

# JOURNAL OF THE HOUSE

Second Regular Session, 99th GENERAL ASSEMBLY

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SEVENTY-EIGHTH DAY, WEDNESDAY, MAY 30, 2018

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

## SIGNING OF HOUSE CONCURRENT RESOLUTIONS

All other business of the House was suspended while **HCR 63** and **HCR 70** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCR 63** and **HCR 70** were delivered to the Governor by the Chief Clerk of the House.

## SIGNING OF HOUSE JOINT RESOLUTIONS

All other business of the House was suspended while **HJR 59** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HJR 59** was delivered to the Secretary of State by the Chief Clerk of the House.

## SIGNING OF HOUSE BILLS

All other business of the House was suspended while **HB 1252**, **SCS HCS HB 1268**, **SCS HCS HB 1286**, **SS#2 SCS HCS HBs 1288, 1377 & 2050**, **CCS SS SCS HB 1291**, **CCS SS SCS HB 1350**, **SS SCS HCS HB 1364**, **SS SCS HCS HB 1388**, **SS HB 1415**, **HB 1428**, **SS SCS HB 1446**, **HCS HB 1461**, **SS SCS HB 1465**, **HB 1469**, **HB 1484**, **HB 1492**, **SS#2 SCS HCS HB 1500**, **SCS HCS#2 HB 1503**, **SS HB 1504**, **HB 1516**, **HB 1517**, **SS HB 1531**, **SS SCS HB 1558**, **SS HCS HB 1606**, **SS#3 SCS HCS HB 1617**, **HB 1625**, **SCS HCS HB 1635**, **HB 1646**, **HB 1665**, **HCS HB 1690**, **SCS HCS HB 1713**, **CCS SS SCS HB 1719**, **SS HCS HBs 1729, 1621 & 1436**, **SS HB 1744**, **SS SCS HB 1769**, **SS#2 HCS HB 1796**, **SCS HB 1797**, **HB 1809**, **HB 1831**, **SS SCS HB 1838**, **CCS SS HB 1858**, **SS HCS HB 1872**, **CCS SS SCS HCS HB 1879**, **HB 1887**, **SS HB 1953**, **SS SCS HCS HB 1991**, **HCS HB 2001**, **CCS SCS HCS HB 2002**, **CCS SCS HCS HB 2003**, **CCS SCS HCS HB 2004**, **CCS SCS HCS HB 2005**,

**CCS SCS HCS HB 2006, CCS SCS HCS HB 2007, CCS SCS HCS HB 2008, CCS SCS HCS HB 2009, CCS SS SCS HCS HB 2010, CCS SCS HCS HB 2011, CCS SCS HCS HB 2012, SCS HCS HB 2013, HCS HB 2017, HCS HB 2018, HCS HB 2019, SS SCS HCS HB 2034, HB 2101, SCS HCS HB 2116, SS#2 HCS HB 2129, HCS HB 2171, HB 2183, SS SCS HCS HBs 2280, 2120, 1468 & 1616, HB 2330 and SCS HB 2347** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Speaker Pro Tem Haahr assumed the Chair.

All other business of the House was suspended while **SCS HCS HB 2540** was read at length and, there being no objection, was signed by the Speaker Pro Tem to the end that the same may become law.

Speaker Richardson resumed the Chair.

All other business of the House was suspended while **SS SCS HB 2562** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

## CONSTITUTIONAL OBJECTIONS

The following Representatives offered objections to **SS#2 SCS HB 1413**, which were appended to the bill.

May 29, 2018

Mr. Adam Crumbliss  
Chief Clerk  
Missouri House of Representatives  
Missouri State Capitol  
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to Article III, Section 30 of the Missouri Constitution, we do hereby object to the constitutionality of the truly agreed to and finally passed version of **Senate Substitute #2 for Senate Committee Substitute for House Bill 1413** on the following grounds:

- I. While the act purports to impose a host of new requirements upon public labor organizations, it specifically exempts from such requirements public safety labor organizations – defined broadly, as well as the Department of Corrections and all of its employees. The effect of these exemptions treats similarly situated employees different with no rational basis. Accordingly, this legislation violates equal protection guarantees under both the Fourteenth Amendment to the United States Constitution as well as Article I, Section Two of the Missouri Constitution;
- II. Requirements under Senate Substitute #2 for Senate Committee Substitute for House Bill 1413 stipulate various provisions that must be included in public labor organization collective bargaining agreements including prohibitions on public employees from picketing. This requirement impermissibly interferes with public employees right to petition their government as secured by the First Amendment to the United States Constitution as well as Article I, Section Nine of the Missouri Constitution;

