

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY—MONDAY, APRIL 23, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

We thank You Lord for our safe travel here and ask that You help us to do good and find ways to express our concerns and kindness as we move forward as instruments of service and provide help to those who You have called us to serve. Guide our hearts and minds that we use this time and our energies to do that which is most necessary in this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 19, 2018 was read and approved.

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

Present—Senators

| | | | | | | |
|-------------|-----------------|----------|------------|------------|--------|--------|
| Brown | Chappelle-Nadal | Cierpiot | Crawford | Cunningham | Curly | Dixon |
| Eigel | Emery | Hegeman | Holsman | Hoskins | Hummel | Koenig |
| Libla | Munzlinger | Nasheed | Onder | Richard | Riddle | Rizzo |
| Romine | Rowden | Sater | Schaaf | Schatz | Schupp | Sifton |
| Wallingford | Walsh | Wasson | Wieland—32 | | | |

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 1755, regarding 2018 graduates of Innovative Concept Academy at Blewett School, which was adopted.

Senator Nasheed offered Senate Resolution No. 1756, regarding the death of Eric E. Vickers, Esq., which was adopted.

Senator Schupp offered Senate Resolution No. 1757, regarding Dr. Michael A. Fulton, which was adopted.

Senator Schupp offered Senate Resolution No. 1758, regarding Teresa Sicking, which was adopted.

Senator Riddle offered Senate Resolution No. 1759, regarding Catherine Forbeck, Troy, which was adopted.

Senator Hegeman offered Senate Resolution No. 1760, regarding Kelsey Batson, Princeton, which was adopted.

Senator Hummel offered Senate Resolution No. 1761, regarding Robert Baker, St. Louis, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1762, regarding Lauren Engeman, Lee's Summit, which was adopted.

On behalf of Senator Kehoe, Senator Onder offered Senate Resolution No. 1763, regarding David Wilson Fullgraf, Hermann, which was adopted.

Senator Cunningham offered Senate Resolution No. 1764, regarding Seymour Auto Parts, which was adopted.

Senator Riddle offered Senate Resolution No. 1765, regarding Fred West, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 1766, regarding Lonnie and Joyce Hollaway, Warrenton, which was adopted.

Senator Riddle offered Senate Resolution No. 1767, regarding Gloria Leverett, Middletown, which was adopted.

Senator Riddle offered Senate Resolution No. 1768, regarding Carmen Brandt, Fulton, which was adopted.

Senator Onder offered Senate Resolution No. 1769, regarding Sydney Wieberg, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 1770, regarding Alexis Morgan, Wentzville, which was adopted.

Senator Hummel offered Senate Resolution No. 1771, regarding Brittany Hartung, St. Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 1772, regarding Dominique Navalta, St. Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 1773, regarding Laura Elizabeth Smith, St. Louis, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1774, regarding Caroline Williams, Lee's Summit, which was adopted.

Senator Richard offered Senate Resolution No. 1775, regarding Richard King, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1776, regarding Kenneth and Armetta Sedge, Greenfield, which was adopted.

Senator Richard offered Senate Resolution No. 1777, regarding Sid Davis, Diamond, which was adopted.

Senator Koenig offered Senate Resolution No. 1778, regarding Victoria Everson, Ellisville, which was adopted.

Senator Koenig offered Senate Resolution No. 1779, regarding Amanda Mohesky Aiken, Saint Louis, which was adopted.

Senator Rizzo offered Senate Resolution No. 1780, regarding Eagle Scout Cole F. Strawn, Kansas City, which was adopted.

Senator Rowden offered Senate Resolution No. 1781, regarding Madelyn Fritts, which was adopted.

Senator Hegeman offered Senate Resolution No. 1782, regarding the Seventieth Wedding Anniversary of Edward and Darlyne Kurtz, Oregon, which was adopted.

Senator Hegeman offered Senate Resolution No. 1783, regarding the Sixty-fifth Wedding Anniversary of Jackie and Eva Mae Miller, Craig, which was adopted.

