

JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

TWELFTH DAY, TUESDAY, JANUARY 24, 2017

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

Bear ye one another's burdens and so fulfill the law of Christ. (Galatians 6:2)

Eternal God, who has called us to pray and to work, sustain us with Your power that we may be daily mindful of Your presence and ready to help bear the burdens and pains of others.

Guide us with Your spirit that we may understand during the time in which we live and so lead us that we may use our talents to bring forth the fruit of faithful living.

Give us the readiness to render real service to You, our State and our districts, that out of our efforts may bring pride to our citizens and peace to our own hearts.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Patrick Ryan O'Hanlon.

The Journal of the eleventh day was approved as printed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolution was read the second time:

HCR 17, relating to meningococcal disease.

SECOND READING OF HOUSE BILLS

The following House Bills were read the second time:

HB 690, relating to medical school students, with penalty provisions.

HB 691, relating to MO HealthNet benefits.

HB 692, relating to abortion, with penalty provisions.

HB 693, relating to weigh stations.

HB 694, relating to motor fuel taxes.

HB 695, relating to credit for physical education.

HB 696, relating to the treatment of traditional celebrations by school districts.

HB 697, relating to the Amber Alert System.

HB 698, relating to maintaining Missouri state parks.

HB 699, relating to the court disclosing certain consequences prior to accepting a guilty plea.

HB 700, relating to the designation of a highway.

HB 701, relating to the designation of a highway.

HB 702, relating to dental franchisors.

HB 703, relating to the payment of taxes.

HB 704, relating to sales and use taxes for delivery charges.

HB 705, relating to security deposits held by landlords.

HB 706, relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision.

HB 707, relating to modifiable maintenance orders.

HB 708, relating to short-term major medical policies.

HB 709, relating to the Missouri right to life act.

ESCORT COMMITTEE CHANGE

The Speaker has removed Representative Walker (74) and appointed Representative Mitten to the escort committee pursuant to **HCR 2**.

MOTION

Representative Cierpiot moved that Rule 122 be suspended.

Which motion was adopted by the following vote:

AYES: 161

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Brown 94	Burnett	Burns
Butler	Carpenter	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtis	Davis	DeGroot
Dogan	Dohrman	Dunn	Eggleston	Ellebracht
Ellington	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Green	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hubrecht	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeier	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Marshall	Mathews
Matthiesen	May	McCaherty	McCann Beatty	McCreery
McDaniel	McGaugh	McGee	Meredith 71	Merideth 80
Messenger	Miller	Mitten	Moon	Morgan
Morris	Mosley	Muntzel	Neely	Newman
Nichols	Peters	Pfautsch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Pogue	Quade
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roden	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions
Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 85	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Vescovo	Walker 3	Walker 74
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 001

Curtman

VACANCIES: 001

JOINT SESSION

The hour of the Joint Session having arrived, the Senate in a body was admitted and Lieutenant Governor Michael Parson, presiding, called the Joint Assembly to Order.

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

AYES: 000

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins
Hummel	Kehoe	Koenig	Kraus	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf
Schatz	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland		

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

AYES: 160

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Brown 94	Burnett	Burns
Butler	Carpenter	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Dunn	Eggleston	Ellebracht
Ellington	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Hubrecht	Hurst	Johnson	Justus
Kelley 127	Kelly 141	Kendrick	Kidd	Kolkmeyer
Korman	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen
May	McCaherty	McCann Beatty	McCreery	McDaniel
McGaugh	McGee	Meredith 71	Merideth 80	Messenger
Miller	Mitten	Moon	Morgan	Morris
Mosley	Muntzel	Neely	Newman	Nichols
Peters	Pfautsch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Pogue	Quade	Razer
Redmon	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roberts	Roden	Roeber	Rone
Ross	Rowland 155	Rowland 29	Runions	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 85
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Curtis Green

VACANCIES: 001

The Sergeant-at-Arms announced the approach of the Honorable Patricia Breckenridge, Chief Justice of the Supreme Court of Missouri. Chief Justice Breckenridge was duly escorted to the House Chamber and to the Speaker's dais, where she delivered the following message to the assembly in Joint Session.

**STATE OF THE JUDICIARY
ADDRESS BY
CHIEF JUSTICE PATRICIA BRECKENRIDGE**

Lieutenant Governor Parson, Speaker Richardson and members of the House, President Pro Tem Richard and members of the Senate, Governor Greitens and other statewide officers. I am proud to be here today as the voice of the judicial branch.

I am so grateful to have served in the judiciary since my appointment to the trial bench by Governor Kit Bond, to the court of appeals by Governor John Ashcroft, and to the Supreme Court by Governor Matt Blunt. It has been my privilege to serve with judges appointed by both Republican and Democratic governors and to work to decide cases according to the law.

Before I begin, I would like to introduce my husband, Bryan. For 40 years, he has loved and supported me and kept me grounded. Thank you for being here with me this morning.

