

# JOURNAL OF THE HOUSE

First Regular Session, 102nd GENERAL ASSEMBLY

FOURTH DAY, TUESDAY, JANUARY 10, 2023

The House met pursuant to adjournment.

Speaker Plocher in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

*“The Lord give thee wisdom and understanding...that thou mayest keep the law of the Lord, thy God.”*  
(I Chronicles 22:12)

O Lord of love and God of all goodness, in this moment we bow our heads in prayer thanking You for this glorious state in which we live and work. May we now and always prove ourselves worthy of Your presence, eager to do Your will, and ready to serve our people. Save us from pettiness and mold us into a people united in purpose and principle, in faith and fortitude.

Bless with Your wisdom the members of this House of Representatives, and particularly our new speaker. Direct their decisions, prosper their planning, and expedite their efforts as they seek to promote the welfare of our state and the good of all our districts.

As a result of our endeavors today, may progress come to our citizens and happiness into every human heart in our show-me state.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

Representative Patterson requested unanimous consent to dispense with the Administrative Order of Business, which request was granted.

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

AYES: 150

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Brown 27	Brown 87	Buchheit-Courtway	Burger	Burnett
Burton	Busick	Butz	Byrnes	Casteel
Chappell	Christ	Christofanelli	Clemens	Coleman
Collins	Cook	Copeland	Crossley	Davis
Diehl	Dinkins	Doll	Ealy	Evans
Falkner	Farnan	Fogle	Fountain Henderson	Francis
Gallick	Gragg	Gray	Gregory	Griffith

Haden	Haffner	Haley	Hardwick	Hausman
Hein	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Ingle	Johnson 12
Jones	Justus	Kalberloh	Kelley 127	Kelly 141
Knight	Lavender	Lewis 25	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Matthiesen
Mayhew	McGaugh	McGirl	McMullen	Morse
Mosley	Murphy	Myers	Nickson-Clark	Nurrenbern
O'Donnell	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Phifer	Plank	Pollitt
Pouche	Proudie	Quade	Reedy	Reuter
Richey	Riggs	Riley	Roberts	Sander
Sassmann	Schmelting	Schulte	Schwadron	Seitz
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Veit	Voss	Waller	Weber	West
Wilson	Woods	Wright	Young	Mr. Speaker

NOES: 000

PRESENT: 005

Aldridge	Johnson 23	Merideth	Sharp 37	Walsh Moore
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ABSENT WITH LEAVE: 008

Bland Manlove	Bosley	Cupps	Davidson	Deaton
Keathley	Sauls	Windham		

VACANCIES: 000

### HOUSE RESOLUTIONS

Representative Christofanelli offered House Resolution No. 40.

### INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

**HJR 42**, introduced by Representative Seitz, relating to department of transportation spending.

**HJR 43**, introduced by Representative Henderson, relating to constitutional amendments.

**HJR 44**, introduced by Representative Matthiesen, relating to homesteads of the elderly.

### INTRODUCTION OF HOUSE BILLS

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

**HB 727**, introduced by Representative Smith (155), relating to the Missouri angel investment incentive act.

**HB 728**, introduced by Representative Johnson (23), relating to compulsory school attendance.

**HB 729**, introduced by Representative Brown (16), relating to the Kansas City police department.

**HB 730**, introduced by Representative Brown (16), relating to a moratorium on eviction proceedings.

**HB 731**, introduced by Representative Buchheit-Courtway, relating to child passenger restraint systems, with penalty provisions.

