

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY—MONDAY, MARCH 7, 2022

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Carl Gauck offered the following prayer:

“I said, “I will guard my ways that I may not sin with my tongue.” (Psalm 39:1a)

Lord God, give to us Your compassion today so that when the people around us seem to test our patience, we may keep our tongue and see them through Your eyes and remember how You love us equally, completely and unconditionally so that we may express compassion to others with whom we will interact this day. And may we daily feel Your presence in our interaction with one another. 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.

Senator Rowden moved that further reading of the Journal for the Twenty-Eighth Day, Wednesday, March 2, 2022, be dispensed with and the same be approved as having been fully read.

The Journals for Wednesday, March 2, 2022, and Thursday, March 3, 2022, were 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
Razer	Riddle	Rizzo	Rowden	Schatz	Schupp	Thompson Rehder
Washington	White	Wieland	Williams—32			

Absent—Senators—None

Absent with leave—Senators

Hough Roberts—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 597, regarding the Blair Oaks High School Lady Falcons softball team, Wardsville, which was adopted.

Senator Mosley offered Senate Resolution No. 598, regarding the death of Viola Mae Whitmore, St. Louis, which was adopted.

Senator May offered Senate Resolution No. 599, regarding the death of Maurine Williams, which was adopted.

Senator Wieland offered Senate Resolution No. 600, regarding Eagle Scout Andrew Yochim, House Springs, which was adopted.

Senator White offered Senate Resolution No. 601, regarding Carthage Senior Center, which was adopted.

Senator White offered Senate Resolution No. 602, regarding Joplin Senior Center, which was adopted.

Senator White offered Senate Resolution No. 603, regarding Carl Junction Senior Center, which was adopted.

Senator White offered Senate Resolution No. 604, regarding Neosho Senior Center, which was adopted.

Senator White offered Senate Resolution No. 605, regarding Webb City Senior Center, which was adopted.

Senator Eigel offered Senate Resolution No. 606, regarding the Eighty-fifth Birthday of Darrell G. Janis, St. Charles, which was adopted.

Senator Brown offered Senate Resolution No. 607, regarding Lieutenant Steve P. Davis, Rolla, which was adopted.

Senator Brattin offered Senate Resolution No. 608, regarding Barton County Senior Center, Lamar, 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 has taken up and passed **HCS** for **HB 1986**, entitled:

An Act to repeal section 84.730, RSMo, and to enact in lieu thereof one new section relating to the Kansas City board of police commissioners, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Loran R. Coleman, 9515 Olmstead Road, Kansas City, Jackson County, Missouri 64134, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2026, and until her successor is duly appointed and qualified; vice, Loran R. Coleman, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Teresa E. Coyan, 6022 East Farm Road 170, Rogersville, Greene County, Missouri 65742, as a member of the Mental Health Commission, for a term ending June 28, 2025, and until her successor is duly appointed and qualified; vice, Teresa E. Coyan, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Connie Diekman, Republican, 344 Elm Valley Drive, Webster Groves, Saint Louis County, Missouri 63119, as a member of the State Committee of Dietitians, for a term ending June 11, 2025, and until her successor is duly appointed and qualified; vice, Connie Diekman, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Sherry Lynn Farrell, 1655 Farrell Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2026, and until her successor is duly appointed and qualified; vice, Sherry Lynn Farrell,

reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Astra Ferris, 407 East Central Road, Lamar, Barton County, Missouri 64759, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2026, and until her successor is duly appointed and qualified; vice, Astra Ferris, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Dr. Donna Gloe, 335 Big Timber Road, Marshfield, Webster County, Missouri 65706, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2025, and until her successor is duly appointed and qualified; vice, Dr. Donna Gloe, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Randy Little, Republican, 14201 West State Highway TT, Republic, Greene County, Missouri 65738, as a member of the State Fair Commission, for a term ending December 29, 2025, and until his successor is duly appointed and qualified; vice, Randy Little, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Kelly L. McClelland, 1720 Homestead Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri Veterans'

Commission, for a term ending November 2, 2025, and until his successor is duly appointed and qualified; vice, Kelly L. McClelland, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Lynne Unnerstall, 701 West Main Street, Washington, Franklin County, Missouri 63090, as a member of the Mental Health Commission, for a term ending June 28, 2025, and until her successor is duly appointed and qualified; vice, Lynne Unnerstall, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Roger S. Walleck, Independent, 4797 Hazeltine Court, Columbia, Boone County, Missouri 65203, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2025, and until his successor is duly appointed and qualified; vice, Roger S. Walleck, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

Also,

GOVERNOR
STATE OF MISSOURI
March 7, 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:

Darla Wierzbicki, Republican, 113 Delores Street, Excelsior Springs, Clay County, Missouri 64024, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2025, and until her successor is duly appointed and qualified; vice, Darla Wierzbicki, reappointed.

Respectfully submitted,
Michael L. Parson
Governor

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SCR 28, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 29**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 649** and **SS** for **SCS** for **SBs 681** and **662**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Hoskins, **SB 732**, with **SCS**, was placed on the Informal Calendar.

Senator Cierpiot moved that **SB 745**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 745**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 745

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to accounting practices of public utilities.

Was taken up.

Senator Cierpiot moved that **SCS** for **SB 745** be adopted.

