, Lohman, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 7, regarding Dana Honse, Belle, which was adopted.

On motion of Senator Rowden, the Senate recessed until 1:45 p.m.

### **RECESS**

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

### **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 1**.

## HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the One Hundred First General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2021 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

## HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Article III, Section 32 of the Constitution, adopted no motions to override the Governor's vetoes on **CCS for SS for SCS for HCS for HB 2, CCS for SS for SCS for HCS for HB 3, CCS for SCS for HCS for HB 5, CCS for SCS for HCS for HB 6, CCS for SCS for HCS for HB 7, CCS for SCS for HCS for HB 8, CCS for SCS for HCS for HB 9, CCS for SS for SCS for HCS for HB 10, SCS for HCS for HB 362, SS No. 2 for HB 661, and SCS for HCS for HB 685**, when the bills were called by the Speaker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 11.305 of **CCS for SS for SCS for HCS for HB 11**, for the Children's Division field staff and operations, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11.

AYES: 151

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 70	Buchheit-Courtway	Burger	Burnett	Burton	Busick	Butz
Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97	Collins	Cook
Copeland	Cupps	Davidson	Deaton	DeGroot	Derges	Dinkins
Dogan	Doll	Eggleston	Ellebracht	Evans	Falkner	Fishel
Fitzwater	Fogle	Francis	Gray	Gregory 51	Gregory 96	Griesheimer
Griffith	Gunby	Haden	Haffner	Haley	Hannegan	Hardwick
Henderson	Hicks	Houx	Hovis	Hudson	Hurlbert	Ingle
Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd	Knight	Lewis 25
Lewis 6	Lovasco	Mackey	Mayhew	McCreery	McGaugh	McGirl
Merideth	Morse	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Sauls	Schnelting	Schwadron

Seitz	Sharp 36	Sharpe 4	Shaul	Shields	Simmons	Smith 155
Smith 163	Smith 45	Smith 67	Stevens 46	Taylor 139	Taylor 48	Terry
Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack
Veit	Wallingford	Walsh 50	Walsh Moore 93	Weber	West	Wiemann
Windham	Wright	Young	Mr. Speaker			

NOES: 3

Davis	Reedy	Stephens 128
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ABSENT: 8

Brown 27	Grier	Hill	McDaniel	Mosley	Schroer	Stacy
Tate						

VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 12.265 of CCS for SCS for HCS for **HB 12**, for a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12.

AYES: 150

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Bailey
Baker	Bangert	Baringer	Barnes	Basye	Billington	Black 137
Black 7	Boggs	Bosley	Bromley	Brown 16	Brown 27	Brown 70
Buchheit-Courtway	Burger	Burnett	Burton	Busick	Butz	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Collins	Cook	Copeland
Cupps	Davidson	Deaton	DeGroot	Derges	Dinkins	Dogan
Doll	Eggleston	Ellebracht	Evans	Falkner	Fishel	Fitzwater
Fogle	Francis	Gray	Gregory 51	Gregory 96	Griesheimer	Griffith
Gunby	Haden	Haffner	Haley	Hannegan	Hardwick	Henderson
Hicks	Houx	Hovis	Hudson	Hurlbert	Ingle	Johnson
Kalberloh	Kelley 127	Kelly 141	Kidd	Knight	Lewis 25	Lewis 6
Lovasco	Mackey	Mayhew	McCreery	McGaugh	McGill	Merideth
Morse	Mosley	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Pollitt 52
Pollock 123	Porter	Pouche	Price	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Schnelting	Schwadron	Seitz
Sharp 36	Sharpe 4	Shaul	Shields	Simmons	Smith 155	Smith 163
Smith 45	Smith 67	Stevens 46	Taylor 139	Taylor 48	Terry	Thomas
Thompson	Toalson Reisch	Trent	Turnbaugh	Unsicker	Van Schoiack	Veit

Wallingford Wright	Walsh 50 Young	Walsh Moore 93 Mr. Speaker	Weber	West	Wiemann	Windham
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## NOES: 3

Davis	Reedy	Stephens 128
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## ABSENT: 9

Aune Stacy	Bland Manlove Tate	Grier	Hill	McDaniel	Sauls	Schroer
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## VACANCIES: 1

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 19.390 of **SS** for **SCS** for **HCS** for **HB 19**, for a Community Improvement District located within one mile of Interstate 70, located in a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19.

## AYES: 112

Aldridge	Anderson	Andrews	Atchison	Bailey	Baringer	Barnes
Basye	Black 137	Boggs	Bosley	Brown 16	Brown 27	Buchheit-Courtway
Burger	Burton	Busick	Butz	Chipman	Clemens	Coleman 32
Collins	Cook	Cupps	Davidson	Deaton	Derges	Dogan
Ellebracht	Evans	Falkner	Fishel	Fitzwater	Fogle	Gray
Gregory 51	Griffith	Haden	Haffner	Haley	Hannegan	Hardwick
Hicks	Hovis	Hurlbert	Ingle	Johnson	Kalberloh	Kelley 127
Kelly 141	Kidd	Lewis 6	Mackey	Mayhew	McGaugh	Merideth
Morse	Mosley	Murphy	Nurrenbern	O'Donnell	Owen	Patterson
Perkins	Person	Phifer	Pietzman	Pike	Plocher	Porter
Pouche	Price	Proudie	Quade	Railsback	Richey	Riggs
Riley	Roberts	Roden	Rogers	Rone	Rowland	Sander
Sassmann	Schnelting	Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul
Shields	Smith 155	Smith 163	Smith 45	Smith 67	Stevens 46	Taylor 48
Terry	Thomas	Thompson	Toalson Reisch	Turnbaugh	Unsicker	Van Schoiack
Veit	Wallingford	Walsh 50	Weber	West	Young	Mr. Speaker