III. Senate Substitute #2 for Senate Committee Substitute for House Bill 1413 dictates that a public employee's decision not to vote in public labor organization election is automatically deemed to be a negative vote regardless of the wishes of the public employee. This provision constitutes compelled speech, impermissible under the First Amendment to the U.S. Constitution as well as Article I, Section Eight of the Missouri Constitution;

IV. Senate Substitute #2 for Senate Committee Substitute for House Bill 1413 forces public employees who join public labor organizations and public labor organizations to expend resources to directly benefit public employees in the bargaining unit who choose not to join the public labor organization nor contribute financially to representation provided by public labor organizations. This scheme mandating representation and benefits be provided to non-members who refuse to provide financial contributions deprives public employees who are members of the labor organization and those labor organizations of property without due process in contravention of both the Fourteenth Amendment to the United States Constitution and Article I, Sections Ten and Twenty-Eight of the Missouri Constitution;

V. House Bill 1413 was amended through the legislative process such that the underlying section of the act was removed from the version which was truly agreed to by the General Assembly. The original section of the act, section 105.504, was removed from the act leaving the final product in violation of Article III, Section 21 of the Missouri Constitution providing that no bill shall be amended so as to change its original purpose. Removing the underlying section of the originally filed version violates this constitutional provision.

Therefore, as Senate Substitute #2 for Senate Committee Substitute for House Bill 1413 is constitutionally infirm for the above stated reasons the measure should not be signed by the governor.

Please note said objection in the House Journal and annex it to truly agreed to and finally passed version of Senate Substitute #2 for Senate Committee Substitute for House Bill 1413 to be considered by the governor in connection therewith as mandated by Article III, Section 30 of the Missouri Constitution.

Sincerely,

/s/ Gail McCann Beatty, Minority Floor Leader  
/s/ Pat Conway, District 10  
/s/ Jon Carpenter, District 15  
/s/ Lauren Arthur, District 18  
/s/ Ingrid Burnett, District 19  
/s/ Ira Anders, District 21  
/s/ Judy Morgan, District 24  
/s/ Greg Razer, District 25  
/s/ Richard Brown, District 27  
/s/ Jerome Barnes, District 28  
/s/ Rory Rowland, District 29  
/s/ DaRon McGee, District 36  
/s/ Joe Runions, District 37  
/s/ Kip Kendrick, District 45  
/s/ Tommie Pierson, Jr., District 66  
/s/ Cora Faith Walker, District 74  
/s/ Steven Roberts, District 77  
/s/ Bruce Franks, Jr., District 78  
/s/ Michael Butler, District 79  
/s/ Peter Merideth, District 80  
/s/ Donna Baringer, District 82  
/s/ Gina Mitten, District 83  
/s/ Karla May, District 84  
/s/ Clem Smith, District 85  
/s/ Joe Adams, District 86

/s/ Stacey Newman, District 87  
/s/ Tracy McCreery, District 88  
/s/ Deb Lavender, District 90  
/s/ Sarah Unsicker, District 91  
/s/ Doug Beck, District 92  
/s/ Mike Revis, District 97  
/s/ Crystal Quade, District 134

Representative Moon offered objections to **SCS HB 1250, SS SCS HB 1355, SS SCS HCS HB 1456, SS#2 HB 1460, SS SCS HB 1832** and **SS#2 SCS HB 1880**, which were appended to the bills.

May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – SCS HB 1250**

Missouri’s Constitution states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....”

The subject matter of HB 1250 was changed from related to “fiduciary access to digital assets” during the amendment phase to “relating to trusts and estates.”

As such, it appears that SCS HB 1250 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – SS SCS HB 1355**

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended in its passage through either house as to change its original purpose....”

HB 1355’s original purpose related to retired peace officers. The bill’s intent was changed during the amendment phase to “relating to public safety.”

As such, it appears that SS SCS HB 1355 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – SS SCS HCS HB 1456**

Missouri’s Constitution states in Article III, section 21, “... no bill shall be so amended in its passage through either house as to change its original purpose....”

The original purpose of HB 1456 related to “emergency communications.” The final version of the bill, SS SCS HCS HB 1456 the purpose was changed to “relating to communication services.”

As such, it appears that SS SCS HCS HB 1456 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – SS #2 HB 1460**

Missouri’s Constitution states in Article I, section 2, “... that all persons are created equal and are entitled to equal rights and opportunity under the law.” House Bill 1460 singles out a group of individuals for special treatment. And, in doing so, creates an unequal opportunity in violation of the Constitution.

In addition, the original purpose of HB 1460 was “relating to a tax deduction for certain Olympic athletes.” Missouri’s Constitution further states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....” As the bill was amended, the title was changed to “relating to state revenues” in order to include a gas tax referendum.