Earlier this month, I swore in Governor Greitens and other statewide officials. Not all chief justices get to participate in this democratic transition of power, and it was such an honor. For me, it served as a reminder of how alike we are. We share a commitment to work separately *and together* to make the great state of Missouri *even greater*. Some, however, focused on how we are different. One tweet questioned the legitimacy of the oaths because of those differences. Apparently, I – correctly – said “MissourAH,” while *you* said, “MissourEE.”

Our different pronunciations reflect the rich diversity of our state – we come from cities, towns and rural areas to work in Jefferson City. You represent literally every nook and cranny of Missouri. We on the Supreme Court are also geographically diverse. I am from Nevada, in the southwest corner of the state. Judge Zel Fischer grew up in Watson, as far north and west as you can get and still be in Missouri (rumor has it, you can see Nebraska from there). Judge Paul Wilson is from right here in Jefferson City. Judge George Draper is from St. Louis, and while Judge Laura Stith grew up in St. Louis, she has lived in Kansas City for more than 35 years. And Judge Mary Russell is from Hannibal.

This is my fourth and, I am relieved to say, last big speech to deliver as chief justice. But I welcome the chance to talk about my favorite subject – the courts, often called the “least understood” branch of government.

Our 3,400 employees serve in your courts and, every year, are asked to do more with less. I encourage you to visit a local courthouse and meet these dedicated professionals who embrace their responsibility to treat every person fairly and equitably and to resolve disputes according to the law.

Our state employees are the lowest paid in the nation. Despite this, they are hardworking, dedicated, and deserving of our respect. I know budget times are tight, but we must find a way to pay them 21st century wages for 21st century work. Please join me in recognizing our state employees who serve in *all* branches of our government.

In the last fiscal year, more than 1.8 million cases were filed in Missouri courts – of these, 60 percent involved municipal ordinance violations. In our circuit courts, the largest number of cases involve the prosecution of state crimes. Seventeen percent of our cases are civil – primarily small claims, domestic relations, landlord tenant matters

and disputes of less than \$25,000. About 5 percent of *civil* cases – and fewer than 1 percent of *all* cases – involve tort claims like wrongful death or personal injury.

I understand Governor Greitens and some of you in the General Assembly have called for changes in the law governing certain types of cases. Do *not* view these calls for action as a condemnation of our judicial system.

Our citizens can be proud of our courts, where they go to resolve their disputes peaceably and where their constitutional rights are protected. Day in and day out, in the courtrooms in your communities, hundreds of thousands of cases are adjudicated without fanfare. We, more than anyone, want our courts to live up to their responsibilities to properly administer justice.

So when serious problems in some St. Louis County municipal divisions came to light, we owned those problems. Though the vast majority of our 625 municipal divisions function well, the challenge of problem municipal divisions in St. Louis County and elsewhere in the state became an opportunity to make *all* of our municipal divisions better.

From within the judicial system, judges, prosecutors, defense attorneys, and clerks rolled up their sleeves and crafted solutions that would work. We are grateful for this leadership. Their yeoman's work turned recommendations for reforms into tangible change. Changes came when our Court imposed mandatory standards – effective upon their adoption in September – detailing how municipal divisions must operate under the law. The *standards are extensive*. We also put in place a code of conduct for all municipal division personnel and defined what constitutes a conflict of interest for judges who choose to wear multiple hats.

While some say the standards don't go far enough, others say they have gone too far. Some municipalities are finding it difficult to do what they *should* have been doing all along. But my years on the trial bench taught me if both sides are not totally satisfied, perhaps we got it right.

We and the state court administrator's office have also worked with a number of municipalities to consolidate their court operations, including 13 in St. Louis County. Consolidation results in reduced costs, which we hope will disincentivize municipalities from using courts as revenue generators. Many have worked hard to accomplish consolidation, particularly in St. Ann and Normandy. Unfortunately, the cost savings may not be fully realized for some, due to a law that caps the number of municipalities a judge may serve.

Additionally, Missouri's constitution places responsibility on the presiding judge of each circuit to supervise the municipal divisions. So, last month, the Supreme Court adopted protocols to guide presiding judges and make their authority clear. We recognize supervision poses a special challenge in St. Louis County and, in an effort to assist, the Supreme Court is providing municipal division monitors.

Municipal divisions are not alone in the spotlight. Others leveled criticisms at our juvenile divisions, including their very structure. Missouri has never been afraid to lead, and this state decided long ago our juvenile system should be different from other states. Our juvenile proceedings are designed to be non-adversarial, and all parties are required to act in the best interest of the child.

Nonetheless, we thoughtfully considered the criticisms and responded by enacting reforms that make *all* of our juvenile divisions better. In doing so, the judiciary worked with leaders from around the state to develop standards for juvenile officers. These standards, adopted in December, create uniform practices and procedures; establish a code of conduct; and outline best practices that promote better outcomes for Missouri's children.