Senator Cierpiot offered **SS** for **SCS** for **SB 745**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 745

An Act to repeal sections 137.010, 137.122, 386.890, and 393.1700, RSMo, and to enact in lieu thereof six new sections relating to utilities.

Senator Cierpiot moved that **SS** for **SCS** for **SB 745** be adopted.

Pursuant to Rule 91, Senator Hegeman requested unanimous consent of the Senate to be excused from voting on all votes taken in the perfection of **SB 745**, with **SCS**, which request was granted.

Senator Bean assumed the Chair.

Senator Rowden offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 745, Page 53, Section 393.1700, Line 1133, by inserting after all of said line the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term “personal information” means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given

again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; [and]

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498; **and**

(25) Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.”; and

Further amend the title and enacting clause accordingly.

Senator Rowden moved that the above amendment be adopted.

Senator Schupp raised the point of order that **SA 1** is out of order as it amends chapter 610 relating to

the sunshine law and therefore goes beyond the scope of the underlying bill.

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

Senator Rowden moved that **SA 1** be adopted, which motion prevailed.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 745, Page 53, Section 393.1700, Line 1133, by inserting after all of said line the following:

“393.1715. 1. An electrical corporation may petition the commission for a determination of the ratemaking principles and treatment, as proposed by the electrical corporation, that will apply to the reflection in base rates of the electrical corporation’s capital and noncapital costs associated with the proposed retirement of one or more of the electrical corporation’s generating facilities. Without limiting the foregoing, such principles and treatment may also establish the retirement date and useful life parameters used to set depreciation rates for such facilities. Except as provided for in subsection 4 of this section, the ratemaking principles and treatment approved by the commission under this section for such facilities shall apply to the determination of the revenue requirement in each of the electrical corporation’s post-determination general rate proceedings until such time as such facility is fully depreciated on the electrical corporation’s books.

2. If the commission fails to issue a determination within two hundred fifteen days that a petition for determination of ratemaking principles and treatment is filed, the ratemaking principles and treatment proposed by the petitioning electrical corporation shall be deemed to have been approved by the commission.

3. Subject to the provisions of subsection 4 of this section, ratemaking principles and treatment approved by the commission, or deemed to have been approved under subsection 2 of this section, shall be binding for ratemaking purposes.

4. (1) An electrical corporation with ratemaking principles and treatment approved by the commission, or deemed to have been approved under subsection 2 of this section, shall monitor the major factors and circumstances relating to the facility to which such principles and treatment apply. Such factors and circumstances include, but are not limited to:

(a) Terrorist activity or an act of God;

(b) A significant change in federal or state tax laws;

(c) A significant change in federal utility laws or regulations or a significant change in generally accepted accounting principles;

(d) An unexpected, extended outage or shutdown of a major generating unit, other than any major generating unit shut down due to an extended outage at the time of the approval of the ratemaking principles and treatment;

(e) A significant change in the cost or reliability of power generation technologies;

(f) A significant change in fuel prices and wholesale electric market conditions;

- (g) A significant change in the cost or effectiveness of emission control technologies;
- (h) A significant change in the price of emission allowances;
- (i) A significant change in the electrical corporation's load forecast;
- (j) A significant change in capital market conditions;
- (k) A significant change in the scope or effective dates of environmental regulations; or
- (l) A significant change in federal or state environmental laws.

(2) If the electrical corporation determines that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment, then it shall file a notice in the docket in which the approved ratemaking principles and treatment were established within forty-five days of any such determination. In its notification, the electrical corporation shall:

- (a) Explain and specify the changes it contends are appropriate to the ratemaking principles and treatment and the reasons for the proposed changes;
- (b) Provide a description of the alternatives that it evaluated and the process that it went through in developing its proposed changes; and
- (c) Provide detailed workpapers that support the evaluation and the process whereby proposed changes were developed.

(3) If a party has concerns regarding the proposed changes, that party shall file a notice of its concerns within thirty days of the electrical corporation's filing. If the parties agree on a resolution of the concerns, the agreement shall be submitted to the commission for approval. If the parties do not reach agreement on changes to the ratemaking principles and treatment within ninety days of the date the electrical corporation filed its notice, whether the previously approved ratemaking and treatment will be changed shall be determined by the commission. If a party to the docket in which the approved ratemaking principles and treatment were approved believes that one or more major factor or circumstance has changed in a manner that warrants a change in the approved ratemaking principles and treatment and if the electrical corporation does not agree the principles and treatment should be changed, such party shall file a notice in the docket in which the approved ratemaking principles and treatment were established within forty-five days of any such determination. In its notification, such party shall:

- (a) Explain and specify the changes it contends are appropriate to the ratemaking principles and treatment and the reasons for the proposed changes;
- (b) Provide a description of the alternatives that it evaluated and the process that it went through in developing its proposed changes; and
- (c) Provide detailed workpapers that support the evaluation and the process whereby proposed changes were developed.

(4) If a party, including the electrical corporation, has concerns regarding the proposed changes, that party shall file a notice of its concerns within thirty days of the other party's filing. If the parties do not reach agreement on changes to the ratemaking principles and treatment within ninety days of the date the notice was filed, whether the previously approved ratemaking and treatment will be changed shall be determined by the commission.

