

JOURNAL OF THE HOUSE

First Regular Session, 100th GENERAL ASSEMBLY

TWELFTH DAY, WEDNESDAY, JANUARY 30, 2019

The House met pursuant to adjournment.

Speaker Haahr in the Chair.

Prayer by Representative Tommie Pierson, Jr.

Dear Heavenly Father,

Today, as we hear from the Judiciary, grant those given the authority to adjudicate, grant them wisdom to be just, fair, and merciful in their decisions. Lord, even on this frigid day we thank You! We thank You for the ability to bundle up in layers, to warm our cars, to come indoors, and to adjust a thermostat. Help us, O God, to be ever mindful of those who are not afforded these same opportunities. Lord, as You bless us, help us to be a blessing to others. And as we legislate, collaborate, mediate, and govern, may we remember the least of these who also call this great state home. Lord, may You be glorified in the things that we say and do today. In Christ's name, I pray.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the eleventh day was approved as printed by the following vote:

AYES: 149

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Billington	Black 137	Black 7	Bland Manlove	Bondon
Bosley	Bromley	Brown 27	Brown 70	Burnett
Burns	Busick	Butz	Carpenter	Carter
Chipman	Christofanelli	Clemens	Coleman 32	Deaton
DeGroot	Dinkins	Dogan	Dohrman	Eggleston
Ellebracht	Eslinger	Evans 154	Falkner III	Fishel
Fitzwater	Francis	Gannon	Gray	Green
Gregory	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Houx	Hovis	Hudson
Hurst	Ingle	Justus	Kelley 127	Kendrick
Kidd	Knight	Kolkmeier	Lavender	Lovasco
Love	Lynch	Mackey	Mayhew	McCreery
McGaugh	McGee	McGill	Merideth	Messenger
Miller	Moon	Morgan	Morris 140	Morse 151
Mosley	Muntzel	Murphy	Neely	O'Donnell
Patterson	Pfautsch	Pierson Jr.	Pietzman	Pike
Plocher	Pogue	Pollitt 52	Pollock 123	Porter
Proudie	Quade	Razer	Reedy	Rehder
Toalson Reisch	Remole	Richey	Riggs	Roberts 161
Roberts 77	Roeber	Rogers	Rone	Ross

Rowland	Runions	Ruth	Sain	Sauls
Schnelting	Schroer	Sharpe	Shaul 113	Shawan
Shields	Shull 16	Simmons	Smith	Solon
Sommer	Spencer	Stacy	Stevens 46	Swan
Tate	Taylor	Trent	Unsicker	Veit
Vescovo	Walker	Walsh	Washington	Wiemann
Wilson	Wood	Wright	Mr. Speaker	

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 012

Beck	Chappelle-Nadal	Coleman 97	Evans 99	Franks Jr.
Kelly 141	McDaniel	Mitten	Price	Roden
Stephens 128	Windham			

VACANCIES: 001

HOUSE RESOLUTIONS

Representative Veit offered House Resolution No. 353.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolution was read the first time and copies ordered printed:

HCR 27, introduced by Representative Hicks, relating to the United States Immigration and Customs Enforcement.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 740, introduced by Representative Burns, relating to street light maintenance districts.

HB 741, introduced by Representative Mitten, relating to sales tax.

HB 742, introduced by Representative Henderson, relating to text messaging while operating a motor vehicle.

HB 743, introduced by Representative Fishel, relating to student journalists.

HB 744, introduced by Representative Riggs, relating to the 21st century Missouri education task force.

HB 745, introduced by Representative Ruth, relating to court orders changing custody.

HB 746, introduced by Representative Wilson, relating to charges for the service of court orders.

HB 747, introduced by Representative Neely, relating to sales tax.

HB 748, introduced by Representative Tate, relating to the operation of platoons on Missouri roads.

HB 749, introduced by Representative Tate, relating to motor vehicle tows.

SECOND READING OF HOUSE BILLS

The following House Bills were read the second time:

HB 716, relating to workers' compensation.

HB 717, relating to energy savings.

HB 718, relating to the sale of firearms.

HB 719, relating to the authorized electronic monitoring in long-term care facilities act, with penalty provisions.

HB 720, relating to sewer districts.

HB 721, relating to retail storage and transport of alcohol.

HB 722, relating to charges for the service of court orders.

HB 723, relating to teacher and school employee retirement systems.

HB 724, relating to the implementation of the streamlined sales and use tax agreement, with a delayed effective date.

HB 725, relating to the prescribing and dispensing of tobacco cessation products.

HB 726, relating to the operation of certain motor vehicles on the shoulder of the roadway.

HB 727, relating to multidose medications given to patients at discharge.

HB 728, relating to the name of the party in interest in certain civil actions.

HB 729, relating to offender registries.

HB 730, relating to the reimbursement of costs related to electronic monitoring.

HB 731, relating to automatic voter registration.

