

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY—MONDAY, APRIL 4, 2022

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“The heavens declare the glory of God, and the sky proclaims its maker’s handiwork.” (Psalm 19:1)

We are grateful Lord for the gift of rain and sunshine and all that comes from Your gracious hand. We are mindful of Your care for us as we drove here and saw the earth ready to burst forth with spring’s blessed sight in flowers that remind us of the beauty that You have created and our need to be good stewards of the earth and care for the resources You provide us. We are thankful to You for the work You call for each of us to do, being mindful of Your spirit’s prompting so we might be of assistance to those we serve. 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, March 31, 2022, was read and approved.

Senator Rowden announced photographers from Nexstar Media Group 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	Eslinger	Gannon	Hegeman	Hoskins	Hough
Koenig	Luetkemeyer	May	Moon	Mosley	O’Laughlin	Onder
Razer	Rizzo	Roberts	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Eigel Riddle—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Burlison offered Senate Resolution No. 707, regarding John F. Armitage, Chestnutridge, which was adopted.

Senator Burlison offered Senate Resolution No. 708, regarding Juliana Jones, Springfield, which was adopted.

Senator Gannon offered Senate Resolution No. 709, regarding the state champion South Iron varsity boys basketball team, Annapolis, which was adopted.

Senator Onder offered Senate Resolution No. 710, regarding Sydney Nicole Gagliano, Wentzville, which was adopted.

Senator Crawford offered Senate Resolution No. 711, regarding Quincey Glendenning, which was adopted.

Senator Crawford offered Senate Resolution No. 712, regarding the state champion Lebanon High School Lady Yellowjackets girls wrestling team, which was adopted.

Senator Crawford offered Senate Resolution No. 713, regarding Mariyah Brumley, which was adopted.

Senator Hoskins offered Senate Resolution No. 714, regarding the Missouri Veterans Commission's Missouri Veterans Home, Warrensburg, which was adopted.

Senator Roberts offered Senate Resolution No. 715, regarding the death of John "Jack" Patrick Burke, which was adopted.

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 refuses to adopt **SS No. 2** for **HCS** for **HB 2117**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

REPORTS OF STANDING COMMITTEES

Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS No. 2** for **SB 823** and **HCS** for **HB 1720**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Thompson Rehder moved that **SB 690** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Thompson Rehder offered **SS** for **SB 690**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 690

An Act to repeal sections 195.206, 579.040, and 579.076, RSMo, and to enact in lieu thereof three new

sections relating to opioid addiction treatment, with existing penalty provisions.

Senator Thompson Rehder moved that **SS** for **SB 690** be adopted, which motion prevailed.

On motion of Senator Thompson Rehder, **SS** for **SB 690** was declared perfected and ordered printed.

Senator Hough moved that **SB 758**, with **SCS**, **SS No. 2** for **SCS**, **SA 1** and **SA 1** to **SA 1**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Hough, **SS No. 2** for **SCS** for **SB 758** was withdrawn, rendering **SA 1** and **SA 1** to **SA 1** moot.

Senator Hough offered **SS No. 3** for **SCS** for **SB 758**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758

An Act to repeal sections 8.250, 8.260, 8.420, 34.055, 34.057, 34.058, 34.100, 34.203, 34.206, 34.209, 34.212, 34.217, and 34.218, RSMo, and to enact in lieu thereof fifteen new sections relating to procedures for certain public projects for facilities.

Senator Hough moved that **SS No. 3** for **SCS** for **SB 758** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 758, Page 20, Section 67.5065, Line 3, by inserting after all of said line the following:

“Section 1. No public entity shall enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction if the company enforces a mandate that employees take a COVID-19 vaccination.”; and

Further amend the title and enacting clause accordingly.

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. 3 for Senate Committee Substitute for Senate Bill No. 758, Page 1, Lines 3-7, by striking all of said lines and inserting in lieu thereof the following:

“Section 1. 1. A public entity shall not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company does not have and will not enforce a mandate that employees take a COVID-19 vaccination.

2. For purposes of this section, the following terms mean:

(1) “Company”, any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations;

(2) “Public entity”, the state of Missouri or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state created by or in accordance with state law or regulations.

3. Any contract that fails to comply with the provisions of this section shall be void against public policy.

4. Any employee of a company shall have a cause of action against such company if:

(1) The employee is required, as a condition of commencing or continuing employment, to receive a vaccination against COVID-19; or

(2) The employer discharges, disciplines, retaliates against, fails to promote, or otherwise discriminates against an employee or prospective employee who opposes an company’s requirement to receive any vaccine.

5. The court shall award damages to any employee adversely affected by the provisions of subdivisions (1) or (2) of subsection 4 of this section, including but not limited to, economic, noneconomic, and punitive damages, as well as back pay or reinstatement, with three times the back pay plus fringe benefits or prospective wages and benefits. If the employee is the prevailing party, a court may also require reasonable attorney’s fees and court costs of the employee be paid by the company.”; and”.

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, Hoskins, Koenig and Moon.

Senator Crawford assumed the Chair.