5. A determination of ratemaking principles and treatment under this section does not preclude an electrical corporation from also petitioning the commission under either or both of sections 393.1700 and 393.1705, provided that any costs to which such ratemaking principles and treatment would have applied in the electrical corporation's general rate proceedings which become funded by securitized utility tariff bond proceeds from a securitized utility tariff bond issued under section 393.1700 shall not thereafter be reflected in the electrical corporation's base rates.

6. If determined by the commission to be just, reasonable, and necessary for the provision of safe and adequate service, the electrical corporation may be permitted to retain coal-fired generating assets in rate base and recover costs associated with operating the coal-fired assets [that remain in service to provide greater certainty that generating capacity will be available to provide essential service to customers, including during extreme weather events, and the commission shall not disallow any portion of such cost recovery on the basis that such coal-fired generating assets operate at a low capacity factor, or are offline and providing capacity only, during normal operating conditions] **at low capacity factor or that are offline and providing capacity only in order to remain in service to customers for reliability during events such as extreme weather.**

7. The commission may promulgate rules necessary to implement the provisions of sections 393.1700 to 393.1715. 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, 2021, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

At the request of Senator Cierpiot, **SB 745**, with **SCS, SS** for **SCS**, and **SA 2** (pending), was placed on the Informal Calendar.

Senator Burlison moved that **SB 820** be taken up for perfection, which motion prevailed.

Senator May offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 820, Page 3, Section 442.404, Line 59, by inserting after all of said line the following:

“Section B. The repeal and reenactment of section 442.404 of section A of this act shall be effective on January 1, 2023.”; and

Further amend the title accordingly.

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

Senator Brown offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 820, Page 1, In the Title, Lines 2-3, by striking “restrictive covenants” and inserting in lieu thereof the following: “renewable energy”; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

“386.885. 1. There is hereby established the “Task Force on Distributed Energy Resources and Net Metering”, which shall be composed of the following members:

(1) Two members of the senate, with one appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate;

(2) Two members of the house of representatives, with one appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;

(3) The director of the division of energy, or his or her designee, to serve as a member and to provide technical assistance to the task force;

(4) The chair of the public service commission, or his or her designee, to serve as a member and to provide technical assistance;

(5) The director of the office of public counsel, or his or her designee, to serve as a member and to provide technical assistance;

(6) A representative from each of the three segments of the retail electric energy industry appointed by the president pro tempore of the senate from the respective nominees submitted by the statewide associations of the investor-owned electric utilities, rural electric cooperatives, and municipally-owned electric utilities;

(7) One representative of the retail distributed energy resources industry appointed by the chair of the public service commission;

(8) One representative from an organization that advocates for policy supporting renewable energy development appointed by the chair of the public service commission; and

(9) One representative from an organization that advocates for the interests of low-income utility customers appointed by the chair of the public service commission.

2. The task force shall conduct public hearings and research, and shall compile a report for delivery to the general assembly by no later than December 31, 2022. Such report shall include information on the following:

(1) A distributed energy resources study, which shall include a value of solar study along with the practical and economic benefits, challenges, and drawbacks of increased distributed energy generation in the state;

(2) Potential legislation regarding community solar as operated by non-utility entities and the fair and equitable setting of rates between distributed generation and non-distributed generation consumers; and

(3) Potential legislation, including but not limited to changes to the Net Metering and Easy Connection Act, if any, that would promote the overall public interest.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. A majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

4. The staff of house research and senate research shall provide necessary clerical, research, fiscal, and legal services to the task force, as the task force may request.

5. The division of energy shall oversee the distributed energy resources study to be selected and conducted by an independent and objective expert with input from the members of the task force. The cost of such study shall be paid for through funds available from federal and state grants applied for by the division of energy. The division of energy shall establish procedures for the submission and non-public disclosure of confidential and propriety information.

6. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force’s official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.

7. This section shall expire on June 30, 2023, or at the conclusion of the task force’s work, whichever is sooner.

386.890. 1. This section shall be known and may be cited as the “Net Metering and Easy Connection Act”.

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

(1) “Avoided fuel cost”, the current average cost of fuel for the entity generating electricity, as defined by the governing body with jurisdiction over any municipal electric utility, rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this chapter;

(2) “Commission”, the public service commission of the state of Missouri;

(3) “Customer-generator”, the owner or operator of a qualified electric energy generation unit which:

(a) Is powered by a renewable energy resource;

(b) Has an electrical generating system with a capacity of not more than one hundred kilowatts;

(c) Is located on a premises owned, operated, leased, or otherwise controlled by the customer-generator;

(d) Is interconnected and operates in parallel phase and synchronization with a retail electric supplier and has been approved by said retail electric supplier;

(e) Is intended primarily to offset part or all of the customer-generator’s own electrical energy requirements;

(f) Meets all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory Commission, and any local governing

authorities; and

(g) Contains a mechanism that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted;

(4) "Department", the department of [economic development] **natural resources**;

(5) "Net metering", using metering equipment sufficient to measure the difference between the electrical energy supplied to a customer-generator by a retail electric supplier and the electrical energy supplied by the customer-generator to the retail electric supplier over the applicable billing period;