HB 732, relating to state funding for higher education costs.

HB 733, relating to airports, with an emergency clause.

HB 734, relating to county mergers.

HB 735, relating to the 21st century Missouri patient education task force.

HB 736, relating to sales and use tax, with a delayed effective date.

HB 737, relating to tax credits for grocery stores.

HB 738, relating to political advertisements.

HB 739, relating to elementary and secondary education.

MOTION

Representative Vescovo moved that Rule 124 be suspended.

Which motion was adopted by the following vote:

AYES: 153

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Beck	Billington	Black 137	Black 7	Bland Manlove
Bondon	Bosley	Bromley	Brown 27	Brown 70
Burnett	Burns	Busick	Butz	Carpenter
Carter	Christofanelli	Clemens	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Eslinger	Evans 154	Falkner III
Fishel	Fitzwater	Francis	Gannon	Gray
Green	Gregory	Grier	Griesheimer	Griffith
Haden	Haffner	Hannegan	Hansen	Helms
Henderson	Hicks	Houx	Hovis	Hudson
Hurst	Ingle	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Knight	Kolkmeier	Lavender
Lovasco	Love	Lynch	Mackey	Mayhew
McCreery	McDaniel	McGaugh	McGee	McGirl
Merideth	Messenger	Miller	Mitten	Morgan
Morris 140	Morse 151	Mosley	Muntzel	Murphy
Neely	O'Donnell	Patterson	Pfautsch	Pietzman
Pike	Plocher	Pogue	Pollitt 52	Pollock 123
Porter	Price	Proudie	Quade	Razer
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roberts 161	Roberts 77	Roeber	Rogers
Rone	Ross	Rowland	Runions	Ruth
Sain	Sauls	Schnelting	Schroer	Sharpe
Shaul 113	Shawan	Shields	Shull 16	Simmons
Smith	Solon	Sommer	Spencer	Stacy

Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Veit	Vescovo	Walker
Walsh	Washington	Wiemann	Wilson	Windham
Wood	Wright	Mr. Speaker		

NOES: 000

PRESENT: 001

Ellington

ABSENT WITH LEAVE: 008

Chappelle-Nadal	Chipman	Evans 99	Franks Jr.	Hill
Moon	Pierson Jr.	Roden		

VACANCIES: 001

JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted, and Lieutenant Governor Mike Kehoe, presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 32

Arthur	Bernskoetter	Brown	Burlison	Cierpiot
Crawford	Curls	Eigel	Emery	Hegeman
Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Sifton	Wallingford	Walsh	White
Wieland	Williams			

ABSENT: 2

Cunningham	Schupp
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The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 149

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Beck	Billington	Black 137	Black 7	Bland Manlove
Bondon	Bosley	Bromley	Brown 27	Brown 70
Burnett	Burns	Busick	Butz	Carpenter
Carter	Christofanelli	Clemens	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Ellebracht	Eslinger	Evans 154	Falkner III
Fishel	Fitzwater	Francis	Franks Jr.	Gannon

Gray	Green	Gregory	Grier	Griesheimer
Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hicks	Houx	Hovis
Hudson	Hurst	Ingle	Justus	Kelley 127
Kelly 141	Kendrick	Kidd	Knight	Kolkmeyer
Lavender	Lovasco	Love	Lynch	Mackey
Mayhew	McGaugh	McGee	McGill	Merideth
Messenger	Miller	Mitten	Morgan	Morris 140
Morse 151	Mosley	Muntzel	Murphy	Neely
O'Donnell	Patterson	Pfautsch	Pietzman	Pike
Plocher	Pogue	Pollitt 52	Pollock 123	Porter
Proudie	Quade	Razer	Reedy	Rehder
Toalson Reisch	Remole	Richey	Riggs	Roberts 161
Roberts 77	Roerber	Rogers	Rone	Ross
Runions	Ruth	Sain	Sauls	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Shull 16	Simmons	Solon	Sommer	Spencer
Stacy	Stephens 128	Stevens 46	Swan	Tate
Taylor	Trent	Unsicker	Veit	Vescovo
Walker	Walsh	Washington	Wiemann	Wilson
Windham	Wood	Wright	Mr. Speaker	

NOES: 000

PRESENT: 003

Ellington McCreery Rowland

ABSENT WITH LEAVE: 010

Chappelle-Nadal	Chipman	Evans 99	Hill	McDaniel
Moon	Pierson Jr.	Price	Roden	Smith

VACANCIES: 001

The Sergeant-at-Arms announced the approach of the Honorable Zel M. Fischer, Chief Justice of the Supreme Court of Missouri. Chief Justice Fischer was duly escorted to the House Chamber and to the Speaker's dais, where he delivered the following message to the Assembly in Joint Session.