**HB 732**, introduced by Representative Boggs, relating to covenant marriages.

**HB 733**, introduced by Representative Boggs, relating to the expanding public sector career opportunities act.

**HB 734**, introduced by Representative Knight, relating to disabled placards.

**HB 735**, introduced by Representative Riggs, relating to the decentralizing state government task force.

**HB 736**, introduced by Representative Riggs, relating to monthly historical designations.

**HB 737**, introduced by Representative Riggs, relating to the state building usage task force.

**HB 738**, introduced by Representative Woods, relating to the presidential preference primary.

**HB 739**, introduced by Representative Woods, relating to ranked-choice voting.

**HB 740**, introduced by Representative Woods, relating to same-day voter registration.

**HB 741**, introduced by Representative Woods, relating to automatic voter registration.

**HB 742**, introduced by Representative Woods, relating to reproductive health data.

**HB 743**, introduced by Representative Kelly (141), relating to educational services costs.

**HB 744**, introduced by Representative Hein, relating to sales tax exemptions.

**HB 745**, introduced by Representative Buchheit-Courtway, relating to the endangerment of a highway worker, with penalty provisions.

**HB 746**, introduced by Representative Sauls, relating to the designation of a memorial highway.

**HB 747**, introduced by Representative Perkins, relating to the supplemental nutrition assistance program.

**HB 748**, introduced by Representative Perkins, relating to personal property tax.

**HB 749**, introduced by Representative Perkins, relating to a firearms sales tax exemption.

**HB 750**, introduced by Representative Perkins, relating to civil actions to protect public expression.

**HB 751**, introduced by Representative Crossley, relating to detached catalytic converters, with penalty provisions.

**HB 752**, introduced by Representative Knight, relating to newspaper advertisements for state bids.

**HB 753**, introduced by Representative Hicks, relating to expungement, with a penalty provision.

**HB 754**, introduced by Representative Mayhew, relating to personal property valuations.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolution was read the second time:

**HCR 4**, relating to Baker service appreciation day.

#### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolution was read the second time:

**HJR 41**, relating to department of transportation spending.

#### **SECOND READING OF HOUSE BILLS**

The following House Bills were read the second time:

**HB 704**, relating to initiative petitions and referendums.

**HB 705**, relating to the towing of motor vehicles or vessels.

**HB 706**, relating to salvage vehicles.

**HB 707**, relating to foreign ownership of agricultural land.

**HB 708**, relating to carbon monoxide detectors in schools.

**HB 709**, relating to net metering.

**HB 710**, relating to telemedicine.

**HB 711**, relating to railroad grade crossings.

**HB 712**, relating to the anti-red flag gun seizure act, with penalty provisions and an emergency clause.

**HB 713**, relating to motor vehicle assessments, with a delayed effective date.

**HB 714**, relating to adoption tax credits.

**HB 715**, relating to educational costs of children in state custody.

**HB 716**, relating to educational services costs.

**HB 717**, relating to intervention by the general assembly.

**HB 718**, relating to bullion.

**HB 719**, relating to public assistance, with penalty provisions.

**HB 720**, relating to the liability of employers for negligent hiring.

**HB 721**, relating to transportation network companies.

**HB 722**, relating to bonds.

**HB 723**, relating to motor vehicle safety inspections.

**HB 724**, relating to drivers' licenses.

**HB 725**, relating to offenses involving teller machines, with penalty provisions.

**HB 726**, relating to employment security, with an effective date for a certain section.

**HOUSE ELECTION CONTEST**

BEFORE THE MISSOURI HOUSE OF REPRESENTATIVES

CINDY BERNE,	)
	)
Contestant,	)
	)
v.	)
	)
ADAM SCHWADRON,	)
	)
Contestee.	)

NOTICE OF FILING UNDER SECTION 115.567

PLEASE TAKE NOTICE THAT a verified petition for a recount for Missouri House of Representatives District 105 was filed with the Missouri House of Representatives January 5, 2023 by hand delivery. The verified petition was filed under Section 115.601 because less than 1% of the total vote divided contestant and contestee. Because this is a petition for a recount, there is no need for depositions or discovery.

PLEASE TAKE FURTHER NOTICE THAT a copy of this petition was served on the secretary of state via email at elections@sos.mo.gov, and on the St. Charles County Election Authority via email at KBahr@sccmo.org.

Respectfully submitted,

JACOBSON PRESS P.C.