(6) "Renewable energy resources", electrical energy produced from wind, solar thermal sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced by one of the above-named electrical energy sources, and other sources of energy that become available after August 28, 2007, and are certified as renewable by the department;

(7) "Retail electric supplier" or "supplier", any [municipal] **municipally owned electric utility operating under chapter 91**, electrical corporation regulated **by the commission** under this chapter, or rural electric cooperative **operating** under chapter 394 that provides retail electric service in this state. **An electrical corporation that operates under a cooperative business plan as described in subsection 2 of section 393.110 shall be deemed to be a rural electric cooperative for purposes of this section.**

3. A retail electric supplier shall:

(1) Make net metering available to customer-generators on a first-come, first-served basis until the total rated generating capacity of net metering systems equals five percent of the [utility's] **retail electric supplier's** single-hour peak load during the previous year, after which the commission for [a public utility] **an electrical corporation** or the **respective** governing body [for] **of** other [electric utilities] **retail electric suppliers** may increase the total rated generating capacity of net metering systems to an amount above five percent. However, in a given calendar year, no retail electric supplier shall be required to approve any application for interconnection if the total rated generating capacity of all applications for interconnection already approved to date by said supplier in said calendar year equals or exceeds one percent of said supplier's single-hour peak load for the previous calendar year;

(2) Offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure, and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator; and

(3) Disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the supplier.

4. A customer-generator's facility shall be equipped with sufficient metering equipment that can measure the net amount of electrical energy produced or consumed by the customer-generator. If the customer-generator's existing meter equipment does not meet these requirements or if it is necessary for the **retail** electric supplier to install additional distribution equipment to accommodate the customer-generator's facility, the customer-generator shall reimburse the retail electric supplier for the costs to purchase and install the necessary additional equipment. At the request of the customer-generator, such costs may be initially paid for by the retail electric supplier, and any amount up to the total costs and a reasonable

interest charge may be recovered from the customer-generator over the course of up to twelve billing cycles. Any subsequent meter testing, maintenance or meter equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

5. Consistent with the provisions in this section, the net electrical energy measurement shall be calculated in the following manner:

(1) For a customer-generator, a retail electric supplier shall measure the net electrical energy produced or consumed during the billing period in accordance with normal metering practices for customers in the same rate class, either by employing a single, bidirectional meter that measures the amount of electrical energy produced and consumed, or by employing multiple meters that separately measure the customer-generator's consumption and production of electricity;

(2) If the electricity supplied by the supplier exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the supplier in accordance with normal practices for customers in the same rate class;

(3) If the electricity generated by the customer-generator exceeds the electricity supplied by the supplier during a billing period, the customer-generator shall be billed for the appropriate customer charges for that billing period in accordance with subsection 3 of this section and shall be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours generated during the billing period, with this credit applied to the following billing period;

(4) Any credits granted by this subsection shall expire without any compensation at the earlier of either twelve months after their issuance or when the customer-generator disconnects service or terminates the net metering relationship with the supplier;

(5) For any rural electric cooperative under chapter 394, or [municipal] **any municipally owned** utility, upon agreement of the wholesale generator supplying electric energy to the retail electric supplier, at the option of the retail electric supplier, the credit to the customer-generator may be provided by the wholesale generator.

6. (1) Each qualified electric energy generation unit used by a customer-generator shall meet all applicable safety, performance, interconnection, and reliability standards established by any local code authorities, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed generation. No supplier shall impose any fee, charge, or other requirement not specifically authorized by this section or the rules promulgated under subsection 9 of this section unless the fee, charge, or other requirement would apply to similarly situated customers who are not customer-generators, except that a retail electric supplier may require that a customer-generator's system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(2) For systems of ten kilowatts or less, a customer-generator whose system meets the standards and rules under subdivision (1) of this subsection shall not be required to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance beyond what is required under subdivision (1) of this subsection and subsection 4 of this section.

(3) For customer-generator systems of greater than ten kilowatts, the commission for [public utilities]

electrical corporations and the **respective** governing body for other [utilities] **retail electric suppliers** shall, by rule or equivalent formal action by each respective governing body:

(a) Set forth safety, performance, and reliability standards and requirements; and

(b) Establish the qualifications for exemption from a requirement to install additional controls, perform or pay for additional tests or distribution equipment, or purchase additional liability insurance.

7. (1) Applications by a customer-generator for interconnection of a qualified electric energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section to the distribution system shall be accompanied by the plan for the customer-generator's electrical generating system, including but not limited to a wiring diagram and specifications for the generating unit, and shall be reviewed and responded to by the retail electric supplier within thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all other systems. Prior to the interconnection of the qualified generation unit to the supplier's system, the customer-generator will furnish the retail electric supplier a certification from a qualified professional electrician or engineer that the installation meets the requirements of subdivision (1) of subsection 6 of this section. If the application for interconnection is approved by the retail electric supplier and the customer-generator does not complete the interconnection within one year after receipt of notice of the approval, the approval shall expire and the customer-generator shall be responsible for filing a new application.

(2) Upon the change in ownership of a qualified electric energy generation unit, the new customer-generator shall be responsible for filing a new application under subdivision (1) of this subsection.