It appears to be clear that SS #2 HB 1460 is in violation of our state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – SS SCS HB 1832**

Missouri's Constitution states in Article III, section 23, "No bill shall contain more than one subject which shall be clearly expressed in its title...."

The original purpose of HB 1832 was "relating to the credit user protection law." The bill's subject was amended to "relating to merchandising practices" to allow the inclusion of language which appears to change the subject of the bill.

As such, it appears that SS SCS HB 1832 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

#### CONSTITUTIONAL OBJECTION – SS #2 SCS HB 1880

Missouri's Constitution states in Article III, section 21, "... no bill shall be so amended in its passage through either house as to change its original purpose...."

HB 1880 asserts in section 394.085, section 1, "The general assembly declares that expanding and accelerating access to high speed broadband communications services throughout the entire state of Missouri is necessary, desirable, in the best interests of the citizens of this state, and that it is a public purpose of great importance."

Further, in section 2, the bill states, "it is the intent of the general assembly to facilitate and to encourage rural electric cooperatives and their affiliates, either collectively or individually, to continue to enter into and establish voluntary contracts or other forms of joint or cooperative agreements...."

The language in House Bill 1880 was expanded specifying provisions if/when a property owner prevails against a rural electric cooperative or cooperative subsidiary in a law suit and the method compensation, if any, will be handled, and the bill further specifies that power conferred upon rural electric cooperatives shall be subject to a certain antitrust provision of law.

As such, it appears that SS #2 SCS HB 1880 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

#### SIGNING OF HOUSE BILLS

All other business of the House was suspended while **SCS HB 1250, SS SCS HB 1355, SS#2 SCS HB 1413, SS SCS HCS HB 1456, SS#2 HB 1460, SS SCS HB 1832** and **SS#2 SCS HB 1880** were read at length and was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HB 1250, HB 1252, SCS HCS HB 1268, SCS HCS HB 1286, SS#2 SCS HCS HBs 1288, 1377 & 2050, CCS SS SCS HB 1291, CCS SS SCS HB 1350, SS SCS HB 1355, SS SCS HCS HB 1364, SS SCS HCS**

**HB 1388, SS#2 SCS HB 1413, SS HB 1415, HB 1428, SS SCS HB 1446, SS SCS HCS HB 1456, HCS HB 1461, SS SCS HB 1465, HB 1469, HB 1484, HB 1492, SS#2 SCS HCS HB 1500, SCS HCS#2 HB 1503, SS HB 1504, HB 1516, HB 1517, SS HB 1531, SS SCS HB 1558, SS HCS HB 1606, SS#3 SCS HCS HB 1617, HB 1625, SCS HCS HB 1635, HB 1646, HB 1665, HCS HB 1690, SCS HCS HB 1713, CCS SS SCS HB 1719, SS HCS HBs 1729, 1621 & 1436, SS HB 1744, SS SCS HB 1769, SS#2 HCS HB 1796, SCS HB 1797, HB 1809, HB 1831, SS SCS HB 1832, SS SCS HB 1838, CCS SS HB 1858, SS HCS HB 1872, CCS SS SCS HCS HB 1879, SS#2 SCS HB 1880, HB 1887, SS HB 1953, SS SCS HCS HB 1991, HCS HB 2001, CCS SCS HCS HB 2002, CCS SCS HCS HB 2003, CCS SCS HCS HB 2004, CCS SCS HCS HB 2005, CCS SCS HCS HB 2006, CCS SCS HCS HB 2007, CCS SCS HCS HB 2008, CCS SCS HCS HB 2009, CCS SS SCS HCS HB 2010, CCS SCS HCS HB 2011, CCS SCS HCS HB 2012, SCS HCS HB 2013, HCS HB 2017, HCS HB 2018, HCS HB 2019, SS SCS HCS HB 2034, HB 2101, SCS HCS HB 2116, SS#2 HCS HB 2129, HCS HB 2171, HB 2183, SS SCS HCS HBs 2280, 2120, 1468 & 1616, HB 2330, SCS HB 2347, SCS HCS HB 2540 and SS SCS HB 2562** were delivered to the Governor by the Chief Clerk of the House.

Having been duly signed in open session of the Senate, **SS#2 HB 1460** was delivered to the Secretary of State by the Chief Clerk of the House.