Senator Hegeman offered Senate Resolution No. 1784, regarding the Fiftieth Wedding Anniversary of Keith and Phyllis Ottmann, Rock Port, which was adopted.

Senator Hegeman offered Senate Resolution No. 1785, regarding David H. Jerome, Ph.D., Maryville, which was adopted.

Senator Onder offered Senate Resolution No. 1786, regarding William Vernon Koeneker, Saint Peters, which was adopted.

Senator Schaaf offered Senate Resolution No. 1787, regarding Roger Martin, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1788, regarding Josee Gentry, Riverside, which was adopted.

Senator Schaaf offered Senate Resolution No. 1789, regarding Larry Crockett, Weston, which was adopted.

Senators Chappelle-Nadal and Schupp offered Senate Resolution No. 1790, regarding Rose-Lynn Sokol, Saint Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1791, regarding Ralph R. Klink, Saint Louis,

which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1792, regarding Audrey Ming Lan Goedegebuure, Clayton, which was adopted.

Senator Walsh offered Senate Resolution No. 1793, regarding Samantha Kate Hayner, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1794, regarding Ashley Christine Knobbe, Florissant, which was adopted.

Senator Onder offered Senate Resolution No. 1795, regarding Jefferey J. Karay, O'Fallon, which was adopted.

Senator Walsh offered Senate Resolution No. 1796, regarding Eagle Scout Adam Cousteau Turbe', Florissant, which was adopted.

CONCURRENT RESOLUTIONS

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 54

Whereas, parody marriage is any form of marriage that does not involve one man and one woman; and

Whereas, sexual orientation is a self-asserted sex-based identity narrative that is based on a series of naked assertions and unproven faith-based assumptions that are implicitly religious; and

Whereas, nonsecular policy is state action that endorses, respects, and recognizes the beliefs of a particular religion and where the preeminent and primary force driving the state's action is not genuine, but is a sham that ultimately has a primary religious objective; and

Whereas, parody marriages and parody marriage policies are nonsecular for the purposes of the Establishment Clause of the United States Constitution; and

Whereas, secular policy is state action that is natural, neutral, noncontroversial, and based on self-evident truth, and where the preeminent and primary force driving the policy is genuine, not a sham, and not merely secondary to a religious objective; and

Whereas, marriages between a man and a woman and policies that endorse marriage between a man a woman are secular in nature for purposes of the Establishment Clause of the United States Constitution; and

Whereas, civilizations for millennia have defined marriage as a union between a man and a woman; and

Whereas, marriage between a man and a woman arose out of the nature of things and marriage between a man and a woman is natural, neutral and noncontroversial, unlike parody forms of marriage; and

Whereas, the state of Missouri has a duty under Article VI of the United States Constitution to uphold the United States Constitution; and

Whereas, the First Amendment applies to the state of Missouri through the Fourteenth Amendment; and

Whereas, the First Amendment, not the Fourteenth Amendment, has exclusive jurisdiction over which types of marriages the state can endorse, respect, and recognize; and

Whereas, all forms of parody marriage and self-asserted sex-based identity narratives and sexual orientations that fail to check out the human design are part of the religion of Secular Humanism; and

Whereas, the United States Supreme Court has found that Secular Humanism is a religion for the purpose of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), and *Edwards v. Aguillard*, 482 U.S. 578 (1987); and

Whereas, the state of Missouri is prohibited from favoring or endorsing religion over nonreligion; and

Whereas, the state of Missouri's decision to respect, endorse, and recognize parody marriages and sexual orientation policies has excessively entangled the government with the religion of Secular Humanism, failed to accomplish its intended purpose, and created an indefensible legal weapon against nonobservers; and

Whereas, in the wake of *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), there has not been a land rush on gay marriage, but there has been a land rush on the persecution of nonobservers by Secular Humanists and an effort by Secular Humanists to infiltrate and indoctrinate minors in public schools to their religious world view, which is questionably moral, plausible, and obscene, and is not secular; and

Whereas, it is unsettled whether or not sexual orientation is immutable or genetic and is therefore a matter of faith; and