Our next goal is to improve pretrial incarceration practices. Incarcerating persons simply because they are too poor to post bond needs to be examined in both municipal and criminal cases. Under our Missouri Constitution, an individual may be incarcerated before trial only when charged with a capital offense; when a danger to a crime victim, a witness, or the community; or a flight risk. All other persons are entitled to reasonable conditions of release prior to trial, based on the particular circumstances of their cases.

Our cities and counties incur costs for pretrial incarcerations of people who simply are poor. There are individual and societal consequences from these unwarranted pretrial incarcerations. The consequences impact the defendants, their families and, ultimately, the state. Defendants lose not only their freedom but also their ability to earn a living and to provide for loved ones. Children may even come into state custody, because incarcerated parents are not home to care for them. And – after only *three days* in jail – the likelihood that an individual will commit future crimes also increases.

A Supreme Court task force will examine how other states and cities have addressed the problem of unwarranted pretrial incarceration and recommend changes to our practices. We look forward to sharing what we learn with you and working together to enact common-sense reforms.

We also will be sharing with you the work of the Supreme Court’s committee on treatment courts. The committee is completing a strategic plan that can be a roadmap to improving both the quality of and access to treatment courts in Missouri. Our branches of government have long worked together because treatment courts are a proven, cost-effective way to change the lives of persons charged with crimes due to addiction or mental health disorders. Missouri is a national leader in developing quality treatment courts; however, we have not realized their full potential to reduce recidivism, produce productive citizens, reunify families, and address the needs of our veterans. Your continued support will be essential if we ever are to realize the full potential of treatment courts.

Technology also remains a top priority as we strive to make courts as accessible as possible to our citizens. As Governor Greitens noted last week, we need a modern government that allows people to do more online instead of making them wait in line. We share that goal.

We are thankful for the expertise of our 21st century workforce, which has been invaluable in improving and modernizing our computer systems. Our judges and staff are collaborating in the development of software that puts more information at a judge’s fingertips and will allow potential jurors to get information about their service from their smartphones. We are also developing a traffic and ordinance case management system to increase the efficiency of municipal divisions in managing and disposing of cases, assessing authorized costs, and processing payments. The system will ultimately reduce the number of litigants who must come to court because they will have increased access to the courts from their mobile devices.

We are grateful the legislature recognized the need to automate our courts back in 1994 and has partnered with and supported us in accomplishing that goal. The work has been overseen by the Missouri Court Automation Committee, on which Senators Bob Dixon and Scott Sifton – along with Representatives Robert Cornejo and Joe Don McGaugh – work with the judicial and the executive branches.

In 2016, Missouri completed its statewide electronic filing system. We are *the first* state to have e-filing in all courts of record. We also finished implementing “Pay by Web,” which allows Missourians to pay fees and costs online. And “Track this Case” lets the public receive e-mail notices of activity in pending cases. Who here doesn’t know about Case.net, which provides information about more than 20 million cases statewide and receives an average of 5 million hits every workday.

While Case.net lets you know that documents have been filed in court, you cannot access those documents without going to a courthouse and using a public computer terminal. The Missouri Court Automation Committee has recommended the judiciary allow remote access, but expansion of public access to case records can be done *only* if the security and reliability of the courts’ essential operations can be guaranteed. And such expansion of the system will require more resources than currently available. To defray the expenses of expansion and maintenance, the courts and legislature may need to consider means such as subscription fees or pay-per-view charges like those assessed by federal courts.

Equally of concern is the question of exactly what should be available online. Missouri statutes govern which case documents are public. But many of these statutes were enacted before – sometimes *long* before – the modern computer age. So it is safe to say statutes making certain case documents “public” meant available at the clerk’s office, and in paper form, not available instantly to anyone anywhere in the world.

Certainly, a strong presumption of openness is a bedrock of our legal system. But – given the unique concerns arising from online access – the Court wants to *be sure* the *legislature* has the opportunity to reexamine statutes governing public case documents to determine if they are the will of *this* body and the people *you* represent. We are willing to advise and assist in any way we can.

As we move forward with innovations and improvements, we do so with two significant changes in leadership.

In late November, our colleague Judge Richard Teitelman passed away. Simply known as Judge Rick to many, he was the first person of Jewish faith and the first legally blind person to serve as a judge of our state’s high court. He believed in the goodness of humanity and was a steadfast champion of equal justice. While we may not have always agreed in our legal opinions, we knew no friend more loyal or caring, and *we miss him*.

And so the process to fill his vacancy has begun. As provided by our state constitution, any licensed Missouri attorney who meets the age and residency requirements may apply until February 3rd. If you know of qualified individuals you believe would be an asset to our Court, please nominate and encourage them to apply. Interviews will be held at the end of February at the Supreme Court and are open to the public. The Appellate Judicial Commission will select three well-qualified nominees for the governor’s consideration. The constitution gives Governor Greitens 60 days to conduct his own review and select the new judge. We look forward to this appointment.