#### **SIGNING OF SENATE CONCURRENT RESOLUTIONS**

All other business of the House was suspended while **SCR 36** and **SCR 50** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

#### **SIGNING OF SENATE REVISION BILLS**

All other business of the House was suspended while **SCS SRBs 975 & 1024** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

#### **SIGNING OF SENATE BILLS**

All other business of the House was suspended while **SS#5 SB 564, SS SCS SB 568, HCS SB 581, CCS SS#2 SCS SB 590, SS SCS SB 592, SS SCS SB 593, SB 594, HCS SCS SB 598, CCS HCS SS SB 608, HCS SCS SB 623, SS SCS SBs 627 & 925, SCS SB 629, SCS SB 644, SS SCS SB 652, CCS HCS SB 655, CCS HCS SB 660, SB 683, CCS HCS SB 687, SS SB 705, CCS HCS SS SCS SB 707, SB 708, CCS HCS SB 743, SB 768, HCS SCS SB 769, CCS HCS SB 773, CCS HCS SS SCS SB 775, HCS SS SCS SB 782, HCS SB 793, HCS SB 800, SS#2 SCS SB 802, CCS HCS SB 806, CCS HCS SCS SBs 807 & 577, SCS SB 814, CCS SB 819, CCS HCS SS SCS SB 826, SB 840, CCS HCS SS SCS SB 843, SCS SB 862, CCS HCS SS SB 870, HCS SB 871, CCS HCS SS SB 881, SS SB 882, CCS SB 884, SB 891, CCS SCS SB 892, HCS SS SCS SBs 894 & 921, SS SCS SB 907, HCS SCS SB 917, CCS HCS SB 951, SB 954, SB 981, SS SB 982, SCS SB 990, SCS SBs 999 & 1000 and SCS SB 1007** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

## CONSTITUTIONAL OBJECTIONS

Representative Moon offered objections to **SB 573, HCS SS SCS SBs 603, 576 & 898, HCS SB 659** and **CCS HCS SCS SB 718**, which were appended to the bills.

May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

### CONSTITUTIONAL OBJECTION – **SB 573**

Missouri’s Constitution states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....”

The original purpose of SB 573 was “relating to income tax deductions for military personnel.”

The bill’s subject was amended to include language, relating to the flying of MIA/POW flags, which clearly changes the subject of the bill.

As such, it appears that SB 573 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

### CONSTITUTIONAL OBJECTION – **HCS SS SCS SBs 603, 576 & 898**

Missouri’s Constitution states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....”

The original purpose of HCS SS SCS SBs 603, 576 & 898 was “relating to course access in education.” The bill’s subject was amended to include language “relating to virtual education.”

As such, it appears that HCS SS SCS SBs 603, 576 & 898 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – HCS SB 659**

Missouri’s Constitution states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....”

The original purpose of SB 659 was “relating to grants to assist in financing certain utility projects.” The bill’s subject was amended to include language “relating to the department of natural resources.”

As such, it appears that HCS SB 659 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

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May 30, 2018

Adam Crumbliss  
Chief Clerk of the House  
Room 317  
201 Capitol Avenue  
Jefferson City, MO 65101

**CONSTITUTIONAL OBJECTION – CCS HCS SCS SB 718**

Missouri’s Constitution states in Article III, section 23, “No bill shall contain more than one subject which shall be clearly expressed in its title....”

The original purpose of SB 718 was “relating to maintenance medication.” The bill’s subject title was amended by House amendment 1 to “health care” in order to broaden the scope of the legislation.

As such, it appears that CCS HCS SCS SB 718 is in violation of the provisions authorized by the state Constitution.

/s/ Mike Moon  
District 157

**SIGNING OF SENATE BILLS**

All other business of the House was suspended while **SB 573, HCS SS SCS SBs 603, 576 & 898, HCS SB 659** and **CCS HCS SCS SB 718** were read at length and were signed by the Speaker to the end that the same may become law.

The following members' presence was noted: Alferman, Anders, Andrews, Austin, Bahr, Barnes (60), Berry, Bondon, Brown (27), Chipman, Christofanelli, Conway (10), Cookson, Curtman, DeGroot, Dinkins, Dogan, Dohrman, Eggleston, Evans, Fitzwater, Francis, Gannon, Gray, Haahr, Hansen, Harris, Henderson, Houghton, Houx, Hurst, Kelley (127), Kendrick, Kidd,

Kolkmeier, Korman, Lant, Love, Lynch, Marshall, Miller, Mitten, Moon, Neely, Pfautsch, Pierson Jr, Razer, Reiboldt, Reisch, Remole, Rhoads, Richardson, Roeber, Ross, Rowland (155), Shull (16), Smith (163), Sommer, Stacy, Tate, Trent, Vescovo, Walsh, Washington, and Wood.

### **ADJOURNMENT**

The Speaker declared the House of Representatives of the Ninety-ninth General Assembly convened in the Second Regular Session on January 3, 2018, adjourned sine die as of midnight, May 30, 2018, in accordance with the Constitution.

TODD RICHARDSON  
Speaker of the House

D. ADAM CRUMBLISS  
Chief Clerk of the House