Whereas, parody marriages have never been a part of American tradition and heritage; and

Whereas, all forms of parody marriage erode community standards of decency and Missouri has a compelling interest to uphold community standards of decency under the Missouri Constitution; and

Whereas, parody marriage policies and sexual orientation statutes are nonsecular and policies that respect, endorse, and recognize a marriage between a man and a woman are secular; and

Whereas, in view of the First Amendment's Freedom of Expression Clause of the United States Constitution and the Missouri Constitution:

(1) Any person living in Missouri can cultivate any self-asserted sex-based identity narrative or self-asserted sexual orientation at will, even if it does not check out with the human design as a matter of self-evident observation; and

(2) Any person can conduct any form of marriage ceremony and other rituals that accords with their self-asserted sexual orientation and live as married persons do, as long as the ceremonies do not conflict with other parts of Missouri and federal law:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the State of Missouri to no longer respect, endorse, or recognize any form of parody marriage policies because parody marriages are nonsecular; and

Be It Further Resolved that the members of the Missouri General Assembly urge the State of Missouri to no longer enforce, recognize, or respect any policy that treats sexual orientation as a suspect class, because all such statutes lack a secular purpose; and

Be It Further Resolved that the members of the Missouri General Assembly urge the State of Missouri to enforce, endorse, and recognize marriages as between one man and one woman, because such marriage policies are secular, and accomplish nonreligious objectives; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Attorney General, and each member of the Missouri Supreme Court.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Richard submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 907**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Richard assumed the Chair.

Senator Brown, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, 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 Appropriations, to which was referred **HCS** for **HB 2003**, 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 Appropriations, to which was referred **HCS** for **HB 2004**, 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 Appropriations, to which was referred **HCS** for **HB 2005**, 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 Appropriations, to which was referred **HCS** for **HB 2006**, 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 Appropriations, to which was referred **HCS** for **HB 2007**, 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 Appropriations, to which was referred **HCS** for **HB 2008**, 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 Appropriations, to which was referred **HCS** for **HB 2009**, 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 Appropriations, to which was referred **HCS** for **HB 2010**, 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 Appropriations, to which was referred **HCS** for **HB 2011**, 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 Appropriations, to which was referred **HCS** for **HB 2012**, 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 Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **SB 982**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SB 982**, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 982

An Act to repeal sections 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof five new sections relating to payments for health care services.

Was taken up.

On motion of Senator Wieland, **SS** for **SB 982** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | |
|-------------|-----------------|------------|----------|------------|--------|--------|
| Brown | Chappelle-Nadal | Cierpiot | Crawford | Cunningham | Curls | Dixon |
| Eigel | Emery | Hegeman | Holsman | Hoskins | Hummel | Koenig |
| Libla | Munzlinger | Nasheed | Onder | Richard | Riddle | Rizzo |
| Romine | Rowden | Sater | Schaaf | Schatz | Schupp | Sifton |
| Wallingford | Walsh | Wieland—31 | | | | |

NAYS—Senator Wasson—1

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1329, introduced by Representative Remole, with **SCS**, entitled:

An Act to repeal sections 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof six new sections relating to retirement benefits for public employees.

Was taken up by Senator Munzlinger.

SCS for **HB 1329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1329

An Act to repeal sections 169.291, 169.324, 169.350, 169.360, and 169.370, RSMo, and to enact in lieu thereof seven new sections relating to retirement benefits for public employees.

Was taken up.

Senator Munzlinger moved that **SCS** for **HB 1329** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **HB 1329**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1329

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 169.291, 169.324, 169.350, 169.360, and 169.370, RSMo, and to enact in lieu thereof fourteen new sections relating to retirement benefits for public employees.

Senator Munzlinger moved that **SS** for **SCS** for **HB 1329** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 10, Section 56.807, Line 15 of said page, by striking “act” and inserting in lieu thereof “**subsection**”; and further amend line 17 of said page, by striking all of said line and inserting in lieu thereof the following: “**average compensation, shall, as a condition of participation,**”; and further amend line 20 of said page, by striking “their” and inserting in lieu thereof “**the member’s**”; and

Further amend said bill, page 12, section 56.833, line 10 of said page, by inserting immediately after “employment,” the following: “**by**”; and further amend line 11 of said page, by inserting immediately after “and” the following: “**by**”.