**STATE OF THE JUDICIARY
ADDRESS BY
CHIEF JUSTICE ZEL M. FISCHER**

Introduction

Thank you, Lieutenant Governor Kehoe, Secretary of State Ashcroft, President Pro Tem Schatz, Speaker Haahr, and members of this 100th General Assembly, the executive branch and the judiciary. On behalf of all of Missouri's state judges, I am pleased to present you with this 46th State of the Judiciary.

The framers of our Constitution divided the power of government among three separate but co-equal branches, intending them to serve different purposes. But this separation does not mean we cannot listen to one another.

We know our partners in the legislative and executive branches are committed to doing the best job possible to make Missouri better. We are no different. The state of the judiciary is good.

Constitutionally critical to our system of government, the judiciary is designed to be different from the political and policymaking branches of government. Chief Justice John Roberts of the Supreme Court of the United States explained it this way: “We wear black robes to convey the notion that our individual views [and] personality do not have anything to do with the function we have to play in terms of coming to the correct decision on the law.”

You may not know one of his colleagues on our nation’s high court, Justice Clarence Thomas, had his first legal job right here in Missouri, across the street in the red brick building, as an assistant attorney general under Jack Danforth. Justice Thomas has said, “Judicial independence is critical to liberty and to justice. In our great country, the judiciary is not a puppet of those in power, nor is it the engine for pioneering social change. Rather, it is a safeguard against tyranny and an assurance of neutral arbiters for those seeking the protection of law.”

Public opinion tends to galvanize behind particular outcomes. Judges have a duty to resist that temptation. Our duty and our oath is not to be popular but to be faithful to the law.

Treatment courts

As I was here a couple of weeks ago listening to Governor Parson give his address, it occurred to me there are at least a few things Governor Parson and I have in common – we both call rural Missouri home, we are both probably more comfortable in cowboy boots than dress shoes, and neither of us has been accused of being soft on crime. But I was pleased to hear him commit in his state of the state address he would not build another prison while he is governor.

When I began practicing law three decades ago, we were all told the proper answer was to be tough on crime. But, as time has proven, being tough on crime is not necessarily being smart on crime. Our national incarceration rates have ballooned – and for many nonviolent offenders, we have failed to address their underlying issues of substance abuse and mental illness. Let’s save our prisons for those we are afraid of, not just mad at.

Over-incarcerating nonviolent offenders – especially drug and alcohol offenders – costs millions and is not curing the problem. We need to spend public funds where we see proven results. Often, what they really need – and what we can provide without compromising public safety – is treatment for substance abuse and mental illness.

This is why it is no longer enough for the courts to simply resolve cases. Instead, you and our citizens expect your courts to help change lives by breaking the cycle of crime among our nonviolent offenders and making them more productive. Since Missouri’s first treatment court was founded more than 25 years ago, the Show-Me State has been showing everyone else how to do it ... and we continue to get better at it.

But as I explained in my address to you last year, citizens in some of our counties still lack access to a local treatment court. I thank Governor Parson for making treatment courts a priority of last fall’s special session – and I thank you for passing this important legislation.

Now, we need your help funding the vital services our treatment courts can provide. The governor included in his budget recommendations a restoration of the rest of the core funding to the treatment courts we asked for last year but did not receive, plus nearly \$3.1 million in additional funding to help expand the reach of our treatment court services. Together, not only can we continue to be smart on crime, but, more importantly, we can continue to save money ... and lives.

Veterans courts

Some of our treatment courts focus on an offender’s underlying issue, but one focuses on a unique population – our veterans. As you know, one of the primary rules of battle is not to leave anyone behind. But that guiding principle is just as important off the battlefield.

Due in part to the stress of combat or adjusting to life at home, some of our military men and women suffer from mental illness or addiction, and they may find themselves on the wrong side of the law. It is incumbent on *us* to make sure the justice system for which they have sacrificed recognizes their unique challenges and does not leave them behind.

Missouri now has veterans treatment courts available in three dozen counties, plus the cities of St. Louis and Kansas City. These unique programs use volunteer veterans and active-duty soldiers as mentors. Research shows veterans benefit the most with help from others who understand the military experience.

Our veterans treatment courts are a win-win for all Missourians – in addition to helping those who have served our country regain their lives, crime is reduced, public safety is improved, and we are able to better protect those who have protected us.

Military spouse rule

We also are honoring military families by finding a way for spouses of military personnel stationed in Missouri to practice law while they are here.

The process to become licensed to practice law in any state is rigorous, and for good reason – it’s designed to protect the public. The bar exam is hard. But attorneys who are married to active duty military service members face the prospect of going through that process each time their spouses are relocated. You’ve heard the adage, “when one member joins, the whole family serves?” For some members of our active duty military, that means their attorney spouses must sit for a bar exam in every new state in which they find themselves ... or abandon their career ... or split up the military family. We realized this makes little sense.