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

YEAS—Senators

Brattin	Burlison	Hoskins	Koenig	Moon	O’Laughlin	Onder
Wieland—8						

NAYS—Senators

Arthur	Bean	Beck	Brown	Cierpiot	Crawford	Eslinger
Gannon	Hegeman	Hough	May	Mosley	Razer	Rizzo
Roberts	Rowden	Schatz	Schupp	Thompson Rehder	Washington	White
Williams—22						

Absent—Senators

Bernskoetter	Luetkemeyer—2
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Absent with leave—Senators

Eigel	Riddle—2
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Vacancies—None

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

Senator Rowden assumed the Chair.

Senator Moon offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for Senate Bill No. 758, Page 20, Section 34.100, Line 22, by inserting after all of said line the following:

“34.710. 1. A public body, when engaged in procuring or letting contracts for any purpose, shall ensure that bidders, offerors, contractors, or subcontractors are not discriminating based on an environmental, social, and governance score.

2. This section applies only to a contract that:

(1) Is between a public body and a company with ten or more full-time employees; and

(2) Has a value of fifty-thousand dollars or more that is to be paid wholly or partially from public funds of the public body.

3. For purposes of this section, the following terms mean:

(1) “Company”, a for-profit entity, other than a sole proprietorship, but including an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including any wholly-owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit;

(2) “Environmental, social and governance score”, an evaluation conducted by an entity that takes into consideration one or more of the following:

(a) The use of energy and raw materials by the bidder, offeror, contractor, or subcontractor;

(b) Whether the bidder, offeror, contractor, or subcontractor spends funds on social welfare or makes charitable donations;

(c) The wages and working hours of the employees of the bidder, offeror, contractor, or subcontractor;

(d) The environmental policies of the bidder, offeror, contractor, or subcontractor;

(3) “Public body”, the state, any agency of the state, any political subdivision of the state, or any instrumentality thereof.

4. The commissioner of administration or his or her designee may promulgate regulations to implement the provisions of this section so long as they are consistent with this section and do not create any exceptions. 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, 2022, 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, Hoskins, Koenig and Onder.

Senator Bean assumed the Chair.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Brattin	Burlison	Hegeman	Hoskins	Koenig	Moon	O’Laughlin
Onder—8						

NAYS—Senators

Arthur	Bean	Beck	Brown	Crawford	Eslinger	Gannon
Hough	May	Mosley	Razer	Rizzo	Roberts	Rowden
Schatz	Schupp	Thompson Rehder	Washington	White	Williams—20	

Absent—Senators

Bernskoetter	Cierpiot	Luetkemeyer	Wieland—4
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Absent with leave—Senators

Eigel	Riddle—2
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Vacancies—None

Senator Hough moved that **SS No. 3** for **SCS** for **SB 758** be adopted, which motion prevailed.

On motion of Senator Hough, **SS No. 3** for **SCS** for **SB 758** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Antonio “Tony” Maldonado, Independent, 15 Alpha Drive, Florissant, Saint Louis County, Missouri 63031, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2025, and until his successor is duly appointed and qualified; vice, Anna E. Crosslin, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian Bender, 310 East Marion Street, Atlanta, Macon County, Missouri 63530, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2022, and until his successor is duly appointed and qualified; vice, Rodger Owens, deceased.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rodney J. Campbell, Republican, 737 Wickerleigh Terrace, Fenton, Saint Louis County, Missouri 63026, as a member of the Labor and Industrial Relations Commission, for a term ending June 27, 2024, and until his successor is duly appointed and qualified; vice, Robert W. Cornejo, resigned.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janet Rodriguez Judd, 325 Hollow Ridge Court, Ballwin, Saint Louis County, Missouri 63011, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2022, and until her successor is duly appointed and qualified; vice, Sharon Keating, deceased.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nicholas S. Gerth, Republican, 911 Castle Pines Drive, Ballwin, Saint Louis County, Missouri 63021, as a member of the State Lottery Commission, for a term ending September 7, 2024, and until his successor is duly appointed and qualified; vice, John Michael Hannegan, term expired.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
April 4, 2022

To the Senate of the 101st General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dennis R. Knipmeyer, 17905 Long Grove Road, Higginsville, Lafayette County, Missouri 64037, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2024, and until his successor is duly appointed and qualified; vice, Bruce E. Manning, deceased.

Respectfully submitted,
Michael L. Parson
Governor

President Pro Tem Schatz referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Schatz referred **SS** for **SCS** for **SB 783** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Schatz referred **SR 705** and **SR 706** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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** for **SB 690**, 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.

