

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY - MONDAY, FEBRUARY 12, 2024

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

The Reverend Steven George offered the following prayer:

"Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to him, and he will make your paths straight." (Proverbs 3:5-6 NIV)

Heavenly Father, as we start back to work this week, help us to seek You and trust You with all our heart, and to submit every thought, word, and decision to You. As we do this, we ask that you would indeed make our paths straight, and guide us with Your Holy Spirit. We thank you for Your many blessings and ask that You would help us to be a blessing to those we represent and serve. We ask this in Your Holy Name, Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, February 8, 2024, was read and approved.

Photographers from Nexstar Media Group and The Missouri Independent were given permission to take pictures in the Senate Chamber.

President Kehoe assumed the Chair.

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

Present—Senators

Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	McCreery	Moon
Mosley	O'Laughlin	Razer	Rizzo	Roberts	Rowden	Schroer
Thompson Rehder	Trent	Washington—31				

Absent—Senators—None

Absent with leave—Senators

Arthur	May	Williams—3
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Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of the entire membership and herself, Senator May offered Senate Resolution No. 679, regarding the death of former U.S. Senator Jean Anne Carnahan, St. Louis, which was adopted.

Senators Washington and Arthur offered Senate Resolution No. 680, regarding Nikki Lee Donawa, Kansas City, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 681, regarding Colleen Woodward, Russellville, which was adopted.

Senator Moon offered Senate Resolution No. 682, regarding Ellen Erkenbrack, Ozark, which was adopted.

Senator Brattin offered Senate Resolution No. 683, regarding Zack Zebrowski, which was adopted.

Senator Crawford offered Senate Resolution No. 684, regarding the Association for Career and Technical Education, which was adopted.

Senators Hoskins and Arthur offered Senate Resolution No. 685, regarding the Fiftieth Anniversary of Liberty Hospital, Liberty, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 686, regarding the Sixtieth Wedding Anniversary of Willa and Gary Swanson, St. Joseph, which was adopted.

Senator Hough offered Senate Resolution No. 687, regarding Si Siman, which was adopted.

INTRODUCTION OF BILLS

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

SB 1402—By Eigel.

An Act to repeal section 173.1153, RSMo, and to enact in lieu thereof one new section relating to in-state tuition fees for students enrolled in the Reserve Officer Training Corps.

SB 1403—By Mosely.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the cancer patients' bill of rights.

SB 1404—By Roberts.

An Act to repeal sections 87.140, 87.145, 87.155, 87.260, and 87.350, RSMo, and to enact in lieu thereof five new sections relating to the firemens's retirement system of St. Louis.

SB 1405—By Roberts.

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to compensation for advising or assisting in veterans benefits matters, with penalty provisions.

SB 1406—By Eslinger.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to hospitals with emergency departments.

SB 1407—By McCreery.

An Act to repeal section 376.1219, RSMo, and to enact in lieu thereof one new section relating to insurance coverage of low protein modified food products.

SB 1408—By McCreery.

An Act to repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to certain customer classes approved by the public service commission.

SB 1409—By Trent.

An Act to amend chapter 128, RSMo, by adding thereto one new section relating to residency qualifications for candidates for representative in congress, with a severability clause, an effective date, and penalty provisions.

President Pro Tem Rowden assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Eslinger, Chair of the Committee on Governmental Accountability, submitted the following report:

Mr. President: Your Committee on Governmental Accountability, to which was referred **SB 742**, begs leave to report that it has considered the same and recommends that the bill do pass.

RE-REFERALS

President Pro Tem Rowden re-referred **SB 749** and **SB 784** to the Select Committee on Empowering Missouri Parents and Children.

SENATE BILLS FOR PERFECTION

Senator Coleman moved that **SJR**s 74, 48, 59, 61, and 83, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR**s 74, 48, 59, 61, and 83, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS. 74, 48, 59, 61, and 83

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2(b) and 3(c) of article XII of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to constitutional amendments.

Was taken up.

Senator Coleman moved that **SCS** for **SJR**s 74, 48, 59, 61, and 83 be adopted.