So we created a pathway for military spouses who are licensed attorneys to practice law while they are in Missouri. Under the new rule – which took effect January 1 – lawyers with licenses in good standing from other jurisdictions, whose spouses are full-time active service members of the United States armed forces assigned to a duty station in Missouri or a contiguous state, can apply for temporary admission to practice law in Missouri.

Allowing these qualified attorneys to share their legal talents with our citizens while they are in our state will honor the sacrifice they make as military spouses and will serve Missourians well. This rule is already being utilized – just nine days after it took effect, we had an applicant. Her story exemplifies why we always need to look for ways to make our legal system better for those we serve.

Karen Towns is the daughter of a military service member and was born at an American air base overseas. She earned her law degree in North Carolina and was serving as associate chief counsel for the United States Food and Drug Administration when she married an officer in the United States Army. In fewer than a dozen years since then, he – and, therefore, she – have been relocated more than half a dozen times, to duty stations in Kansas, Kentucky, Maryland, Washington – and twice in Missouri.

Since July 2017, Karen’s husband – Colonel Eric Towns – has been stationed at Fort Leonard Wood, where he serves as garrison commander. When they arrived in Missouri, the only way for her to become licensed to practice law here was to sit for another bar exam. Instead, she has been working as a non-attorney compliance officer at the Missouri University of Science and Technology in Rolla. But our new rule cut through the red tape that had been preventing her from using her legal skills to their fullest.

I am pleased to announce Karen has been granted temporary admission to practice law in Missouri. She and Colonel Towns are with us today – please join me in thanking them *both* for their important service.

Retired lawyer pro bono rule

We also have recognized we need to do more to provide equal access to civil justice. One of the fundamental purposes of your courts is to ensure access to justice for all, regardless of background, wealth, power or ideology. This ideal works well on paper but is hard to achieve in reality. The law is complex, and many individuals and businesses perceive they lack access to affordable legal services.

A legal system that serves only the well-to-do is neither justice *for* all – nor justice *at* all.

Missouri lawyers try to help fill the need. Each year, hundreds volunteer their time, unpaid, to help those who otherwise cannot afford an attorney. And Missouri is part of a national program – like an online version of a walk-in clinic – allowing people who cannot afford a lawyer to get quick advice about a specific civil legal issue from a volunteer lawyer.

But by far the primary resource for those least able to afford an attorney comes from our state’s legal service organizations. Unfortunately, the justice gap is much wider than these volunteer lawyers and legal service organizations can bridge on their own.

They need help. Pursuant to a new rule and new pilot project, retired lawyers who agree to provide solely free legal help through one of our state’s legal aid organizations can apply annually to our Court to have their attorney enrollment fees waived.

As baby boomers enter retirement, many will be able to continue sharing their legal experience in meaningful and impactful ways. More importantly, our legal aid organizations will be able to help more low-income citizens throughout Missouri who need – but cannot afford – civil legal assistance.

Two people on the front lines of the battle to close the justice gap are here today. From Legal Aid of Western Missouri, its executive director, retired judge Joe Dandurand, and Latricia Scott Adams, who for *30 years* has served as its volunteer attorney project director. Let’s thank them for their service.

Pretrial release

Some common-sense solutions are relatively simple, like our new military spouse rule and retired lawyer pro bono rule. Others are more difficult to achieve, and a few require tough conversations, like dealing with pretrial detention. The problem is real. Too many who are arrested cannot afford bail even for low-level offenses and remain in jail awaiting a hearing. Though presumed innocent, they lose their jobs, cannot support their families and are more likely to reoffend.

We all share a responsibility to protect the public – but we also have a responsibility to ensure those accused of crime are fairly treated according to the *law*, and not their pocket books.

Missouri law sets the framework for how pretrial detention should work. Under the circumstances of each case, a judge must balance two constitutional imperatives – one to afford the accused an opportunity for pretrial release, and the other to insist on “sufficient sureties” the defendant will appear in court. Judges also must balance statutory considerations for protecting a crime victim, a witness and the community from a defendant who poses a danger to them.

During the past year, the Court brought together a whole host of experts – judges, prosecutors, defense attorneys, law professors and court officials – they spent countless hours identifying ways for improvement and working to devise common-sense modifications to our criminal justice system. As a result of this hard work, the Court has ordered *significant* changes to its rules governing pretrial release.

These changes – which will take effect July 1 – are extensive ... and meaningful. Here are some highlights:

- The court must start with non-monetary conditions of release and may impose monetary conditions only if necessary and only in an amount not exceeding that necessary to ensure safety or the defendant’s appearance.
- The court may not order a defendant to pay any portion of the costs of any conditions of release without first considering how to minimize or whether to waive those costs.
- A court may order a defendant’s pretrial detention only if it determines – by clear and convincing evidence – that no combination of non-monetary and monetary conditions will ensure safety of the community or any person.
- The new rule also limits how long a defendant may be detained without a court hearing, and ensures a speedy trial for those who remain in jail.