8. Each [commission-regulated supplier] **electrical corporation** shall submit an annual net metering report to the commission, and all other [nonregulated] **retail electric** suppliers shall submit the same report to their respective governing body and make said report available to a consumer of the supplier upon request, including the following information for the previous calendar year:

(1) The total number of customer-generator facilities;

(2) The total estimated generating capacity of its net-metered customer-generators; and

(3) The total estimated net kilowatt-hours received from customer-generators.

9. The commission shall, within nine months of January 1, 2008, promulgate initial rules necessary for the administration of this section for [public utilities] **electrical corporations**, which shall include regulations ensuring that simple contracts will be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures, and a brief set of terms and conditions. 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 August 28, 2007, shall be invalid and void.

10. The governing body of a rural electric cooperative or municipal utility shall, within nine months of January 1, 2008, adopt policies establishing a simple contract to be used for interconnection and net metering. For systems of ten kilowatts or less, the application process shall use an all-in-one document that

includes a simple interconnection request, simple procedures, and a brief set of terms and conditions.

11. For any cause of action relating to any damages to property or person caused by the **qualified electric energy** generation unit of a customer-generator or the interconnection thereof, the retail electric supplier shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

12. The estimated generating capacity of all net metering systems operating under the provisions of this section shall count towards the respective retail electric supplier's accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri general assembly.

13. The sale of qualified electric **energy** generation units to any customer-generator shall be subject to the provisions of sections **407.010 to 407.145 and sections** 407.700 to 407.720. The attorney general shall have the authority to promulgate in accordance with the provisions of chapter 536 rules regarding mandatory disclosures of information by sellers of qualified electric **energy** generation units. Any interested person who believes that the seller of any **qualified** electric **energy** generation unit is misrepresenting the safety or performance standards of any such systems, or who believes that any electric **energy** generation unit poses a danger to any property or person, may report the same to the attorney general, who shall be authorized to investigate such claims and take any necessary and appropriate actions.

14. Any costs incurred under this act by a retail electric supplier shall be recoverable in that utility's rate structure.

15. No consumer shall connect or operate [an] **a qualified** electric **energy** generation unit in parallel phase and synchronization with any retail electric supplier without written approval by said supplier that all of the requirements under subdivision (1) of subsection 7 of this section have been met. For a consumer who violates this provision, a supplier may immediately and without notice disconnect the electric facilities of said consumer and terminate said consumer's electric service.

16. The manufacturer of any **qualified** electric **energy** generation unit used by a customer-generator may be held liable for any damages to property or person caused by a defect in the **qualified** electric **energy** generation unit of a customer-generator.

17. The seller, installer, or manufacturer of any **qualified** electric **energy** generation unit who knowingly misrepresents the safety aspects of [an] **a qualified** electric generation unit may be held liable for any damages to property or person caused by the **qualified** electric **energy** generation unit of a customer-generator.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Burlison, **SB 820**, as amended, was declared perfected and ordered printed.

Senator White moved that **SB 823** be taken up for perfection, which motion prevailed.

Senator White offered **SS** for **SB 823**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 823

An Act to repeal sections 208.044, 208.046, 208.053, 210.027, 210.102, 210.135, 210.140, 210.147, 210.199, 210.203, 210.211, 210.221, 210.223, 210.231, 210.241, 210.245, 210.251, 210.252, 210.254,

210.255, 210.256, 210.258, 210.275, 210.762, 210.1007, 210.1080, and 211.081, RSMo, and to enact in lieu thereof twenty-seven new sections relating to child protection, with penalty provisions.

Senator White moved that **SS** for **SB 823** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 823, Page 53, Section 211.081, Line 44, by inserting after all of said line the following:

“476.055. 1. There is hereby established in the state treasury the “Statewide Court Automation Fund”. All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2023, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate, the executive director of the Missouri office of prosecution services, the director of the state public defender system, and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve *ex officio*. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation

committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. **Any court automation system, including any pilot project, that provides public access to electronic records on the internet shall redact any personal identifying information, including name, address, and year of birth, of a minor and, if applicable, any next friend.** Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; and
- (4) The chair of the senate judiciary committee.

8. Section 488.027 shall expire on September 1, 2023. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2025.

9. This section shall expire on September 1, 2025.”; and

Further amend the title and enacting clause accordingly.

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

Senator Moon offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 823, Page 1, Section A, Line 11, by inserting after all of said line the following:

“191.1720. Sections 191.1720 to 191.1740 and section 376.1280 shall be known and may be cited as the “Missouri Save Adolescents from Experimentation (SAFE) Act”.

191.1725. For purposes of sections 191.1725 to 191.1740, the following terms mean:

(1) **“Biological sex”, the biological indication of male or female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen, or subjective experience of gender;**

(2) **“Cross-sex hormones”:**

(a) **Testosterone or other androgens given to biological sex females in amounts that are larger or more potent than would normally occur naturally in healthy biological sex females; and**

(b) **Estrogen given to biological sex males in amounts that are larger or more potent than would**

normally occur naturally in healthy biological sex males;

(3) “Gender”, the psychological, behavioral, social, and cultural aspects of being male or female;

(4) “Gender reassignment surgery”, any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual’s biological sex in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual’s biological sex, including, but not limited to, genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition;

(5) “Gender transition”, the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

(6) “Gender transition procedures”:

(a) Any medical or surgical service, including, but not limited to, physician’s services, inpatient and outpatient hospital services, or prescribed drugs, related to gender transition that seeks to:

a. Alter or remove physical or anatomical characteristics or features that are typical for the individual’s biological sex; or

b. Instill or create physiological or anatomical characteristics that resemble a sex different from the individual’s biological sex, including, but not limited to:

(i) Medical services that provide puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite biological sex; or

(ii) Genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition;

(b) The term “gender transition procedures” shall not include:

a. Services to individuals born with a medically-verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

b. Services provided when a physician has otherwise diagnosed an individual with a disorder of sexual development and determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

c. The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures regardless of whether the gender transition procedure was performed in accordance with state and federal law or whether funding for the gender transition procedure is permissible under section 191.1735; or

d. Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent

danger of death or impairment of a major bodily function unless surgery is performed;

(7) “Genital gender reassignment surgery”, a medical procedure performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(b) Reconstruction of the fixed part of the urethra with or without a metoidioplasty; or

(c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients;

(8) “Health care provider”, an individual who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(9) “Nongenital gender reassignment surgery”, medical procedures performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures for biologically male patients, such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic procedures; or

(b) Surgical procedures for biologically female patients, such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures;

(10) “Physician”, an individual who is licensed under chapter 334;

(11) “Puberty-blocking drugs”, gonadotropin-releasing hormone analogues or other synthetic drugs used in biological sex males to stop luteinizing hormone secretion and therefore testosterone secretion, or synthetic drugs used in biological sex females that stop the production of estrogens and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition;

(12) “Public funds”, state, county, or local government moneys, including any such moneys deposited with or derived from any department, agency, or instrumentality authorized or appropriated under state law.

191.1730. 1. A physician or other health care provider shall not provide gender transition procedures to any individual under eighteen years of age.

2. A physician or other health care provider shall not refer any individual under eighteen years of age to any health care provider for gender transition procedures.

3. A physician or other health care provider shall not be prohibited from providing any of the following procedures that are not gender transition procedures to an individual under eighteen years of age:

(1) Services to individuals born with a medically verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with

undervirilization, or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sexual development and determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, regardless of whether the gender transition procedure was performed in accordance with state and federal law or whether funding for the gender transition procedure is permissible under section 191.1735; or

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless surgery is performed.

191.1735. 1. Public funds shall not be directly or indirectly used, granted, paid, or distributed to any individual, entity, or organization that provides gender transition procedures to an individual under eighteen years of age.

2. Health care services furnished in the following situations shall not include gender transition procedures to an individual under eighteen years of age:

(1) By or in a health care facility owned by the state or a county or local government; or

(2) By a physician or other health care provider employed by the state or a county or local government.

3. Any amount paid by an individual or an entity during a tax year for the provision of gender transition procedures or as premiums for health care coverage that includes coverage for gender transition procedures shall not be subtracted from the individual's or entity's income for state income tax purposes.

4. The MO HealthNet program shall not reimburse or provide coverage for gender transition procedures to an individual under eighteen years of age.

191.1740. 1. Any referral for or provision of gender transition procedures to an individual under eighteen years of age is unprofessional conduct and any health care provider doing so shall be subject to discipline by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

2. An individual may assert an actual or threatened violation of sections 191.1725 to 191.1740 as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

3. (1) An individual may bring a claim for a violation of sections 191.1725 to 191.1740 no later than two years after the day the cause of action accrues.

(2) An individual under eighteen years of age may bring an action throughout the individual's minority through a parent or next friend and may bring an action in the individual's own name upon reaching the age of eighteen until the age of thirty-eight.

4. Notwithstanding any other provision of law to the contrary, an action under sections 191.1725 to 191.1740 may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the individual commencing the action has sought or exhausted available administrative remedies.

5. In any action or proceeding to enforce a provision of sections 191.1725 to 191.1740, a prevailing party who establishes a violation of sections 191.1725 to 191.1740 shall recover reasonable attorney’s fees.

6. (1) The attorney general may bring an action to enforce compliance with sections 191.1725 to 191.1740.

(2) Sections 191.1725 to 191.1740 shall not be interpreted to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state, acting under any law other than sections 191.1725 to 191.1740, to institute or intervene in any proceeding.”; and

Further amend said bill, page 53, section 211.081, line 44, by inserting after all of said line the following:

“376.1280. 1. For purposes of this section, the following terms mean:

(1) “Gender transition procedures”, the same meaning given to the term in section 191.1725;

(2) “Health benefit plan”, the same meaning given to the term in section 376.1350;

(3) “Health carrier”, the same meaning given to the term in section 376.1350.

2. A health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2023, shall not include reimbursement for, and shall not be required to provide coverage for, gender transition procedures for an individual under eighteen years of age.”; and

Further amend the title and enacting clause accordingly.

Senator Moon moved that the above amendment be adopted.

Senator White raised the point of order that **SA 2** is out of order as it goes beyond the scope of the underlying bill.

Senator Bean assumed the Chair.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 823**, with **SS**, **SA 2** and the point of order (pending), on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Rowden moved that **HCR 74** be taken up for adoption, which motion prevailed.