We also begin the year with a new leader at the Supreme Court. Bill Thompson, who expertly guided us as counsel and clerk for more than 38 years, retired in December. He was succeeded by the first woman ever to hold the position of clerk – Betsy AuBuchon. Many of you may know Betsy from her days in the capitol. She has earned our respect and trust, and we are confident she will be an exceptional leader for Missouri’s judicial system. We know these two additions to the judiciary will help us continue to make our courts better for Missouri’s citizens.

Speaker Richardson, you commented in your address on the first day of the session that we must ensure our court system is fair to *all* litigants. We agree ... and are so very grateful our courts are staffed by dedicated and talented people who share that belief and properly handle cases of *all* types. Missouri has a judicial system of which we can be proud. We constantly strive to better serve our citizens and, as we look to the future, I have no doubt we will continue to do so.

Thank you for your support of the judicial branch. I wish you all the best in your service to the people of Missouri.

The Joint Session was dissolved by Senator Kehoe.

Speaker Richardson resumed the Chair.

PERFECTION OF HOUSE BILLS

HCS HB 130, relating to transportation network companies, was taken up by Representative Mathews.

Representative Fitzwater (49) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 130, Page 2, Section 387.706, Line 2, by inserting immediately after all of said section and line the following:

"387.707. TNCs and TNC drivers shall comply with the provisions of sections 379.1700 to 379.1708.";
and

Further amend said bill, Page 4, Section 387.720, Line 33, by inserting immediately after all of said line the following:

"4. Notwithstanding any other provision of law, a TNC driver or a person on the TNC's digital network shall not be required to obtain a Class E Missouri driver's license."; and

Further amend said bill, Page 5, Section 387.730, Line 5, by deleting the word **"licenses"** and inserting in lieu thereof the word **"license"**; and

Further amend said bill, page and section, Line 10, by inserting immediately after **"apply to"** the following:

"an income tax imposed by the state or"; and

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

On motion of Representative Fitzwater (49), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 130, Page 5, Section 387.724, Line 1, by inserting immediately after all of said section and line the following:

"387.725. All TNCs shall adopt a privacy policy to protect the personal identifying information of TNC riders. The privacy policy shall:

- (1) Include provisions regarding the disclosure of personal identifying information learned through a complaint or during the course of an investigation;**
- (2) Be consistent with all applicable state and federal laws; and**
- (3) Be submitted to the department as part of the application for a permit.";** and

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

Representative Corlew offered **House Amendment No. 1 to House Amendment No. 2.**

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 130, Page 1, Line 10, by inserting after all of said line the following:

"Further amend said bill, Page 4, Section 387.720, Lines 21- 22, by deleting **"a crime"** and inserting in lieu thereof **"an offense"**; and

Further amend said bill, Page 7, Section 387.736, Line 2, by deleting "**an offense of sexual misconduct, assault, or battery**" and inserting in lieu thereof:

"driving under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, an offense involving property damage, theft, an act of violence, or an act of terror"; and "; and

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

On motion of Representative Corlew, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Arthur, **House Amendment No. 2, as amended**, was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 130, Page 2, Section 387.704, Line 5, by deleting "**of five thousand dollars**" and inserting in lieu thereof the following:

"in an amount equal to six and one-fourth percent of the TNC's Missouri taxable income from the previous calendar year"; and

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

House Amendment No. 3 was withdrawn.

On motion of Representative Mathews, **HCS HB 130, as amended**, was adopted.

On motion of Representative Mathews, **HCS HB 130, as amended**, was ordered perfected and printed.

On motion of Representative Mathews, the title of **HCS HB 130, as amended**, was agreed to.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 130 - Fiscal Review

COMMITTEE REPORTS

Committee on Ethics, Chairman Cierpiot reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **HR 74**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (10): Butler, Chipman, Cierpiot, Conway (10), Haefner, Kolkmeier, Lynch, McGee, Merideth (80) and Mitten

Noes (0)

Absent (0)

HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE RESOLUTION NO. 74

ETHICS COMMITTEE
RULES OF PROCEDURE

RULE 1. Scope and Authority

These Rules of Procedure govern the conduct of the investigation of complaints of ethical misconduct by a member of the House and are adopted pursuant to House Rule ~~38~~ 37.

RULE 2. Definitions

As used in these Rules, unless the context requires otherwise, the following words and terms shall have the following meanings, and the use of masculine gender shall include the feminine.

(1) Censure - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong, and which shall include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report and requires the presence of the respondent in the chamber during consideration and vote by the entire House on such resolution.

(2) Letter of Reprimand - A sanction which expresses disapproval of conduct based on the appropriateness of such conduct by a legislator, regardless of whether the conduct constitutes a legal or moral wrong and is included as part of the committee's report.

(3) Reprimand - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong and which may include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report, is issued by the Speaker and the recommendation for reprimand is made a public record.

RULE 3. Quorum

A quorum exists when a majority of the members of the Committee are present.