This new rule helps ensure the determinations – and conditions – of pretrial release are made with the best information available. We believe these changes will improve our criminal justice system.

Investing in Missouri's courts

In his state of the state address, Governor Parson said being a good leader is about your ability to make those around you better. So I am here to ask for your help. I know revenues are tight, you have important priorities to consider . . . and I do not imagine you have very many constituents calling or e-mailing you begging for additional court funding.

But that does not mean your court system and the services we provide are not critical for the health of our state. Without the reliable availability of courts in our local communities, with fair and impartial judges who are well-versed in the law, and competent, professional court staff, your constituents' disputes might go undecided. Small business owners cannot afford undue delay in having their legal matters decided, and big businesses look for strong, stable courts when deciding where to employ large numbers of people.

Like so many others in state government, we in the Missouri courts have been streamlining our services, doing more with less for years, and we have proven we are a sound investment for Missouri tax dollars. To continue providing a high level of service – now and for future generations – we need additional investment in developing our workforce and improving our technological infrastructure.

Right now, our judicial education program operates on only 74 percent of the total amount of funding to which it is authorized by statute. But 74 percent does not allow us to offer as many in-person classes as we need, or to supplement those classes with as many web-based training sessions as we should. It will cost just less than a half-million dollars to close this gap between funding authorized and funding appropriated. Although Governor Parson did not include this item in his recommendations, I ask you to actually fund what you have authorized us to spend on judicial education. That amount would allow our judicial education program to function at full strength, as it has in the past.

Governor Parson encouraged us to be honest about the challenges we face. Here is one – technology has become the way we all do business and expect to do business, but your courts struggle to meet the public's 21st century expectations with 1990s resources.

The Missouri General Assembly in 1994 mandated the development of a statewide court automation system. But the \$7 fee has not changed in a quarter-century and does not generate enough money to sustain current functions. In fact, the fee only pays for a third of the technology necessary to provide the services Missourians have come to expect.

Missouri courts have been virtually paperless since 2014, and you and your constituents have come to rely on the benefits that electronic system makes possible: Case.net, Track This Case, Pay By Web and the electronic filing of cases. But what happens if we cannot sustain the technology that has become the way people do business in their courts?

We may find out by July 2021, when we anticipate the Missouri courts' statutorily mandated system – built on 25-year-old technology – will be unable to receive critical system updates. We are building a replacement case management system, but at current funding levels, the new Show-Me Courts system – which includes municipal case processing – will not be finished in time.

Equal access to justice requires using technology to resolve disputes fairly and efficiently. We need to develop user-friendly, electronic systems to permit citizens to participate in routine court proceedings without missing work. We need to increase the functionality of Case.net to allow citizens to be fairly informed. Missourians expect your courts' technology systems to join the 21st century, which will require increased and sustainable funding from general revenue.

Nonpartisan court plan

Technology is not the only thing changing rapidly. How different the faces are in this chamber than just a year ago. Most of our state office holders are in new positions, and more than 60 of you are new to the legislature.

We have experienced change as well. Nearly 60 trial judges just attended new judge orientation last week. Our appellate judicial commission has sent two panels to Governor Parson. Last fall, Governor Parson made his first appellate appointment, selecting Tom Chapman – the presiding judge from the 43rd circuit (spanning five counties in northwest Missouri) – to a vacancy on the Missouri Court of Appeals, Western District. Earlier this month, Governor Parson selected Robin Ransom – the presiding judge in St. Louis city – to be the newest appellate judge in our Eastern District.

I remain steadfast that Missouri’s nonpartisan court plan is the best method for selecting judges to our urban trial courts, appellate court and supreme court. We have a plaque in our building across the street commemorating the courage of the people of Missouri in amending their constitution in 1940 to adopt the Missouri court plan, making ours the first state in the nation to embrace judicial merit selection. Our foresight looks brilliant today, as the entire Supreme Court of West Virginia – which has direct partisan elections – faced impeachment last year, and the confirmation process for Justice Brett Kavanaugh’s nomination to the Supreme Court of the United States looked nothing like the advice and consent of the senate our founding fathers intended.

As a supreme court judge, the idea of presenting oneself as pro-something or con-something else undercuts a system in which judges are meant to be neutral arbiters of our citizens’ disputes and, ultimately, undermines the public’s trust and confidence in their courts. To paraphrase Chief Justice Roberts, judges do not sit on opposite sides of an aisle. They do not caucus in separate rooms. They do not serve one party or interest. They serve one nation. Or, in our instance, one Missouri.

I will end where I began, by explaining the judicial branch is designed to be different from the political and policymaking branches of government. Our judicial code of conduct requires us to refrain not only from actual bias but to minimize even the appearance of partiality.

Conclusion

While I know you take your responsibilities here in the Capitol seriously, as do I, do not forget those at home who support, encourage and pray for you daily. In the balcony, with other family members, are Julie, my wife of more than 34 years, and my mother Nancy. Thank you for your infinite love, support, encouragement and prayers.