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

Senator Dixon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 38, Section 278.157, Line 16 of said page, by inserting immediately after said line the following:

“476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections [476.445] **476.450** to [476.688] **476.690** subject to the provisions of this section. **However, any person who filed as a candidate in 2010 to become a judge, was ultimately elected and became a judge in 2011 as a result of such election, was eligible in 2010 to receive a future annuity under section 104.1084, and is a judge on the effective date of this section, shall not be subject to the provisions of this section.**

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of Section 26 of Article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Interest credits shall cease upon retirement of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.; and

Further amend the title and enacting clause accordingly.

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

Senator Curls offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 37, Section 169.370, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Schatz offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 16, Section 70.631, Line 5 of said page, by inserting after all of said line the following:

“105.666. 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program **of at least six hours** designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least a total of [six] **two** hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member's term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit

statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.”; and

Further amend the title and enacting clause accordingly.

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

Senator Libla offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 13, Section 56.840, Line 6 of said page, by inserting immediately after “position” the following: “**on or after the effective date of this subsection**”.

Senator Libla moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

At the request of Senator Munzlinger, **HB 1329** with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1261**—Professional Registration.

HB 2286—Transportation, Infrastructure and Public Safety.

HB 2360—Education.

HB 2117—Seniors, Families and Children.

HCS for **HB 1591**—Transportation, Infrastructure and Public Safety.

HCS for **HB 1264**—Government Reform.

HB 1249—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 2540**—Ways and Means.

HCS for **HB 2129**—Education.

HCS for **HB 1611**—Government Reform.

HCS for **HB 2119**—Government Reform.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Carol S. Comer, 637 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Sarah Parker Pauley.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Tiffany Drake, P.O. Box 104231, Jefferson City, Cole County, Missouri 65110, as an alternate member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

David C. Hertzog, Republican, 20012 East State Route 58, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2021, and until his successor is duly appointed and qualified; vice, Carol G. Ryan, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Vincent M. Cannon, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Tiffany M. Middlemas, 1705 Kings Road, Kirksville, Adair County, Missouri 63501, as the student representative of the Truman State University Board of Governors, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Carter Brooks Templeton, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Daniel B. Oerther, 200 Lovers Lane, Rolla, Phelps County, Missouri 65401, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2019, and until his successor is duly appointed and qualified; vice, Adrienne A. Fly, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Amy Robins, 198 Fox Creek Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Nanci A. Bobrow, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Phillip L. Slinkard, 17487 Parrot Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2018, and until his successor is duly appointed and qualified; vice, Jeanne Marie Dee, term expired.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Donna Washburn, 1059 East Nottingham Lane, Springfield, Greene County, Missouri 65810, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Kristen Buckley, resigned.

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

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

Michael Whitehead, Republican, 1719 Northeast Aberdeen Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 2, 2022, and until his successor is duly appointed and qualified; vice, Michael Whitehead, reappointed.

Respectfully submitted,
Eric R. Greitens
Governor

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

REFERRALS

President Pro Tem Richard referred **SCR 53** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF HOUSE BILLS

At the request of Senator Dixon, **HCS** for **HBs 1288, 1377 and 2050**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1605**, with **SCS**, was placed on the Informal Calendar.

HB 1630 was placed on the Informal Calendar.

HCS for **HB 1461** was placed on the Informal Calendar.

HCS for HB 1286, with **SCS**, entitled:

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

Was taken up by Senator Romine.

SCS for HCS for HB 1286, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1286

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

Was taken up.

