

JOURNAL OF THE HOUSE

FIRST EXTRAORDINARY SESSION OF THE SECOND REGULAR SESSION
100TH GENERAL ASSEMBLY

ELEVENTH DAY, WEDNESDAY, SEPTEMBER 9, 2020

The House met pursuant to adjournment.

Representative Fitzwater in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 2** entitled:

An act to amend chapters 27 and 491, RSMo, by adding thereto two new sections relating to criminal procedure, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 66**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 46**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 11** entitled:

An act to repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child in the first degree, with penalty provisions and an emergency clause.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Bill No. 11, Page 1, Section 568.045, Line 12, by striking the opening and closing brackets and bolded word on said line.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 16** entitled:

An act to repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful transfer of weapons, with penalty provisions.

With Senate Amendment No. 3, Senate Amendment No. 5, and Senate Amendment No. 6.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section 571.060, Line 16, by striking “loans” and inserting in lieu thereof the following:

“**lends**”.

Senate Amendment No. 5

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, Section 571.060, Line 15, by inserting after “duty” the following:

“**The provisions of this subdivision shall not apply to any person within the third degree of consanguinity to the child if such person reasonably believes that he or she has the consent of the child's custodial parent or guardian**”; and

Further amend said bill and section, Page 2, Line 20, by inserting after “duty” the following:

“**The provisions of this subdivision shall not apply to any person within the third degree of consanguinity to the child if such person reasonably believes that he or she has the consent of the child's custodial parent or guardian**”.

Senate Amendment No. 6

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 16, Page 1, In the Title, Line 3, by striking the words “the offense of unlawful transfer of weapons” and inserting in lieu thereof the following: “public safety”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“**211.600. 1. The office of state courts administrator shall collect information related to the filing and disposition of petitions to certify juveniles pursuant to section 211.071.**

2. The data collected pursuant to this section shall include the following:

- (1) The number of certification petitions filed annually;**
- (2) The disposition of certification petitions filed annually;**
- (3) The offenses for which certification petitions are filed annually;**

- (4) The race of the juveniles for whom the certification petitions are filed annually; and
- (5) The number of juveniles who have waived their right to counsel.

3. The data collected pursuant to this section shall be made available annually to juvenile officers, judges of the juvenile courts, juvenile court commissioners, the president pro tempore of the senate, and the speaker of the house of representatives.

217.345. 1. Correctional treatment programs for ~~[first]~~ offenders **under eighteen years of age** in the department shall be established, subject to the control and supervision of the director, and shall include such programs deemed necessary and sufficient for the successful rehabilitation of offenders.

2. ~~[Correctional treatment programs for offenders who are younger than eighteen years of age shall be established, subject to the control and supervision of the director. By January 1, 1998, such]~~ Programs **established pursuant to this section** shall include physical separation of offenders who are younger than eighteen years of age from offenders who are eighteen years of age or older **and shall include educational programs that award a high school diploma or its equivalent.**

3. ~~[The department shall have the authority to promulgate rules pursuant to subsection 2 of section 217.378 to establish correctional treatment programs for offenders under age eighteen. Such rules may include:~~

- ~~———— (1) Establishing separate housing units for such offenders; and~~
- ~~———— (2) Providing housing and program space in existing housing units for such offenders that is not accessible to adult offenders.~~

~~———— 4. The department shall have the authority to determine the number of juvenile offenders participating in any treatment program depending on available appropriations.]~~ The department may contract with any private or public entity for the provision of services and facilities for offenders under age eighteen. The department shall apply for and accept available federal, state and local public funds including project demonstration funds as well as private moneys to fund such services and facilities.

~~[5-]~~ 4. The department shall develop and implement an evaluation process for all juvenile offender programs.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- SS HCS HB 2 - Fiscal Review**
- HB 11, with Senate Amendment No. 1 - Fiscal Review**
- SCS HCS HB 16, as amended - Fiscal Review**

COMMITTEE CHANGES

September 9, 2020

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

Dear Ms. Miller:

I hereby remove Rep. Judy Morgan from the House Committee on Fiscal Review and also as ranking member of said committee.

In addition, I appoint Rep. Robert Sauls to the House Committee on Fiscal Review and designate Rep. Ingrid Burnett as ranking member.

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

Sincerely,

/s/ Crystal Quade
House Minority Leader
District 132

MESSAGES FROM THE GOVERNOR

The following executive order was received from His Excellency, Governor Michael L. Parson.

EXECUTIVE ORDER 20-14

WHEREAS, on March 13, 2020, Executive Order 20-02 invoked the provisions of sections 44.100 and 44.110, RSMo, and declared a state of emergency that exists in the State of Missouri due to the presence and spread of COVID-19; and

WHEREAS, on April 6, 2020, I signed Executive Order 20-08 in order to allow for remote notary services in the State of Missouri; and

WHEREAS, due to the continued public health threat of COVID-19, I extended that state of emergency and the provision for remote notary services in Executive Order 20-12; and

WHEREAS, Chapter 474 requires physical appearance for the principal, notary and witnesses to execute legal documents; and

WHEREAS, physical appearance is required under Chapter 474 for principals and witnesses to execute legal documents; and

WHEREAS, Missouri citizens need to execute important legal documents under Chapter 474 as a result of the restrictions.