Providing the family security is my former courtroom bailiff, my best friend, the best man at my wedding – he is also my father, Bob Fischer.

Everybody who knows my dad has at least one story – but I’ll close with this one. In the fall of 2008, Dad drove me down for my interview with Governor Matt Blunt. Once back in his pickup truck after the interview, I told Dad I thought Governor Blunt might actually appoint me to the Supreme Court of Missouri. He said, “Well, he ought to, but are you sure you want the position? You’re already a judge, and this is a four-and-a-half-hour drive from your wife and three of your four children still in high school.” I explained to Dad this was a position where you not only could make a paycheck, you could also make a difference. I concluded, it is not like I would be joining the circus. Then Dad – with his humble trademark grin – replied, “Are you sure?”

Thank you all, and may God Bless *you all*.

The Joint Session was dissolved by Senator Rowden.

Speaker Haahr resumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HB 397, relating to the protection of children from sex trafficking, with penalty provisions, was taken up by Representative Coleman (97).

On motion of Representative Coleman (97), the title of **HCS HB 397** was agreed to.

Representative Schroer offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 397, Page 2, Section 578.421, Line 29, by inserting immediately after said section and line the following:

"578.423. Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years. ~~[For any person between the ages of fourteen and seventeen who is alleged to have violated the provisions of sections 578.421 to 578.437 the prosecuting attorney or circuit attorney may move for dismissal of a petition and transfer to a court of general jurisdiction.]~~"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schroer, **House Amendment No. 1** was adopted.

Representative Christofanelli offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 397, Page 2, Section 578.421, Line 29, by inserting after all of said line the following:

"578.427. ~~[1- Sections 578.421 to 578.437 shall not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents.]~~

~~[2-]~~ Nothing in sections 578.421 to 578.437 shall prevent a local governing body from adopting and enforcing laws consistent with sections 578.421 to 578.437 relating to gangs and gang violence. Where those local laws duplicate or supplement the provisions of sections 578.421 to 578.437, sections 578.421 to 578.437 shall be construed as providing alternative remedies and not as preempting the field."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Christofanelli, **House Amendment No. 2** was adopted.

Representative Lavender offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 397, Page 2, Section 578.421, Lines 1-29, by deleting said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Wiemann assumed the Chair.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Christofanelli	Coleman 32	Coleman 97	Deaton
DeGroot	Dinkins	Dogan	Dohrman	Eggleston
Eslinger	Evans 154	Falkner III	Fishel	Fitzwater
Francis	Gannon	Grier	Griesheimer	Griffith
Haden	Haffner	Hannegan	Hansen	Helms
Henderson	Hill	Houx	Hovis	Hudson
Hurst	Justus	Kelley 127	Kelly 141	Kidd
Knight	Kolkmeyer	Lovasco	Love	Lynch
Mayhew	McDaniel	McGaugh	McGill	Miller
Morris 140	Morse 151	Muntzel	Murphy	Neely
O'Donnell	Patterson	Pfautsch	Pietzman	Pike
Plocher	Pogue	Pollitt 52	Pollock 123	Porter
Reedy	Rehder	Toalson Reisch	Remole	Richey
Riggs	Roeber	Rone	Ross	Ruth
Schnelting	Schroer	Sharpe	Shaul 113	Shawan
Shields	Shull 16	Simmons	Smith	Solon
Sommer	Stacy	Swan	Tate	Taylor
Trent	Veit	Vescovo	Walsh	Wiemann
Wilson	Wood	Wright	Mr. Speaker	

NOES: 045

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Brown 70	Burnett
Burns	Butz	Carpenter	Carter	Clemens
Ellebracht	Ellington	Franks Jr.	Gray	Green
Ingle	Kendrick	Lavender	Mackey	McCreery
McGee	Merideth	Mitten	Morgan	Mosley
Price	Proudie	Quade	Razer	Roberts 77
Rogers	Rowland	Runions	Sain	Sauls
Stevens 46	Unsicker	Walker	Washington	Windham

PRESENT: 000

ABSENT WITH LEAVE: 013

Busick	Chappelle-Nadal	Chipman	Evans 99	Gregory
Hicks	Messenger	Moon	Pierson Jr.	Roberts 161
Roden	Spencer	Stephens 128		

VACANCIES: 001

Representative Lavender moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

Representative Evans (154) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 397, Page 2, Section 567.020, Lines 19-20, by deleting said lines and inserting in lieu thereof the following:

"under the age of eighteen ~~and~~ **or** was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged. **In such cases where the defendant was under the age of eighteen and found not guilty of any violation under this section, the defendant shall be classified**"; and

Further amend said bill, Page 3, Section 610.131, Lines 6-7, by deleting said lines and inserting in lieu thereof the following:

"determines~~[-after a hearing,]~~ that such person was **under the age of eighteen or was** acting under the coercion, as defined in section 566.200, of an agent when committing the offense that"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Evans (154), **House Amendment No. 4** was adopted.