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 **HB 2127**, entitled:

An Act to repeal sections 569.010, 569.100, 570.010, and 570.030, RSMo, and to enact in lieu thereof five new sections relating to offenses involving teller machines, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2387**, entitled:

An Act to amend chapter 275, RSMo, by adding thereto one new section relating to soybean assessments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 2000**, entitled:

An Act to repeal section 161.700, RSMo, and to enact in lieu thereof one new section relating to Holocaust education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 2485**, entitled:

An Act to repeal sections 260.200 and 260.205, RSMo, and to enact in lieu thereof four new sections relating to promoting advanced recycling.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 2627**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to public holidays.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1662**, entitled:

An Act to repeal section 442.403, RSMo, and to enact in lieu thereof one new section relating to restrictive covenants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 2462**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto eleven new sections relating to state designations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2400**, entitled:

An Act to repeal section 285.730, RSMo, and to enact in lieu thereof one new section relating to professional employer organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2416**, entitled:

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 2151**, entitled:

An Act to repeal sections 208.044, 208.046, 208.053, 210.027, 210.102, 210.199, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.254, 210.255, 210.256, 210.258, 210.275, 210.1007, and 210.1080, RSMo, and to enact in lieu thereof twenty new sections relating to services provided to children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bean offered Senate Resolution No. 716, regarding Patricia Jo (Patty) Boyers, Poplar Bluff, which was adopted.

Senator Brown offered Senate Resolution No. 717, regarding Dr. Randy Caffey, Lebanon, which was adopted.

INTRODUCTION OF GUESTS

Senator Moon introduced to the Senate, Jobs for America's Graduates, specialist, Sara Reynolds; Matthew Mora; Moriah Brown; Hannah Padilla; Ashlyn Brown; and Ivy Patrick, McDonald County; students, Jade Weaver; Nora Gibson; Nathaniel Schmitt; Yajaris Guazman; James Schutte; Adam Bland; and Holly Harmon.

Senator Luetkemeyer introduced to the Senate, the Northland Chamber Leadership class.

Senator Bernskoetter introduced to the Senate, Dr. Ellen Nichols.

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

SENATE CALENDAR

FORTY-THIRD DAY—TUESDAY, APRIL 5, 2022

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2127	HCS for HB 1662
HB 2387-Gregory (51)	HCS for HB 2462
HCS for HB 2000	HB 2400-Houx
HCS for HB 2485	HB 2416-Porter
HCS for HB 2627	HCS for HB 2151

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 649-Eigel (In Fiscal Oversight)	SS for SCS for SB 725-Hegeman
SS#2 for SB 823-White	SS for SB 690-Thompson Rehder
SS for SCS for SB 783-Eslinger (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

1. SB 931-Koenig, with SCS	13. SB 654-Crawford, with SCS
2. SJR 46-Cierpiot	14. SB 812-Eigel
3. SB 756-White, with SCS	15. SB 742-Crawford
4. SB 968-Burlison, with SCS	16. SB 918-Burlison, with SCS
5. SBs 777 & 808-Brattin, with SCS	17. SB 984-Hegeman
6. SB 683-O’Laughlin, with SCS	18. SB 671-White, with SCS
7. SB 997-Bernskoetter	19. SB 741-Crawford, with SCS
8. SB 650-Eigel	20. SB 674-Hough, with SCS
9. SB 723-Hegeman	21. SB 987-Bean
10. SB 1153-Eslinger, with SCS	22. SB 713-Razer, with SCS
11. SB 864-Hoskins, with SCS	23. SB 781-Moon, with SCS
12. SB 867-Koenig, with SCS	

HOUSE BILLS ON THIRD READING

HB 2162-Deaton (Hegeman)
HCS for HB 1720, with SCS (Bean)

HCS for HB 1552, with SCS (Koenig)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 631-Hegeman, with SCS
SB 648-Rowden
SB 657-Cierpiot, with SS (pending)
SB 663-Bernskoetter, with SCS
SB 664-Bernskoetter
SB 665-Bernskoetter, with SS (pending)
SB 667-Burlison, with SS (pending)
SBs 698 & 639-Gannon, et al, with SCS,
SA 1 & SA 1 to SA 1 (pending)
SBs 702, 636, 651, & 693-Eslinger, with SCS
SB 726-Onder, with SS & SA 6 (pending)
SB 732-Hoskins, with SCS

SB 761-Brown, with SS & SA 2 (pending)
SB 762-Brown, with SS & SA 4 (pending)
SB 798-Mosley, with SA 1 & SA 1 to
SA 1 (pending)
SB 850-Bean, with SCS & SS for
SCS (pending)
SB 869-Koenig, with SS (pending)
SB 938-White, with SCS & SS for
SCS (pending)
SJR 39-Luetkemeyer
SJR 41-Roberts and Mosley

CONSENT CALENDAR

Senate Bills

Reported 2/24

SB 845-Eslinger

Reported 3/10

SB 718-Washington and Mosley
SB 908-Koenig, with SCS

SB 982-Arthur, with SCS
SB 886-Luetkemeyer, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HB 2117, with SS#2, as amended (Bernskoetter)
(House requests Senate recede or grant conference)

RESOLUTIONS

SR 435-Schatz	SR 468-Hoskins
SR 448-Eigel	SR 469-Hoskins
SR 453-Eigel	SR 472-White
SR 466-Eigel	SR 496-Hoskins
SR 467-Eigel	HCR 52-Plocher (Rowden)

Reported from Committee

SCR 24-Roberts	SCR 33-Bean
SCR 27-May	SCR 34-White
SCR 28-White	SCR 36-Bernskoetter
SCR 29-Hegeman	SR 593-Wieland
SCR 31-Bean	SR 594-Bernskoetter and Schupp

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