/s/ Matt Vianello  
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*Attorney for Contestant*

BEFORE THE MISSOURI HOUSE OF REPRESENTATIVES

CINDY BERNE, )  
 )  
 Contestant, )  
 )  
 v. )  
 )  
 ADAM SCHWADRON, )  
 )  
 Contestee. )

PETITION FOR RECOUNT

Contestant Cindy Berne, Democratic nominee for Missouri House of Representatives District 105, for her petition for a recount under Section 115.565, RSMo., states:

1. Contestant Cindy Berne was the democratic nominee for Missouri House of Representatives District 105 in the November 2022 general election.
2. The Secretary of State certified the results of Contestant’s election December 9, 2022.
3. According to the certified election results, Contestant received 5,305 votes representing 48.4% of the total vote.
4. Contestee, Adam Schwadron, received 5,404 votes, representing 49.3% of the total vote.
5. Based on the certified election results, Contestant was defeated by 0.9%.
6. Under Section 115.601.1, RSMo., all candidates who were defeated by less than one percent of the votes cast “shall have a right to a recount of the votes cast for the office.”

- 7. Because this petition concerns a contested election for the office of state representative, it “shall be heard and determined by the state house of representatives.” Section 115.563.1, RSMo.
- 8. The recount must be requested by filing a verified petition with the speaker of the house “not later than thirty days after the official announcement of the election result is issued by the secretary of state.” Section 115.565, RSMo.
- 9. Because the secretary of state certified the election results on December 9, 2022, this petition is timely.
- 10. Upon filing and pursuant to Section 115.567, contestant will cause a copy of this petition to be served upon contestee, the secretary of state, and the St. Charles County Election Authority.

WHEREFORE, Contestant Cindy Berne requests that a recount be conducted upon contestee’s filing of an answer to this petition in accordance with the procedures stated in Section 115.585, RSMo., and Section 115.587, RSMo., and that the House of Representatives make such other and further orders as it deems just and proper.

Respectfully submitted,

JACOBSON PRESS P.C.

/s/ Matt Vianello  
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 Vianello@archcitylawyers.com  
 Attorney for Contestant

Verification

I, Cindy Berne, verify that I have read the foregoing petition and declare that the allegations therein are true and correct to the best of my knowledge, information, and belief.

/s/ Cindy Berne

STATE OF MISSOURI            )  
   )  
 ST. CHARLES COUNTY        )

Sworn to and subscribed before me this 4<sup>th</sup> day of January, 2023.

/s/ Amer Jasarevic  
 Notary Public

Entered as **House Election Contest No. 1.**

The following members' presence was noted: Bland Manlove, Bosley, Cupps, Davidson, Deaton, Keathley, Sauls, and Windham.

## **ADJOURNMENT**

On motion of Representative Patterson, the House adjourned until 10:00 a.m., Wednesday, January 11, 2023.

## **HOUSE CALENDAR**

FIFTH DAY, WEDNESDAY, JANUARY 11, 2023

### **HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 42 through HJR 44

### **HOUSE BILLS FOR SECOND READING**

HB 727 through HB 754

### **HOUSE RESOLUTIONS**

HCS HR 11 - Patterson

### **ACTIONS PURSUANT TO ARTICLE IV, SECTION 27**

HCS HB 3001 - Smith (163)  
CCS SS SCS HCS HB 3002 - Smith (163)  
CCS SS SCS HCS HB 3003 - Smith (163)  
CCS SCS HCS HB 3004 - Smith (163)  
CCS SCS HCS HB 3005 - Smith (163)  
CCS SCS HCS HB 3006 - Smith (163)  
CCS SCS HCS HB 3007 - Smith (163)  
CCS SS SCS HCS HB 3008 - Smith (163)  
CCS SCS HCS HB 3009 - Smith (163)  
CCS SS SCS HCS HB 3010 - Smith (163)  
CCS SS SCS HCS HB 3011 - Smith (163)  
CCS SS SCS HCS HB 3012 - Smith (163)  
CCS SCS HCS HB 3013 - Smith (163)  
SCS HCS HB 3017 - Smith (163)  
SCS HCS HB 3018 - Smith (163)  
SCS HCS HB 3019 - Smith (163)  
SS SCS HCS HB 3020 - Smith (163)