Representative Burnett offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 397, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"211.211. 1. A child is entitled to be represented by counsel in all proceedings under subdivision (2) or (3) of subsection 1 of section 211.031 and by a guardian ad litem in all proceedings under subdivision (1) of subsection 1 of section 211.031.

2. The court shall appoint counsel for a child prior to the filing of a petition if a request is made therefor to the court and the court finds that the child is the subject of a juvenile court proceeding and that the child making the request is indigent.

3. **(1)** When a petition has been filed under subdivision (2) or (3) of subsection 1 of section 211.031, the court shall appoint counsel for the child except if private counsel has entered his or her appearance on behalf of the child or if counsel has been waived in accordance with law; **except that, counsel shall not be waived for any proceeding specified under subsection 10 of this section.**

(2) If a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing and shall be made knowingly, intelligently, and voluntarily. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances including, but not limited to, the child's age, intelligence, background, and experience generally and in the court system specifically; the child's emotional stability; and the complexity of the proceedings.

4. When a petition has been filed and the child's custodian appears before the court without counsel, the court shall appoint counsel for the custodian if it finds:

- (1) That the custodian is indigent; and
- (2) That the custodian desires the appointment of counsel; and
- (3) That a full and fair hearing requires appointment of counsel for the custodian.

5. Counsel shall be allowed a reasonable time in which to prepare to represent his client.

6. Counsel shall serve for all stages of the proceedings, including appeal, unless relieved by the court for good cause shown. If no appeal is taken, services of counsel are terminated following the entry of an order of disposition.

7. The child and his custodian may be represented by the same counsel except where a conflict of interest exists. Where it appears to the court that a conflict exists, it shall order that the child and his custodian be represented by separate counsel, and it shall appoint counsel if required by subsection 3 or 4 of this section.

8. When a petition has been filed, a child may waive his **or her** right to counsel only with the approval of the court **and if such waiver is not prohibited under subsection 10 of this section. If a child waives his or her right to counsel for any proceeding except proceedings under subsection 10 of this section, the waiver shall only apply to that proceeding. In any subsequent proceeding, the child shall be informed of his or her right to counsel.**

9. Waiver of counsel by a child may be withdrawn at any stage of the proceeding, in which event the court shall appoint counsel for the child if required by subsection 3 of this section.

10. A child's right to be represented by counsel shall not be waived in any of the following proceedings:

- (1) At a detention hearing under Missouri supreme court rule 127.08;**
- (2) At a certification hearing under section 211.071 or a dismissal hearing under Missouri supreme court rule 129.04;**
- (3) At an adjudication hearing under Missouri supreme court rule 128.02 for any misdemeanor or felony offense, including the acceptance of an admission;**
- (4) At a dispositional hearing under Missouri supreme court rule 128.03; or**
- (5) At a hearing on a motion to modify or revoke supervision under subdivision (2) or (3) of subsection 1 of section 211.031.**

11. Under no circumstances shall a child waive his or her rights under section 211.059 and be questioned by police."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Burnett moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Busick	Christofanelli	Coleman 32	Coleman 97
Deaton	DeGroot	Dinkins	Dogan	Dohrman
Eggleston	Eslinger	Evans 154	Falkner III	Fishel
Fitzwater	Francis	Gannon	Grier	Griesheimer
Griffith	Haden	Haffner	Hannegan	Hansen
Helms	Henderson	Hicks	Hill	Houx
Hovis	Hudson	Hurst	Justus	Kelley 127
Kelly 141	Kidd	Knight	Kolkmeyer	Lovasco
Love	Lynch	Mayhew	McDaniel	McGaugh
McGill	Messenger	Miller	Morris 140	Morse 151
Muntzel	Murphy	Neely	O'Donnell	Pfautsch
Pietzman	Pike	Plocher	Pollitt 52	Pollock 123
Porter	Reedy	Rehder	Toalson Reisch	Remole
Richey	Riggs	Roberts 161	Roeber	Rone
Ross	Ruth	Schnelting	Sharpe	Shaul 113
Shawan	Shields	Shull 16	Simmons	Smith
Solon	Sommer	Spencer	Stacy	Swan
Tate	Taylor	Trent	Veit	Vescovo
Walsh	Wiemann	Wilson	Wood	Wright

Mr. Speaker

NOES: 044

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Brown 70	Burnett
Burns	Butz	Carter	Clemens	Ellebracht
Ellington	Franks Jr.	Gray	Green	Ingle
Kendrick	Lavender	Mackey	McCreery	McGee
Merideth	Mitten	Morgan	Mosley	Pogue
Price	Quade	Razer	Roberts 77	Rogers
Rowland	Runions	Sain	Sauls	Stevens 46
Unsicker	Walker	Washington	Windham	

PRESENT: 001

Proudie

ABSENT WITH LEAVE: 011

Carpenter	Chappelle-Nadal	Chipman	Evans 99	Gregory
Moon	Patterson	Pierson Jr.	Roden	Schroer
Stephens 128				

VACANCIES: 001

On motion of Representative Coleman (97), **HCS HB 397, as amended**, was adopted.