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Chapter 44, RSMo, hereby order that, to the extent that any Missouri statute requires the physical presence of any testator, settlor, principal, witness, notary or other person for the effective execution of any estate planning document such as a will, trust or power of attorney, or a self-proving affidavit of the execution of such document, such provisions are suspended or waived, and satisfied if the following conditions are met:

1. The signor must affirmatively represent that he or she is physically situated in the State of Missouri.
2. The notary must be physically located in the State of Missouri and state which county they are physically in for the jurisdiction on the acknowledgement.
3. The notary must identify the signors to their satisfaction and current law.

4. Any person whose signature is required may appear via using video conference software where live, interactive audio-visual communication between the principal, notary, and other necessary person which allows for observation, direct interaction, and communication at the time of signing.
5. The notary shall record in their journal the exact time and means used to perform the notarial act along with all other required information, absent the wet signatures.

FURTHERMORE, the fees allowed for notarization under this executive order shall be the same as those allowed for other notarial acts, except a fee charged for the use of a remote online notary platform or service shall not be considered a fee for a notarial act pursuant to Section 486.685, RSMo; and

FURTHERMORE, any notarial act in compliance with this order shall have the same force, effect, and validity as any other notarial act performed in compliance with Missouri law, and may be relied upon to the same extent as any other notarial act under Missouri law; and

FURTHERMORE, the Secretary of State shall retain the powers provided to him under the law to investigate and adjudicate any notary complaint related to the methods of notarization under this executive order; and

FURTHERMORE, that if the document needs to be presented in a paper medium, it shall satisfy the requirements of being an original document, and prima facie evidence, if the notary prints the document and affixes an attestation stating that it is a true and correct copy of the electronic document, shall state it was performed pursuant to Executive Order 20-14 and the Notary signs and affixes their rubber stamp notary seal.

This order shall terminate on December 30, 2020, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 3rd day of September, 2020.

/s/ Michael L. Parson
Governor

ATTEST:

/s/ Jay Ashcroft
Secretary of State

The following members' presence was noted: Aldridge, Allred, Bangert, Baringer, Basye, Bosley, Bromley, Brown (70), Brown (27), Burnett, Chappelle-Nadal, Chipman, Clemens, Coleman (32), Deaton, DeGroot, Evans, Falkner, Fitzwater, Francis, Gray, Green, Griesheimer, Griffith, Haffner, Henderson, Houx, Hurst, Kelley (127), Kendrick, Kidd, Kolkmeier, Mackey, Mayhew, McGirl, Mitten, Moon, Mosley, Muntzel, Plocher, Pollitt (52), Price, Proudie, Razer, Reedy, Remole, Roden, Sharp (36), Sharpe (4), Shields, Sommer, Stacy, Stevens (46), Tate, Toalson Reisch, Wiemann, Windham, Wright, and Young.

ADJOURNMENT

On motion of Representative Fitzwater, the House adjourned until 2:00 p.m., Wednesday, September 16, 2020.

COMMITTEE HEARINGS

FISCAL REVIEW

Wednesday, September 16, 2020, 8:30 AM, House Hearing Room 7.
Executive session will be held: SS HCS HB 2, HB 11, SCS HCS HB 16
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON AGRICULTURE

Tuesday, September 15, 2020, 1:00 PM, House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Informational meeting only to discuss prioritizing agricultural legislation and the economic impact of Missouri's agricultural industry, including its contributions to state revenue. The committee will also discuss best practices for Missouri's carbon footprint and Missourians' views on agricultural issues.

JOINT COMMITTEE ON EDUCATION

Wednesday, September 16, 2020, 1:00 PM or upon adjournment of both chambers (whichever occurs last), Joint Hearing Room (117).
Executive session may be held on any matter referred to the committee.
Added discussion on *General Education Requirements: A Look at the Structure of Higher Education*.
Elect chair and co-chair, recognize outgoing members, discuss possible projects.

AMENDED

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, September 15, 2020, 1:00 PM, Joint Hearing Room (117).
Executive session may be held on any matter referred to the committee.
Corrected to show time change.
Third quarter Joint Committee on Public Employee Retirement meeting.
CORRECTED

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Wednesday, September 16, 2020, 8:15 AM, Joint Hearing Room (117).
Executive session may be held on any matter referred to the committee.
Please note time change and addition of highway dedication application.
Discussions with the Department of Revenue and Missouri Department of Transportation.
CORRECTED

Please note additional procedures will be in place due to the COVID-19 pandemic: All entrants to the capitol building will be required to submit to screening questions and physical screening. Members of the public must enter the building using the south entrance. Public seating in committees will be socially distanced and therefore limited. Committee hearings will be streamed. Links may be found at <https://www.house.mo.gov>.

HOUSE CALENDAR

TWELFTH DAY, WEDNESDAY, SEPTEMBER 16, 2020

HOUSE BILLS FOR PERFECTION

HCS HB 12 - Schroer

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HB 2, (Fiscal Review 9/9/20) - Hovis

HB 11, with SA 1, (Fiscal Review 9/9/20), E.C. - Schroer

SCS HCS HB 16, as amended, (Fiscal Review 9/9/20) - Schroer

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