On motion of Senator Rowden, **HCR 74** was adopted by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Brattin	Brown	Burlison
Cierpiot	Crawford	Eigel	Hegeman	Hoskins	Koenig	May

Mosley O'Laughlin Razer Rizzo Rowden Schatz Schupp
Thompson Rehder Washington White Williams—25

NAYS—Senators

Moon Onder—2

Absent—Senators

Eslinger Gannon Luetkemeyer Riddle Wieland—5

Absent with leave—Senators

Hough Roberts—2

Vacancies—None

COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following escort committee pursuant to **HCR 74**: Senators Luetkemeyer, Bean, Koenig, Thompson Rehder, White, Beck, Washington, Roberts, Arthur, and Williams.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Eigel, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 690**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crawford, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 743**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 724**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cierpiot, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which were referred **SB 702**, **SB 636**, **SB 651**, and **SB 693**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schupp, Chairman of the Committee on Progress and Development, submitted the following report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 710**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Koenig, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 807**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Burlison, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 665**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator White, Chairman of the Committee on Seniors, Families, Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 834**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 798**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families, Veterans and Military Affairs, to which was referred **SB 667**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Hough, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator White submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 761**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator O’Laughlin, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 657**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bean assumed the Chair.

REFERRALS

President Pro Tem Schatz referred **SR 593** and **SR 594** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Schatz referred the gubernatorial reappointments to the Committee on Gubernatorial

Appointments.

President Pro Tem Schatz referred **SS** for **SCS** for **SBs 681** and **662** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1071—General Laws.

SB 1072—Economic Development.

SB 1073—Commerce, Consumer Protection, Energy and the Environment.

SB 1074—Commerce, Consumer Protection, Energy and the Environment.

SB 1075—Commerce, Consumer Protection, Energy and the Environment.

SB 1076—Education.

SB 1077—Education.

SB 1078—Rules, Joint Rules, Resolutions and Ethics.

SB 1079—Insurance and Banking.

SB 1080—Commerce, Consumer Protection, Energy and the Environment.

SB 1081—Commerce, Consumer Protection, Energy and the Environment.

SB 1082—Education.

SB 1083—Judiciary and Civil and Criminal Jurisprudence.

SB 1084—Judiciary and Civil and Criminal Jurisprudence.

SB 1085—Local Government and Elections.

SB 1086—Commerce, Consumer Protection, Energy and the Environment.

SB 1087—Judiciary and Civil and Criminal Jurisprudence.

SB 1088—Local Government and Elections.

SB 1089—Local Government and Elections.

SB 1090—Governmental Accountability and Fiscal Oversight.

SB 1091—Agriculture, Food Production and Outdoor Resources.

SB 1092—Economic Development.

SB 1093—Judiciary and Civil and Criminal Jurisprudence.

SB 1094—Judiciary and Civil and Criminal Jurisprudence.

SB 1095—General Laws.

SB 1096—Insurance and Banking.

SB 1097—Professional Registration.

SB 1098—Education.

- SB 1099**—Health and Pensions.
- SB 1100**—Health and Pensions.
- SB 1101**—Transportation, Infrastructure and Public Safety.
- SB 1102**—General Laws.
- SB 1103**—Seniors, Families, Veterans & Military Affairs.
- SB 1104**—Transportation, Infrastructure and Public Safety.
- SB 1105**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1106**—Seniors, Families, Veterans & Military Affairs.
- SB 1107**—Education.
- SB 1108**—Ways and Means.
- SB 1109**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1110**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1111**—General Laws.
- SB 1112**—General Laws.
- SB 1113**—Transportation, Infrastructure and Public Safety.
- SB 1114**—Small Business and Industry.
- SB 1115**—Commerce, Consumer Protection, Energy and the Environment.
- SB 1116**—Insurance and Banking.
- SB 1117**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1118**—Education.
- SB 1119**—Health and Pensions.
- SB 1120**—Insurance and Banking.
- SB 1121**—Local Government and Elections.
- SB 1122**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1123**—Economic Development.
- SB 1124**—Ways and Means.
- SB 1125**—Health and Pensions.
- SB 1126**—Professional Registration.
- SB 1127**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1128**—Local Government and Elections.
- SB 1129**—Insurance and Banking.
- SB 1130**—Judiciary and Civil and Criminal Jurisprudence.

SB 1131—Judiciary and Civil and Criminal Jurisprudence.

SB 1132—Judiciary and Civil and Criminal Jurisprudence.

SB 1133—Seniors, Families, Veterans & Military Affairs.

INTRODUCTION OF GUESTS

Senator Crawford introduced to the Senate, the Muddy River Smokers, coach, Charles “Chuck” Simpson; Mrs. Jessica Simpson; team members, Cole Thomas; Jordan Jackson; Grace Colby; Kloie Hooper; and Skylar Wohlers, Osceola.

Senator Brown introduced to the Senate, Maile Huffman; Ayden Meckley; and Mrs. Stacey Meckley, Camdenton.