Senator Romine moved that **SCS for HCS for HB 1286** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1286, Page 3, Section 319.318, Line 79, by inserting after all of said line the following:

“644.059. Agricultural stormwater discharges and return flows from irrigated agriculture shall be exempt from the permit requirements of sections 644.006 to 644.141. Agricultural stormwater discharges and return flows from irrigated agriculture shall not be considered unlawful under subdivision (1) or (2) of subsection 1 of section 644.051, unless those discharges or return flows have entered waters of the state and have rendered such waters harmful, detrimental, or injurious to public health, safety, or welfare, to industrial or agricultural uses, or to wild animals, birds, or fish. For the purposes of this section, agricultural stormwater discharges and return flows from irrigated agriculture shall include stormwater and snow melt runoff, drainage, and infiltration, including water that leaves land as a result of the application of irrigation water, both surface and subsurface, from standard farming industry practices. This shall include, but not be limited to, cultivation and tillage of soil, and production, growing, raising, and harvesting of agricultural commodities and livestock. Nothing in this section shall be construed to effect, limit, or supersede sections 640.700 to 640.755 or any other law or regulation of concentrated animal feeding operations.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Romine, **HCS for HB 1286**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Chappelle-Nadal offered Senate Resolution No. 1797, regarding Alexa Sutherlin, Clayton, which was adopted.

INTRODUCTION OF GUESTS

Senator Hoskins introduced to the Senate, Coaches Lewis Theobald, Maddi Moon, Michael Eade, Jason

Pendleton and Emily Eldridge; Athletic Trainer Rebecca David; and players Ashton Dvorak, Ana Dilkes, Mikala Modiri, Taylor Hughes, Courtney Killian, Taylor Thompson, Kelsey Mueller, Alex Harms, Emily Griffin, Abby Rhodes, Kayla Hamner, Haley Freeman, Alexis Cutrera, Frankie Ross, Callie Henshaw, Mallory Broady, Megan Woolley, Allysa Gann, Gianna Palmentere, Baylie Edwards, Emma Jarrell, Makayla Toth, Ashley Moses, Annie Parscale, Madi Sanders, Jordyn Atagi, Kristina Colling, Jada Scott, Skylar Drum and Mallory Kroencke, 2017 University of Central Missouri NCAA Division II National Champion Jennies soccer team.

Senator Hoskins introduced to the Senate, Coaches David Slifer, Mike Nicholson, Tammy Slifer and Kenzie Williams; and players Paige Redmond, GiGi McAtee, Sydney Crockett, Kayonna Lee, Kendra Gladbach, Abby Gann, Kelsey Williams, Emilie Jobst, Megan Skaggs, Peyton Taylor, Morgan Fleming, Jolene Shipps, Sydney Skaggs, Madison Sandor and Meghan Allen, 2017-2018 University of Central Missouri NCAA Division II Jennies National Champion basketball team.

Senator Romine introduced to the Senate, Heather Kopp, and her parents, Dennis and Kanetra Kopp, Odessa; and grandparents, Jack Powell and Linda Slover, Sedalia.

