

JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

SEVENTY-FOURTH DAY, MONDAY, MAY 22, 2017

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by D. Adam Crumbliss, Chief Clerk.

Lord,

We come humbly to You in a prayer of remembrance and rebirth. On May 22, 2011, my hometown of Joplin, Missouri met the mighty winds of change. A mile wide and spinning faster than 200 miles per hour, this humble God-fearing community would succumb to the powers of nature only to find a miracle in rebirth.

The losses were mighty. One hundred sixty-one dead, nine hundred ninety injured, thirteen hundred initially missing, and nine hundred displaced animals. The twenty-two-mile path destroyed nearly three billion dollars of property. All totaled, those thirty-eight minutes in May accumulated more death and destruction of any tornado in my father's lifetime.

Reborn, however, is a community of hope. Reborn is a community wrapped in resilient faith. Reborn is a community emboldened in love.

That day Joplin found itself as a home for all who seek shelter from the storm. The aftermath of that storm brought forward eighty thousand volunteers to witness the rebirth of a community of hope.

Today, Lord, we serve witness to that birth six years later to the day.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

SIGNING OF HOUSE CONCURRENT RESOLUTION

All other business of the House was suspended while **HCS HCR 19** was read at length and was signed by the Speaker to the end that the same may become law.

The following Representatives offered an objection to **HCS HCR 19**, which was appended to the resolution.

CONSTITUTIONAL OBJECTION

OBJECTION TO SIGNING AND ENACTMENT OF
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION 19

WHEREAS, Article III, Section 37 of the Constitution of the State of Missouri provides:

“The general assembly shall have no power to contract or authorize the contracting of any liability of the state, or to issue bonds therefor....;” and

WHEREAS, **House Committee Substitute for House Concurrent Resolution 19** violates the Missouri Constitution in the following manner:

HCS for HCR 19 calls for the issuance of bonds in the amount of forty-eight million dollars, provided as the state’s share, to be funded, on or before July 1, 2020, by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly.

HCS for HCR 19 states that the Health and Educational Facilities Authority of the State of Missouri (MOHEFA) shall assist the state in the issuance of revenue bonds in an amount sufficient to pay the state's share of the project cost, plus debt service reserve, capitalized interests, and costs of issuance, to be payable over a term not to exceed ten years.

HCS for HCR 19 resolves that it is the intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

WHEREAS, HCS for HCR 19 does not fall within any exception listed in Article III, Section 37;

THEREFORE, I conclude that **House Committee Substitute for House Concurrent Resolution 19** violates the Missouri Constitution by ordering the issuance of bonds and obligating the state therefor, and should not be signed by the Officers of the House or Senate, nor should the bill be signed by the governor.

Respectfully submitted,

/s/ Representative Nick Marshall
District 13, Platte County

OBJECTION TO SIGNING AND ENACTMENT OF
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION 19
SIGNATORS

/s/ Rep. Nick Marshall, District 13
/s/ Rep. Tim Remole, District 6
/s/ Rep. Mark Matthiesen, District 70
/s/ Rep. Holly Rehder, District 148
/s/ Rep. Phil Christofanelli, District 105
/s/ Rep. Bill White, District 161
/s/ Rep. Bill Lant, District 159
/s/ Rep. Nick Schroer, District 107
/s/ Rep. Kurt Bahr, District 102
/s/ Rep. Mike Kelley, District 127
/s/ Rep. Steve Helms, District 135
/s/ Rep. Nathan Beard, District 152
/s/ Rep. Delus Johnson, District 9
/s/ Rep. Jeff Pogue, District 143
/s/ Rep. Mike Moon, District 157
/s/ Rep. Tom Hurst, District 62
/s/ Rep. Rick Brattin, District 55
/s/ Rep. Ken Wilson, District 12

/s/ Rep. Jim Neely, District 8
/s/ Rep. Keith Frederick, District 121
/s/ Rep. Jered Taylor, District 139
/s/ Rep. Bryan Spencer, District 63
/s/ Rep. Charlie Davis, District 162
/s/ Rep. Robert Ross, District 142
/s/ Rep. Paul Curtman, District 109

Having been duly signed in open session of the Senate, **HCS HCR 19** was delivered to the Governor by the Chief Clerk of the House.

SIGNING OF HOUSE COMMITTEE BILL

All other business of the House was suspended while **SS HCB 3** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS HCB 3** was delivered to the Secretary of State by the Chief Clerk of the House.

SIGNING OF HOUSE BILLS

All other business of the House was suspended while **HCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HCS HB 12, SCS HCS HB 13, CCS SCS HCS HB 17, SCS HCS HB 18, SCS HCS HB 50, SCS HB 51, SS SCS HB 93, SS SCS HCS HB 115, SS#2 HCS HB 151, HCS HBs 190 & 208, SS SCS HCS HB 292, HB 336, SS SCS HCS HBs 339 & 714, HCS HB 451, SS HCS HB 452, HB 850 and SS#2 HCS HBs 1194 & 1193** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HCS HB 1, CCS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11, CCS SCS HCS HB 12, SCS HCS HB 13, CCS SCS HCS HB 17, SCS HCS HB 18, SCS HCS HB 50, SCS HB 51, SS SCS HB 93, SS SCS HCS HB 115, SS#2 HCS HB 151, HCS HBs 190 & 208, SS SCS HCS HB 292, HB 336, SS SCS HCS HBs 339 & 714, HCS HB 451, SS HCS HB 452, HB 850 and SS#2 HCS HBs 1194 & 1193** were delivered to the Governor by the Chief Clerk of the House.