RULE 4. Form of Complaints

A. All complaints filed with the Speaker against a member of the House shall be made by a member **or other individual under the authority of Rule 101 of the House Rules of Procedure or the Policy Handbook of the Missouri House of Representatives involving sexual harassment investigations and member referral to the Committee on Ethics**. The complaints shall be confidential and shall be referred to the Committee on Ethics within ten (10) days, **or within fourteen (14) days under Rule 101 of the House Rules of Procedure**, and shall be in writing and under oath, setting forth in simple, concise and direct statements:

(1) The name and legal address of the member or members **or other individual** acting as complainant;

(2) The name of the member of the House alleged to have engaged in the commission of a crime, misconduct, willful neglect of duty, corruption in office or other acts constituting ethical misconduct. "Misconduct" means:

(a) Any conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly;

(b) Any conduct constituting a conflict of interest under Chapter 105, RSMo;

(c) The intentional filing of a false complaint or the filing of a complaint in reckless disregard of the truth.

(3) The nature of the alleged crime, misconduct, neglect, corruption or other unethical act, including when applicable, the specific law, rule, regulation or ethical standard violated;

(4) The facts alleged to have given rise to the violation; and

(5) Where the facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

B. All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

RULE 5. Initial Examination of the Complaint by the Committee

A. Within thirty (30) days of the assignment of the complaint by the Speaker, the Committee shall determine if it is in compliance with Rule 4 of these Rules, and whether on the face of the complaint, the allegations contained therein are within the jurisdiction of the Committee, and if so, whether the allegations merit proceeding to a preliminary hearing. The complainant shall not act as a member of the Committee at a hearing in which the complainant is likely to be called as a necessary witness. A respondent shall not act as a member of the Committee for purposes of his complaint.

B. Complaints determined not to be in compliance with Rule 4 of these Rules shall be returned to the complainant with a general statement that it is not in compliance with the Rules of Procedure. The complaint may be resubmitted in the proper form.

C. Once a determination has been made that the complaint complies with Rule 4 of these Rules, a majority of the Committee appointed shall vote by roll call to either:

- (1) Defer action pending completion of any other administrative, disciplinary, commission, or judicial proceeding;
- (2) Proceed to a preliminary hearing;
- (3) Dismiss the complaint. When a motion to proceed to a preliminary hearing fails on a recorded vote, the complaint shall be immediately dismissed.

D. In determining whether or not to proceed the Committee shall consider the following:

- (1) The credible evidence contained in the complaint or appended thereto of the commission of a crime, misconduct, willful neglect of duty, corruption in office, or other acts violating applicable ethical standards;
- (2) Other administrative or disciplinary action by other interested bodies;
- (3) Criminal investigation, Missouri Ethics Commission proceeding, or judicial proceedings, either civil or criminal; and
- (4) Other relevant circumstances that would justify expediting, declining or deferring action by the Committee.

E. Complaints determined to be in compliance with Rule 4 of these Rules and accepted for a preliminary hearing shall be transmitted to the respondent with a copy of the Rules of Procedure and notice in writing that the respondent has twenty-one (21) calendar days to respond to the complaint either by way of answer or motion pursuant to Rule 6 of these Rules. The complainant shall also be notified, in writing, of the action of the Committee. Examination of the complaint and the determination of Rule 5.C. shall be conducted in a closed meeting.

RULE 6. Answers and Motions

A. If the Committee determines that the complaint merits proceeding to a preliminary hearing, the respondent shall have twenty-one (21) calendar days in which to respond to the complaint by way of answer or motion, unless this time period is waived by the respondent. Any answer or motion shall be in writing, signed by the respondent and his counsel, if he has one, and shall be limited to the following:

- (1) An admission or denial under oath, of the allegations set forth in the complaint, including negative and affirmative defenses, and any other relevant information, including supporting evidence which the respondent may desire to submit. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each allegation;
- (2) An objection to the jurisdiction of the Committee to investigate the complaint; or
- (3) An objection to the participation of any member of the Committee in an investigation of the complaint on the grounds that the member cannot render an impartial and unbiased decision in the case. The majority of the members present shall rule on the objection to the participation of any member of the Committee. A temporary replacement shall be made to serve on the Committee on Ethics for all actions concerning a particular complaint for any member of the Committee who is prevented from acting on a complaint under these rules.

B. Any motion submitted pursuant to this rule is not in lieu of an answer and shall be accompanied by a memorandum of points and authorities. Answers or motions not submitted within the twenty-one (21) calendar-day period shall not be considered by the Committee.

C. The Chairman of the Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

D. Time limitations imposed by this Rule may be extended when, in the discretion of the Chairman, such extension would facilitate a fair and complete inquiry and may be shortened when the Chairman determines that

there are special circumstances compelling expedition, and upon twenty-four (24) hours notice of said action to the respondent and the claimant.

E. In the event that a special counsel is retained by the Committee, the attorney-client privilege is applicable to the Committee and not to the House.