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

SENATE CALENDAR

FIFTY-EIGHTH DAY—TUESDAY, APRIL 24, 2018

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2140

HB 2336-Tate

HCS for HBs 2523 & 2524

HCS for HB 1542

HCS for HB 1915

HB 2155-Schroer

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SS for SCS for SB 907-Kehoe

SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS

SB 678-Eigel

SB 1102-Kehoe, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|---------------------------------------|
| 1. HB 1880-Trent, with SCS (Cunningham) | 18. HCS for HB 1796 (Rowden) |
| 2. HCS for HB 1991, with SCS (Rowden) | 19. HB 2122-Engler, with SCS (Schatz) |
| 3. HB 1858-Christofanelli (Eigel) | 20. HCS for HB 1443, with SCS (Sater) |
| 4. HB 1442-Alferman, with SCS (Schatz) | 21. HCS for HB 1645 (Rowden) |
| 5. HCS for HB 1690 (Wieland) | 22. HCS for HB 2001 (Brown) |
| 6. HCS for HB 1879, with SCS (Cunningham) | 23. HCS for HB 2002, with SCS (Brown) |
| 7. HCS for HB 1268, with SCS (Munzlinger) | 24. HCS for HB 2003, with SCS (Brown) |
| 8. HCS for HB 1500, with SCS (Koenig) | 25. HCS for HB 2004, with SCS (Brown) |
| 9. HCS for HB 2116, with SCS (Schatz) | 26. HCS for HB 2005, with SCS (Brown) |
| 10. HB 1355-Phillips, with SCS (Schatz) | 27. HCS for HB 2006, with SCS (Brown) |
| 11. HCS for HB 1617, with SCS (Onder) | 28. HCS for HB 2007, with SCS (Brown) |
| 12. HB 1492-Lynch (Brown) | 29. HCS for HB 2008, with SCS (Brown) |
| 13. HCS for HB 1597, with SCS (Wasson) | 30. HCS for HB 2009, with SCS (Brown) |
| 14. HB 1744-Hansen (Romine) | 31. HCS for HB 2010, with SCS (Brown) |
| 15. HCS for HB 1606 (Romine) | 32. HCS for HB 2011, with SCS (Brown) |
| 16. HB 1428-Muntzel (Munzlinger) | 33. HCS for HB 2012, with SCS (Brown) |
| 17. HCS for HB 2034, with SCS (Munzlinger) | 34. HCS for HB 2013, with SCS (Brown) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending) | SB 599-Schatz |
| SB 550-Wasson, with SCS | SB 602-Onder, with SCS |
| SB 553-Dixon, with SCS, SS for SCS & SA 1 (pending) | SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending) |
| SBs 555 & 609-Brown, with SCS | SB 663-Schatz, with SCS, SS for SCS & SA 1 (pending) |
| SB 556-Brown, with SA 1 (pending) | SB 730-Wallingford, with SCS & SA 1 (pending) |
| SB 561-Sater, with SA 1 (pending) | SB 751-Schatz |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) | SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending) |
| SB 578-Romine | |
| SB 591-Hegeman, with SCS | |
| SB 596-Riddle, with SCS | |

SB 774-Munzlinger
SB 813-Riddle, with SCS & SA 1 (pending)
SB 822-Hegeman, with SCS & SS for SCS
(pending)
SB 832-Rowden, with SCS, SS#2 for SCS &
point of order (pending)
SB 837-Rowden
SB 848-Riddle
SB 849-Kehoe and Schupp, with SCS, SA 1
& SA 1 to SA 1 (pending)
SB 859-Koenig, with SCS & SS for SCS
(pending)
SB 860-Koenig, with SCS, SS for SCS & SA 1
(pending)

SB 861-Hegeman, with SCS
SB 865-Kehoe
SB 893-Sater, with SCS, SS for SCS & SA 1
(pending)
SB 912-Rowden, with SCS & SS#3 for SCS
(pending)
SB 920-Riddle, with SS & SA 2 (pending)
SB 928-Onder, with SCS
SB 949-Emery, with SCS, SS for SCS & SA 2
(pending)
SB 1003-Wasson, with SS & SA 1 (pending)
SB 1007-Kehoe, with SCS
SB 1021-Dixon and Wallingford, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1286, with SCS & SA 1 (pending)
(Romine)
HCS for HBs 1288, 1377 & 2050, with SCS
(Dixon)
HB 1303-Alferman, with SCS (Rowden)
HB 1329-Remole, with SCS, SS for SCS &
SA 5 (pending) (Munzlinger)
SS for SCS for HB 1350-Smith (163) (Rowden)
HB 1413-Taylor, with SCS (Onder)

HCS for HB 1461 (Rowden)
HB 1578-Kolkmeyer (Munzlinger)
HCS for HB 1605, with SCS (Kehoe)
HB 1630-Evans (Rowden)
HB 1691-Miller, with SCS (Emery)
HCS for HBs 1729, 1621 & 1436 (Brown)
HB 1769-Mathews, with SCS (Schatz)
HB 2044-Taylor, with SCS (pending) (Dixon)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1291-Henderson, with SS for SCS,
as amended (Romine)

Requests to Recede or Grant Conference

SB 569-Cunningham, with HCS, as amended
(Senate requests House recede or grant
conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

To be Referred

SCR 54-Emery

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