On motion of Representative Coleman (97), **HCS HB 397, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 353 - Consent and House Procedure

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 126 - Children and Families
HB 127 - Children and Families
HB 282 - Children and Families
HB 339 - Children and Families
HB 420 - Children and Families
HB 431 - Children and Families
HB 540 - Children and Families
HB 680 - Children and Families

COMMITTEE APPOINTMENTS

January 30, 2019

Ms. Dana Rademan Miller
Chief Clerk
House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Ms. Miller:

I hereby appoint the following to serve on the Joint Committee on Capitol Security:

Representative Elijah Haahr

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Elijah Haahr
Speaker of the House

January 30, 2019

Ms. Dana Rademan Miller
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Ms. Miller:

I hereby appoint the following to serve on the Joint Committee on the Justice System:

Representative David Gregory
Representative Kenneth Wilson
Representative Shane Roden

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Elijah Haahr
Speaker of the House

January 30, 2019

Ms. Dana Rademan Miller
Chief Clerk
Missouri House of Representatives
State Capitol, Room 310
Jefferson City, MO 65101

Dear Ms. Miller:

I hereby appoint the following to serve on the Joint Committee on Public Assistance:

Representative Cody Smith
Representative Mike Stephens

If you have any questions, please feel free to contact my office.

Sincerely,

/s/ Elijah Haahr
Speaker of the House

ADJOURNMENT

On motion of Representative Vescovo, the House adjourned until 10:00 a.m., Thursday, January 31, 2019.

COMMITTEE HEARINGS

BUDGET

Thursday, January 31, 2019, 8:15 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Budget presentations from the Governor, Department of Insurance, Financial Institutions and Professional Registration and Department of Labor.

CONSERVATION AND NATURAL RESOURCES

Monday, February 4, 2019, 6:00 PM or upon adjournment (whichever is later), House Hearing Room 7.

Executive session will be held: HB 260, HB 283

Executive session may be held on any matter referred to the committee.

FINANCIAL INSTITUTIONS

Thursday, January 31, 2019, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 354, HB 599

Executive session may be held on any matter referred to the committee.

HEALTH AND MENTAL HEALTH POLICY

Monday, February 4, 2019, 12:00 PM, House Hearing Room 7.

Public hearing will be held: HB 138, HB 167, HB 166

Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, February 4, 2019, 12:00 PM, House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

Organizational meeting.

Some portions of the meeting may be closed pursuant to Section 610.021.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Wednesday, February 6, 2019, 1:00 PM, House Hearing Room 5.

Executive session may be held on any matter referred to the committee.

MoDot's annual report executive session to be held: one specialty license plate, four memorial highway/bridge designations.

SPECIAL COMMITTEE ON CRIMINAL JUSTICE

Thursday, January 31, 2019, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 113, HB 352, HB 341

Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON STUDENT ACCOUNTABILITY

Tuesday, February 5, 2019, 12:00 PM, House Hearing Room 6.

Public hearing will be held: HB 169, HB 456

Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON TOURISM

Thursday, January 31, 2019, 8:00 AM, House Hearing Room 6.

Public hearing will be held: HB 72, HB 108

Executive session will be held: HB 72, HB 108

Executive session may be held on any matter referred to the committee.

TRANSPORTATION

Thursday, January 31, 2019, 8:00 AM, House Hearing Room 7.

Public hearing will be held: HB 499

Executive session will be held: HB 207, HB 280, HB 402

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTEENTH DAY, THURSDAY, JANUARY 31, 2019

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 27

HOUSE BILLS FOR SECOND READING

HB 740 through HB 749

HOUSE BILLS FOR PERFECTION

HCS HB 67 - Plocher

HB 445 - Dogan

HOUSE BILLS FOR THIRD READING

HCS HB 397 - Coleman (97)

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Smith
CCS SCS HCS HB 2002 - Smith
CCS SCS HCS HB 2003 - Smith
CCS SCS HCS HB 2004 - Smith
CCS SCS HCS HB 2005 - Smith
CCS SCS HCS HB 2006 - Smith
CCS SCS HCS HB 2007 - Smith
CCS SCS HCS HB 2008 - Smith
CCS SCS HCS HB 2009 - Smith
CCS SS SCS HCS HB 2010 - Smith
CCS SCS HCS HB 2011 - Smith
CCS SCS HCS HB 2012 - Smith
SCS HCS HB 2013 - Smith
HCS HB 2017 - Smith
HCS HB 2018 - Smith
HCS HB 2019 - Smith