SIGNING OF SENATE CONCURRENT RESOLUTION

All other business of the House was suspended while **SCR 4** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

SIGNING OF SENATE BILLS

All other business of the House was suspended while **CCS SB 8, SS SCS SB 16, SS SB 31, CCS HCS SS SB 34, CCS HCS SS SB 35, SS SCS SB 49, CCS SB 50, SCS SB 52, CCS HCS SS SB 62, CCS SB 64, SB 65, HCS SS SCS SB 66, SCS SB 88, CCS HCS SB 95, SCS SB 108, CCS HCS SB 111, CCS#2 HCS SCS SB 112, CCS SCS#2 SB 128, CCS HCS SCS SB 139, HCS SCS SB 161, CCS SB 222, CCS HCS SB 225, SCS SB 240, SB 248, SCS SB 279, CCS HCS SB 283, SCS SB 322, SB 329, SB 376, SB 395, CCS HCS SCS SB 421, CCS HCS SB 501 and CCS SB 503** were read at length and there being no objections, were signed by Speaker to the end that the same may become law.

The following Representatives offered objections to **SS#2 SCS SB 43**, which were appended to the bill.

CONSTITUTIONAL OBJECTIONS

May 9, 2017

Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 West Capitol Ave., Room 317A
Jefferson City, MO 65101-6806

Re: Objection to SS#2 SCS SB 43, per MO Constitution, Article III, Sec 30

Dear Mr. Clerk:

Pursuant to Article III, Section 30 of the Missouri Constitution, we the undersigned members of the Missouri House of Representatives are formally notifying you of our objections to the signing of **Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill 43**.

In addition to concerns regarding its specific merits, it is our belief that the passage or enactment of this legislation represents a violation of Article III, Section 15 which states in part:

Every senator or representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the state of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."

As has been noted several times throughout the course of passage of this bill, we believe that a pecuniary interest exists for a Senator in violation of this provision, and will not participate in the passage or enactment of this legislation specifically for this reason.

/s/ Gina Mitten, District 83
/s/ Gail McCann Beatty, District 26
/s/ Mark Ellebracht, District 17
/s/ Peter Merideth, District 80
/s/ Crystal Quade, District 132
/s/ Ingrid Burnett, District 19

/s/ Deb Lavender, District 90
/s/ Tommie Pierson Jr., District 66
/s/ Joe Adams, District 86
/s/ Rory Rowland, District 29
/s/ Richard Brown, District 27
/s/ Alan Gray, District 75

/s/ Greg Razer, District 25
/s/ Martha Stevens, District 46
/s/ Lauren Arthur, District 18
/s/ Jerome Barnes, District 28
/s/ Doug Beck, District 92
/s/ Bruce Franks, District 78
/s/ Stacey Newman, District 87
/s/ Judy Morgan, District 24
/s/ Sarah Unsicker, District 91
/s/ Randy Dunn, District 23

/s/ Bob Burns, District 93
/s/ Sue Meredith, District 71
/s/ Fred Wessels, District 81
/s/ Donna Baringer, District 82
/s/ Cora Faith Walker, District 74
/s/ Steven Roberts, District 77
/s/ Jay Mosley, District 68
/s/ Jon Carpenter, District 15
/s/ DaRon McGee, District 36
/s/ Michael Butler, District 79

May 8, 2017

The Honorable Todd Richardson
Speaker of the Missouri House of Representatives
201 W. Capitol Ave, Room 306
Jefferson City, MO 65101

SUBJ: Constitutional Objection to Senate Substitute Number 2 for Senate Committee Substitute for Senate Bill Number 43

Dear Mr. Speaker, Sir,

Pursuant to Article 3, Section 30 of the Missouri Constitution, I wish to formally record my objection to **Senate Substitute Number 2 for Senate Committee Substitute for Senate Bill Number 43**.

WHEREAS, Article 3, Section 30 of the Constitution of the State of Missouri provides:

“No bill shall become a law until it is signed by the presiding officer of each house in open session, who first shall suspend all other business, declare that the bill shall now be read and that if no objection be made he will sign the same. If in either house any member shall object in writing to the signing of a bill, the objection shall be noted in the journal and annexed to the bill to be considered by the governor in connection therewith. When a bill has been signed, the secretary, or the chief clerk, of the house in which the bill originated shall present the bill in person to the governor on the same day on which it was signed and enter the fact upon the journal.”

THEREFORE, I ask that you record my objection to and my explanation for voting “no” on said bill in the House Journal. While troubling on its merits, the bill represents a severe abuse of power by a sitting Senator. The bill seeks to remove legal protections under which the sponsor of this bill is currently facing litigation. I cannot support the Senator’s unethical act of corruption and violate my oath. Such a vote would dishonor myself, my constituents, and this institution.

Respectfully,

/s/ Joshua D. Peters,
Member of the 99th General Assembly

All other business of the House was suspended while **SS#2 SCS SB 43** was read at length and was signed by the Speaker to the end that the same may become law.

ADJOURNMENT

The Speaker declared the House of Representatives of the Ninety-ninth General Assembly convened in the First Regular Session on January 4, 2017, adjourned as of midnight, May 30, 2017, in accordance with the Constitution.

TODD RICHARDSON
Speaker of the House

D. ADAM CRUMBLISS
Chief Clerk of the House