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

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, MARCH 8, 2022

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1134-Eslinger and Bean

SB 1135-Hegeman

SB 1136-Roberts

SB 1137-Roberts

SB 1138-Hough

SB 1139-Crawford

SB 1140-Schupp

SB 1141-Razer

SB 1142-Hough

SB 1143-Brown

SB 1144-Crawford

SB 1145-Washington

SB 1146-Washington

SB 1147-Washington

SB 1148-Roberts

SB 1149-White

SB 1150-Rowden

SB 1151-Roberts

SB 1152-Eslinger

SB 1153-Eslinger

SB 1154-Koenig

SB 1155-Luetkemeyer

SB 1156-Brown

SB 1157-Brown

SB 1158-Brown

SB 1159-Eslinger

SB 1160-Eslinger

SB 1161-Eslinger

SB 1162-Rowden	SB 1200-Gannon
SB 1163-Hegeman	SB 1201-Rizzo
SB 1164-Eigel	SB 1202-Koenig
SB 1165-Roberts	SB 1203-Koenig
SB 1166-Gannon	SB 1204-Eigel
SB 1167-Gannon	SB 1205-Washington
SB 1168-Gannon	SB 1206-Onder
SB 1169-Razer	SB 1207-Onder
SB 1170-Schupp	SB 1208-Moon
SB 1171-Moon	SB 1209-May
SB 1172-Washington	SB 1210-May
SB 1173-Schupp	SB 1211-Bean
SB 1174-Eslinger	SB 1212-Crawford
SB 1175-Eslinger	SB 1213-Crawford
SB 1176-Schupp	SB 1214-White
SB 1177-Cierpiot	SB 1215-Schupp
SB 1178-White and Cierpiot	SB 1216-Cierpiot
SB 1179-Hough	SB 1217-Hegeman
SB 1180-Hough	SB 1218-Hegeman
SB 1181-Luetkemeyer	SB 1219-Gannon
SB 1182-Gannon	SB 1220-Gannon
SB 1183-Gannon	SB 1221-Eslinger
SB 1184-Thompson Rehder	SB 1222-Eslinger
SB 1185-Thompson Rehder	SB 1223-Brattin
SB 1186-Thompson Rehder	SB 1224-Brattin
SB 1187-Thompson Rehder	SB 1225-Brattin
SB 1188-Beck and Gannon	SB 1226-Brattin
SB 1189-Cierpiot	SB 1227-Brattin
SB 1190-Roberts	SB 1228-Bernskoetter
SB 1191-Crawford	SB 1229-Brown
SB 1192-Crawford	SB 1230-Washington
SB 1193-Washington	SB 1231-O'Laughlin
SB 1194-Washington	SB 1232-O'Laughlin
SB 1195-Washington	SB 1233-Roberts
SB 1196-Washington	SB 1234-Roberts
SB 1197-Mosley	SB 1235-May
SB 1198-Mosley	SB 1236-Schatz
SB 1199-Mosley	SB 1237-Schatz

SB 1238-Schatz	SJR 51-Cierpiot
SB 1239-Rizzo	SJR 52-Koenig
SB 1240-Brattin	SJR 53-Onder
SB 1241-Brattin	SJR 54-Bernskoetter
SB 1242-Brattin	SJR 55-Schatz
SB 1243-Hegeman	SJR 56-Schatz
SJR 47-Moon	SJR 57-Schatz
SJR 48-Moon	SJR 58-Schatz
SJR 49-Mosley	SJR 59-Brattin
SJR 50-Eigel	

HOUSE BILLS ON SECOND READING

HCS for HB 1986

THIRD READING OF SENATE BILLS

SS for SB 678-Luetkemeyer	SS for SCS for SBs 681 &
SB 652-Rizzo (In Fiscal Oversight)	662-O'Laughlin and Arthur
SB 655-Crawford	(In Fiscal Oversight)
SS#2 for SCS for SB 649-Eigel	

SENATE BILLS FOR PERFECTION

1. SB 762-Brown	10. SB 710-Beck
2. SB 850-Bean, with SCS	11. SB 807-Hoskins
3. SB 664-Bernskoetter	12. SB 665-Bernskoetter
4. SBs 775, 751 & 640-Thompson Rehder and Schupp, with SCS	13. SB 834-Luetkemeyer and Thompson Rehder, with SCS
5. SB 799-Hegeman, with SCS	14. SB 798-Mosley
6. SB 690-Thompson Rehder	15. SB 667-Burlison
7. SB 743-Crawford	16. SB 758-Hough, with SCS
8. SB 724-Hegeman, with SCS	17. SB 726-Onder
9. SBs 702, 636, 651, & 693-Eslinger, with SCS	18. SB 761-Brown
	19. SB 657-Cierpiot

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 631-Hegeman, with SCS | SB 823-White, with SS, SA 2 & point of order (pending) |
| SB 648-Rowden | SB 869-Koenig |
| SB 663-Bernskoetter, with SCS | SJR 38-Luetkemeyer, with SS & SA 1 (pending) |
| SBs 698 & 639-Gannon, et al, with SCS, SA 1 & SA 1 to SA 1 (pending) | SJR 39-Luetkemeyer |
| SB 732-Hoskins, with SCS | SJR 41-Roberts and Mosley |
| SB 745-Cierpiot, with SCS, SS for SCS & SA 2 (pending) | |

HOUSE BILLS ON THIRD READING

- HCS for HB 2117, with SA 1 (pending)
(Bernskoetter)

CONSENT CALENDAR

Senate Bills

Reported 2/24

- SB 845-Eslinger

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 27-May | SCR 29-Hegeman |
| SCR 28-White | |