RULE 7. Preliminary Hearings

A. A preliminary hearing may be held to hear arguments based on the pleadings submitted in the case. The preliminary hearing shall be an open meeting. The committee shall provide the complainant and the respondent or counsel for the complainant and respondent an opportunity to present, orally or in writing, a statement, which shall be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the pleadings. A complainant or respondent who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

B. The committee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: “Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?” The oath or affirmation shall be administered by the Chairman or Committee member designated by him to administer oaths. Members of the committee shall be given an opportunity to question the complainant and respondent or counsel for the complainant or respondent following the opening statements.

C. At the conclusion of the preliminary hearing, a majority of the Committee shall vote by roll call to either:

- (1) Dismiss the complaint, or
- (2) Proceed by
 - (a) undertaking an investigative hearing; or
 - (b) deciding the case based upon the preliminary hearing.

A decision based upon a preliminary hearing shall require the consent of the respondent.

D. If the committee decides to make a summary decision of the case and the respondent accepts this disposition the Committee may, by a majority vote, recommend one of the following sanctions:

- (1) Letter of reproof;
- (2) Reprimand; or
- (3) Censure.

RULE 8. Investigative Hearings

A. An investigative hearing may be held on the record to receive evidence upon which to base findings, conclusions, and recommendations, if any, to the House. The Committee may require, by subpoena or otherwise, or by subpoena duces tecum, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Committee may obtain a court-issued subpoena in the event that any person refuses to obey the subpoena issued by the Committee.

B. Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

C. The order of the investigative hearing shall be as follows:

(1) The Chairman shall open the hearing by stating the Committee’s authority to conduct the investigation, the purpose of the investigation and its scope.

(2) The complainant and the respondent or counsel for the complainant and respondent shall be permitted to make opening statements. Such opening statements shall not exceed fifteen minutes each.

(3) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order:

- (a) Witnesses and other evidence offered by the complainant;
- (b) Witnesses and other evidence offered by the respondent;
- (c) Witnesses and other evidence offered by the Committee staff; and
- (d) Rebuttal witnesses.

(4) The Chairman or his designee shall examine each witness. The Committee members may then question the witness. The respondent or his counsel may then cross-examine the witness. Redirect or recross examination may be permitted in the Chairman’s discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, if he has one, and then may be cross-examined by the

complainant or his counsel, if he has one, and then may be cross-examined by the Chairman or his designee. Committee members may then question the witness. Redirect and recross examination may be permitted in the Chairman's discretion.

D. Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

RULE 9. Admissibility of Evidence

A. The object of the hearings shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

B. The Chairman or other member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

C. At an investigative hearing, the burden of proof is on the complainant with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that he introduces.

RULE 10. Witnesses

A. A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

B. Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before his scheduled appearance.

C. Witnesses at investigative hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted in the discretion of the Committee.

D. The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon good cause shown by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

E. The respondent is entitled to present witnesses in his behalf. However, the Chairman may limit such testimony when, in his discretion, he finds the testimony is repetitious or cumulative.

F. Each witness subpoenaed by the Committee shall be reimbursed for those reasonable expenses approved by the Committee.

G. Each witness shall be furnished a printed copy of the Rules of Procedure and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.

H. Within ten (10) calendar days before the scheduled investigative hearing, the Chairman shall notify the respondent, in writing, of the witnesses that are to appear before the Committee. Within five (5) calendar days before the scheduled investigative hearing, the respondent shall notify the Committee, in writing, of the witnesses that are to appear in his behalf. Additional witnesses may be brought before the Committee, in the discretion of the Chairman or other member presiding and upon good cause, if their whereabouts or existence were unknown to the respondent at the time for submission of the witness list to the Committee.

RULE 11. Findings, Conclusions and Recommendations

A. At the completion of the preliminary hearing or investigative hearings, the Committee, by a majority vote of its members, shall, within forty-five (45) days, adopt a report stating its findings and conclusions on the complaint. The report shall be filed with the Chief Clerk of the House and shall be printed in the House Journal. In the event the Committee finds that the complaint is not well-founded, the report shall so state, and shall include a copy of a Letter of Reproval if the Committee authorized such sanction. In the event the Committee finds that the complaint is well-founded, the report shall state the Committee's recommendation in a resolution appended thereto.

B. The resolution shall state the Committee's findings and conclusions on each allegation in the complaint with the recommendation that the House:

- (1) Expel the member as provided in Article III, Section 18 of the Missouri Constitution;
- (2) Punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution, or by censure by the Speaker in open session; or
- (3) Take no further action, stating the reasons therefor.

RULE 12. Matters Not Covered in These Rules of Procedure

The Rules of Procedure of the United States House of Representatives Committee on Ethics of the [114th] 115th Congress shall be taken as guidelines in deciding questions, issues, and other matters not otherwise provided for in these Rules of Procedure, except that the Rules of the Missouri House of Representatives governing the party representation on committees shall apply to this Committee.