Senator Coleman offered **SS** for **SCS** for **SJR**s 74, 48, 59, 61, and 83, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS. 74, 48, 59, 61, and 83

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2(b) and 3(c) of article XII of the Constitution of Missouri, and adopting six new sections in lieu thereof relating to procedures pertaining to ballot measures submitted to the voters.

Senator Coleman moved that **SS** for **SCS** for **SJR**s **74, 48, 59, 61, and 83** be adopted.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 74, 48, 59, 61, and 83, Page 2, Section 2(b), Line 19, by striking “and also” and inserting in lieu thereof the following: “**or**”; and

Further amend page 4, section 3(c), line 10, by striking “and also” and inserting in lieu thereof the following: “**or**”.

Senator Beck moved that the above amendment be adopted.

Senator Beck offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 74, 48, 59, 61, and 83, Page 2, Section 2(b), Line 19, by striking “and also” and inserting in lieu thereof the following: “**or**”; and

Further amend said resolution, page 4, section 3(c), line 10, by striking “and also” and inserting in lieu thereof the following: “**or**”; and

Further amend line 14, by inserting after all of said line the following:

“Section 4. (1) Notwithstanding section 27 of article III of this constitution to the contrary, until five years following the effective date of any law approved by the people through the initiative petition process, the general assembly shall not pass any law amending or repealing the substantive law of such measure unless, by a vote of yeas and nays, at least two-thirds of the members serving in each house be recorded as voting favorably.

(2) The provisions of subsection 1 of this section shall not apply in the case of a law amending or repealing substantive law of a measure approved by the people through the initiative petition process if the general assembly orders a referendum pursuant to section 52(a) of article III of this constitution. Any such law may be approved by the general assembly as is otherwise permitted by this constitution.

(3) In the event that a court of competent jurisdiction issues a final judgment that declares a law approved by the people through the initiative petition process unconstitutional or otherwise invalid, in whole or in part, or that otherwise renders the law inoperable and of no force and effect of law, in whole or in part, the provisions of subsection 1 of this section shall not apply and the general assembly may amend or repeal such measure in a manner that is otherwise consistent with this constitution.

(4) If any initiative petition proposing a constitutional amendment that is approved by the people is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, in whole or in part, the remaining provisions of the amendment shall also be invalid.

(5) Subsections 1, 2, and 3 of this section shall not apply to any constitutional amendment adopted through the initiative petition process.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above substitute amendment be adopted.

Senator Beck offered **SA 1 to SSA 1 for SA 1:**

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 for Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 74, 48, 59, 61, and 83, Page 2, Section 4, Line 42, by inserting after “process.” the following:

“XII Section 5. Notwithstanding section 2(b) of this article to the contrary, the repeal and reenactment of sections 2(b) and 3(c) and the enactment of sections 2(c), 2(d), 2(e), and 2(f) shall take effect at the end of thirty days after the election only if a majority of the votes cast thereon statewide and also a majority of votes cast thereon in each of more than half of the state house of representatives districts in the state is in favor of the same.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted.

Senator Beck requested a roll call be taken on **SA 1 to SSA 1 for SA 1, SSA 1 for SA 1, and SA 1.** He was joined in his request by Senators McCreery, Mosely, Rizzo, and Roberts.

At the request of Senator Beck, **SSA 1 for SA 1** was withdrawn, rendering **SA 1 to SSA 1 for SA 1** moot.

Senator Beck offered **SSA 2 for SA 1:**

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 74, 48, 59, 61, and 83, Page 2, Section 2(b), Line 19, by striking “and also” and inserting in lieu thereof the following: **“or”**; and

Further amend said resolution, page 4, section 3(c), line 10, by striking “and also” and inserting in lieu thereof the following: **“or”**; and

Further amend line 14, by inserting after all of said line the following:

“Section 4. (1) Until five years following the effective date of any constitutional amendment approved by the people through the initiative petition process, the general assembly shall not pass any constitutional amendment amending or repealing the substantive provisions of such measure unless, by a vote of yeas and nays, at least two-thirds of the members serving in each house be recorded as voting favorably.