## NOES: 38

Adams	Appelbaum	Aune	Baker	Bangert	Billington	Black 7
Bromley	Burnett	Christofanelli	Coleman 97	Copeland	Davis	DeGroot
Dinkins	Doll	Eggleston	Francis	Gregory 96	Griesheimer	Gunby
Henderson	Hudson	Knight	Lewis 25	Lovasco	McCreery	McGirl
Pollitt 52	Pollock 123	Reedy	Ruth	Simmons	Stephens 128	Taylor 139

Trent Walsh Moore 93 Wiemann

PRESENT: 2

Brown 70 Windham

ABSENT: 10

Bland Manlove Grier Hill Houx McDaniel Sauls Schroer  
 Stacy Tate Wright

VACANCIES: 1

The Senate observed a moment of silence in honor of Lance Corporal Jared Schmitz.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue’s interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also, the attached is the certified copy of the Roll Call pertaining to the above named section of the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4.

AYES: 152

Adams	Aldridge	Anderson	Andrews	Appelbaum	Atchison	Aune
Bailey	Baker	Bangert	Baringer	Barnes	Basye	Billington
Black 137	Black 7	Bland Manlove	Boggs	Bosley	Bromley	Brown 16
Brown 27	Brown 70	Buchheit-Courtway	Burger	Burnett	Burton	Busick
Butz	Chipman	Christofanelli	Clemens	Coleman 32	Coleman 97	Collins
Cook	Copeland	Cupps	Davidson	Davis	Deaton	DeGroot
Derges	Dinkins	Dogan	Doll	Eggleston	Ellebracht	Evans
Falkner	Fishel	Fitzwater	Fogle	Francis	Gray	Gregory 51
Gregory 96	Griesheimer	Griffith	Gunby	Haden	Haffner	Haley
Hannegan	Hardwick	Henderson	Hicks	Houx	Hovis	Hudson
Hurlbert	Ingle	Johnson	Kalberloh	Kelley 127	Kelly 141	Kidd
Knight	Lewis 25	Lewis 6	Lovasco	Mackey	Mayhew	McCreery
McGaugh	McGill	Morse	Mosley	Murphy	Nurrenbern	O’Donnell
Owen	Patterson	Perkins	Phifer	Pietzman	Pike	Plocher
Pollitt 52	Pollock 123	Porter	Pouche	Proudie	Quade	Railsback
Richey	Riggs	Riley	Roberts	Roden	Rogers	Rone
Rowland	Ruth	Sander	Sassmann	Sauls	Schnelting	Schroer
Schwadron	Seitz	Sharp 36	Sharpe 4	Shaul	Shields	Simmons
Smith 155	Smith 163	Smith 45	Smith 67	Stevens 46	Tate	Taylor 139
Taylor 48	Terry	Thomas	Thompson	Toalson Reisch	Trent	Turnbaugh

Unsicker	Van Schoiack	Veit	Wallingford	Walsh 50	Walsh Moore 93	Weber
West	Wiemann	Wright	Young	Mr. Speaker		

## NOES: 2

Reedy	Stephens 128
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## PRESENT: 2

Merideth	Windham
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## ABSENT: 6

Grier	Hill	McDaniel	Person	Price	Stacy
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## VACANCIES: 1

Senator Moon moved that Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, be passed, the objections of the Governor thereto notwithstanding.

President Kehoe stated that Senator Moon was not recognized to make the above motion.

Senator Eigel raised the point of order that President Kehoe erred in not recognizing Senator Moon for the veto override motion.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Moon rose to appeal the ruling made by the President Pro Tem on Senator Eigel's point of order.

Senator Rowden requested a roll call vote be taken and was joined in his request by Senators Hoskins, Hough, Schatz and White.

At the request of Senator Moon, the appeal was withdrawn.

Senator Hegeman moved that Section 4.056 of **CCS** for **SS** for **SCS** for **HCS** for **HB 4**, for refunds of overpayment of sales and use tax for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance, be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

## YEAS—Senators

Arthur	Beck	Brattin	Burlison	Eigel	Hoskins	Koenig
Moon	Mosley	Onder	Razer	Rizzo	Williams—13	

## NAYS—Senators

Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger	Gannon
Hegeman	Hough	Luetkemeyer	O'Laughlin	Riddle	Rowden	Schatz
White—15						

## Absent—Senators

May	Roberts	Schupp	Washington	Wieland—5
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Absent with leave—Senator Rehder—1

Vacancies—None

**CCS for SS for SCS for HCS for HB 11** was called thereafter and no motion was taken thereon.

Senator Hegeman moved that Section 12.265 of **CCS for SCS for HCS for HB 12**, for a program that focuses on crimes against children, located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Arthur	Beck	Brattin	Burlison	Eigel	Hoskins	Koenig
Luetkemeyer	Moon	Mosley	Onder	Razer	Rizzo	Rowden
Washington	Williams—16					

NAYS—Senators

Bean	Bernskoetter	Brown	Cierpiot	Crawford	Eslinger	Gannon
Hegeman	Hough	O’Laughlin	Riddle	Schatz	White—13	

Absent—Senators

May	Roberts	Schupp	Wieland—4
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Absent with leave—Senator Rehder—1

Vacancies—None

**SS for SCS for HCS for HB 19** was called thereafter and no motion was taken thereon.

On motion of Senator Rowden, the Senate of the Veto Session of the First Regular Session of the 101st General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of Senate

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