Special Committee on Litigation Reform, Chairman Lant reporting:

Mr. Speaker: Your Special Committee on Litigation Reform, to which was referred **HB 95**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Corlew, Comejo, DeGroot, Hill, Lant, McGaugh, Phillips, Rehder and White

Noes (3): Ellebracht, Mitten and Roberts

Absent (1): Haahr

Mr. Speaker: Your Special Committee on Litigation Reform, to which was referred **HB 153**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Corlew, Comejo, DeGroot, Hill, Lant, McGaugh, Phillips, Rehder and White

Noes (3): Ellebracht, Mitten and Roberts

Absent (1): Haahr

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 30, introduced by Representative Moon, relating to searches on Missouri state capitol grounds.

HJR 31, introduced by Representative Marshall, relating to searches on Missouri state capitol grounds.

INTRODUCTION OF HOUSE BILLS

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

HB 710, introduced by Representative Walker (74), relating to medication assisted treatment for drug court participants.

HB 711, introduced by Representative Wood, relating to special educational services.

HB 712, introduced by Representative Shaul (113), relating to child care assistance.

HB 713, introduced by Representative Quade, relating to child care assistance.

HB 714, introduced by Representative Engler, relating to insurance contracts.

HB 715, introduced by Representative Hill, relating to the red tape reduction commission.

HB 716, introduced by Representative Barnes (60), relating to the prescription abuse registry, with penalty provisions.

HB 717, introduced by Representative Curtman, relating to elections.

HB 718, introduced by Representative Curtman, relating to taxation.

HB 719, introduced by Representative Rhoads, relating to property classification.

HB 720, introduced by Representative White, relating to healthcare determination appeals.

HB 721, introduced by Representative Fitzpatrick, relating to outdoor advertising.

HB 722, introduced by Representative Morris, relating to uninsured motorists, with a penalty provision.

HB 723, introduced by Representative Walker (3), relating to the retirement of school employees.

HB 724, introduced by Representative Swan, relating to child custody arrangements.

HB 725, introduced by Representative McGaugh, relating to death benefits for dependents of deceased employees.

HB 726, introduced by Representative Hannegan, relating to duties of the board of probation and parole.

HB 727, introduced by Representative Matthiesen, relating to reporting requirements of certain acts to law enforcement agencies.

HB 728, introduced by Representative Korman, relating to the sale or lease of naming rights for highways and bridges.

HB 729, introduced by Representative Bernskoetter, relating to the retirement of state employees.

HB 730, introduced by Representative Schroer, relating to hunter education exemptions.

HB 731, introduced by Representative Chipman, relating to vacancies in elected office.

HB 732, introduced by Representative Chipman, relating to student meals at public institutions of higher education.

HB 733, introduced by Representative Chipman, relating to student lodging.

HB 734, introduced by Representative Chipman, relating to public administrators, with a penalty provision.

HB 735, introduced by Representative Chipman, relating to the admissibility of municipal offenses to prove credibility.

HB 736, introduced by Representative Stevens (46), relating to the 911 Good Samaritan act.

HB 737, introduced by Representative Stevens (46), relating to MO HealthNet services.

HB 738, introduced by Representative Kolkmeier, relating to motor vehicle franchise practices.

HB 739, introduced by Representative Kolkmeier, relating to salvage pool or salvage disposal sales, with a penalty provision.

COMMITTEE APPOINTMENTS

January 24, 2017

Rep. Todd Richardson, Speaker
Missouri House of Representatives
State Capitol, Office #308
Jefferson City, MO 65101-6806

Dear Speaker Richardson:

Pursuant to Section 21.771, RSMo, I respectfully appoint Representative Crystal Quade to serve on the Joint Committee on Child Abuse and Neglect.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Gail McCann Beatty
House Minority Leader
District 26

January 24, 2017

Rep. Todd Richardson, Speaker
Missouri House of Representatives
State Capitol, Office #308
Jefferson City, MO 65101-6806

Dear Speaker Richardson:

Pursuant to Section 21.880, RSMo, I respectfully appoint Representative Mark Ellebracht to serve on the Joint Committee on the Justice System.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Gail McCann Beatty
House Minority Leader
District 26

January 24, 2017

Rep. Todd Richardson, Speaker
Missouri House of Representatives
State Capitol, Office #308
Jefferson City, MO 65101-6806

Dear Speaker Richardson:

Pursuant to Section 21.805, RSMo, I respectfully appoint the following members to serve on the Joint Committee on the Life Sciences:

Representative Cora Faith Walker
Representative Tracy McCreery

If you have any questions, please do not hesitate to contact my office.

Sincerely,

/s/ Gail McCann Beatty
House Minority Leader
District 26

COMMITTEE CHANGES

January 23, 2017

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

I hereby remove Representative Bill Lant from the Joint Committee on Transportation Oversight and appoint Representative Bill Reiboldt.

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

Sincerely,

/s/ Todd Richardson
Speaker of the Missouri House of Representatives
152nd District

ADJOURNMENT

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, January 25, 2017.