(2) In the event that a court of competent jurisdiction issues a final judgment that declares a constitutional amendment approved by the people through the initiative petition process

unconstitutional or otherwise invalid, in whole or in part, or that otherwise renders the amendment inoperable and of no force and effect of law, in whole or in part, the provisions of subsection 1 of this section shall not apply and the general assembly may amend or repeal such measure in a manner that is otherwise consistent with this constitution.

(3) If any initiative petition proposing a constitutional amendment that is approved by the people is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, in whole or in part, the remaining provisions of the amendment shall also be invalid.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above substitute amendment be adopted.

Senator Beck offered **SA 1 to SSA 2 for SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 for Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 74, 48, 59, 61, and 83, Page 2, Section 4, Line 32, by inserting after “invalid.” the following:

“XII Section 5. Notwithstanding section 2(b) of this article to the contrary, the repeal and reenactment of sections 2(b) and 3(c) and the enactment of sections 2(c), 2(d), 2(e), and 2(f) shall take effect at the end of thirty days after the election only if a majority of the votes cast thereon statewide and also a majority of votes cast thereon in each of more than half of the congressional districts in the state is in favor of the same.”.

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken on **SA 1 to SSA 2 for SA 1, and SSA 2 for SA 1**. He was joined in his request by Senators Mosley, Razer, Roberts, and Washington.

Senator Moon raised the point of order that **SSA 2 for SA 1** violates provisions of the constitution by interfering with the general assembly’s ability to enact laws.

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

Senator Trent assumed the Chair.

Senator Bean assumed the Chair.

At the request of Senator Coleman, **SJR 74, 48, 59, 61, and 83**, with **SCS, SS for SCS, SA1, SSA 2 for SA 1, and SA 1 to SSA 2 for SA 1** (pending), were placed on the Informal Calendar.

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 **HB 1488**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto three new sections relating to tax credits for child care.

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 1511**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to electric vehicle charging station requirements.

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 1960**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto seven new sections relating to regulatory sandbox programs.

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 1720**, entitled:

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to the sunshine law.

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 2062**, entitled:

An Act to amend chapter 535, RSMo, by adding thereto one new section relating to a moratorium on eviction proceedings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator O’Laughlin, the Senate adjourned under the rules.

SENATE CALENDAR

 TWENTY-FIRST DAY-TUESDAY, FEBRUARY 13, 2024

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1393-O'Laughlin	SB 1402-Eigel
SB 1394-O'Laughlin	SB 1403-Mosley
SB 1395-Brown (16)	SB 1404-Roberts
SB 1396-Fitzwater	SB 1405-Roberts
SB 1397-Brattin	SB 1406-Eslinger
SB 1398-Brown (26)	SB 1407-McCreery
SB 1399-Brown (26)	SB 1408-McCreery
SB 1400-Brown (26)	SB 1409-Trent
SB 1401-Black	SJR 88-Washington

HOUSE BILLS ON SECOND READING

HCS for HB 1989	HB 1960-Riley
HB 1488-Shields	HCS for HB 1720
HCS for HB 1511	HB 2062-Brown, C. (16)

SENATE BILLS FOR PERFECTION

SB 742-Arthur

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 727-Koenig, with SCS	SB 802-Trent
SB 739-Cierpiot	SBs 1168 & 810-Coleman, with SCS, SS for
SB 745-Bernskoetter	SCS, SA 2, SA 1 to SA 2 & point of order
SB 748-Hough	(pending)
SBs 754, 746, 788, 765, 841, 887	SJR 74, 48, 59, 61 & 83-Coleman, with
& 861-Luetkemeyer, with SCS	SCS, SS for SCS, SA 1, SSA 2 for SA 1
SB 799-Fitzwater, with SCS	& SA 1 to SSA 2 for SA 1 (pending)

RESOLUTIONS

SR 557-Eigel
SR 558-Eigel
SR 561-Moon
SR 562-Moon

SR 563-Moon
SR 631-May
SR 647-Coleman

To be Referred

SCR 32-Rowden

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