COMMITTEE HEARINGS

CONSERVATION AND NATURAL RESOURCES

Wednesday, January 25, 2017, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 250

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

CORRECTIONS AND PUBLIC INSTITUTIONS

Thursday, January 26, 2017, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 163

Executive session will be held: HB 207, HB 219, HB 301

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

ECONOMIC DEVELOPMENT

Wednesday, January 25, 2017, 3:00 PM, House Hearing Room 6.

Public hearing will be held: HB 126

Executive session will be held: HB 251

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

ELECTIONS AND ELECTED OFFICIALS

Wednesday, January 25, 2017, 5:00 PM, House Hearing Room 1.

Public hearing will be held: HB 353

Executive session will be held: HB 54, HB 355

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

FISCAL REVIEW

Thursday, January 26, 2017, 8:30 AM, House Hearing Room 6.

Executive session will be held: HCS HB 130

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

GENERAL LAWS

Wednesday, January 25, 2017, 9:30 AM, House Hearing Room 3.

Executive session will be held: HR 12

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

HEALTH AND MENTAL HEALTH POLICY

Wednesday, January 25, 2017, 12:00 PM or Upon Adjournment, House Hearing Room 7.

Public hearing will be held: HB 58

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

HB 226 will not be heard this week.

AMENDED

HIGHER EDUCATION

Wednesday, January 25, 2017, 12:00 PM or Upon Conclusion of Morning Session, House Hearing Room 5.

Executive session will be held: HB 190, HB 208

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

HCS HB 190 & 208 was distributed via email 1-23-17. Hard copy will be distributed at meeting.

LOCAL GOVERNMENT

Wednesday, January 25, 2017, 12:00 PM or Upon Morning Adjournment (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 36, HB 69, HB 247, HB 451, HB 493, HB 495

Executive session will be held: HB 48, HB 51, HB 87, HB 200

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

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, January 25, 2017, 2:00 PM, House Hearing Room 5.

Public hearing will be held: HB 230

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

Public Hearing - Testimony Only

AMENDED

RULES - ADMINISTRATIVE OVERSIGHT

Wednesday, January 25, 2017, 5:00 PM or Upon Adjournment (whichever is later), House Hearing Room 7.

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

Organizational Meeting

RULES - LEGISLATIVE OVERSIGHT

Wednesday, January 25, 2017, 8:00 AM, House Hearing Room 3.

Executive session will be held: HB 34, HB 35

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

RULES - LEGISLATIVE OVERSIGHT

Thursday, January 26, 2017, 8:00 AM, House Hearing Room 5.

Executive session will be held: HB 153, HB 95

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

SPECIAL COMMITTEE ON INNOVATION AND TECHNOLOGY

Wednesday, January 25, 2017, 12:00 PM or Upon Adjournment, House Hearing Room 4.

Public hearing will be held: HB 306, HB 255, HB 410

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

SPECIAL COMMITTEE ON SMALL BUSINESS

Wednesday, January 25, 2017, 5:00 PM, House Hearing Room 6.

Executive session will be held: HB 71

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

SPECIAL COMMITTEE ON TOURISM

Wednesday, January 25, 2017, 5:00 PM, House Hearing Room 4.

Public hearing will be held: HB 28, HB 49, HB 390

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

The Director of Tourism, Dan Lennon, will present an overview of the Division for the committee.

AMENDED

SUBCOMMITTEE ON APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, January 25, 2017, 2:00 PM, House Hearing Room 7.

Informational overview by the Department of Social Services. Department of Health & Senior Services and Department of Social Services public testimony continued if necessary.

TRANSPORTATION

Wednesday, January 25, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 128, HB 61, HB 401, HB 85, HB 115

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

WORKFORCE DEVELOPMENT

Wednesday, January 25, 2017, 8:00 AM, House Hearing Room 4.

Public hearing will be held: HB 93, HB 94

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

HOUSE CALENDAR

THIRTEENTH DAY, WEDNESDAY, JANUARY 25, 2017

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 30 and HJR 31

HOUSE BILLS FOR SECOND READING

HB 710 through HB 739

HOUSE RESOLUTIONS

HCS HR 74 - Cierpiot

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Fitzpatrick

CCS SCS HCS HB 2002 - Fitzpatrick

CCS SCS HCS HB 2003 - Fitzpatrick

CCS SCS HCS HB 2004 - Fitzpatrick

CCS SCS HCS HB 2005 - Fitzpatrick

CCS SCS HCS HB 2006 - Fitzpatrick

CCS SCS HCS HB 2007 - Fitzpatrick

CCS SCS HCS HB 2008 - Fitzpatrick

CCS SCS HCS HB 2009 - Fitzpatrick

CCS SCS HCS HB 2010 - Fitzpatrick

CCS SCS HCS HB 2011 - Fitzpatrick

CCS SCS HCS HB 2012 - Fitzpatrick

HCS HB 2013 - Fitzpatrick

SCS HCS HB 2017 - Fitzpatrick

SS SCS HCS HB 2018 - Fitzpatrick