JOURNAL OF THE HOUSE

First Regular Session, 103rd General Assembly

SEVENTY-THIRD DAY, THURSDAY, MAY 29, 2025

The House met pursuant to adjournment.

Speaker Patterson in the Chair.

Prayer by Representative Travis Wilson.

Lord Jesus, we come before You once again with grateful hearts, and we thank You, Lord, for the blessings that You have bestowed upon us during the 2025 Legislative Session.

We come together today, on the actual last day of the session, and we ask once again for Your blessings to be upon us, that You would bless these proceedings and each and every person who serves therein. And we ask especially, Lord, that You would touch Representative Taylor, who is dealing with the death of his mother. Our hearts go out to him and his family, and we ask Your blessings upon him and all of us.

In Jesus's name, and the House says "AMEN!"

The Pledge of Allegiance to the flag was recited.

SIGNING OF HOUSE JOINT RESOLUTION

All other business of the House was suspended while HCS HJRs 23 & 3 was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

CONSTITUTIONAL OBJECTIONS

The following Representatives offered objections to HCS HJR 73, which were appended to the resolution.

May 15, 2025

Joe Engler Chief Clerk Missouri House of Representatives Missouri State Capitol Jefferson City, MO 65101

Dear Mr. Engler:

Pursuant to Article III, Section 30 of the Missouri Constitution, we do hereby object to the signing of **House Committee Substitute for House Joint Resolution No. 73** (hereafter "the HJR").

2844 Journal of the House

We object to the signing for two reasons, each standing alone is sufficient to prohibit the signing and implementation of the HJR.

1. The process by which the HJR passed through this body violates the U.S. Constitution, the Missouri Constitution, and the Rules of the 103rd General Assembly.

Procedural violations occurred during the Children and Families Committee hearing on HJR 73 held on April 9, 2025 (thereafter "the committee hearing"). While the Chair placed reasonable (2-minute) restrictions on those witnesses intending to testify *for* the HJR and an equal number of witnesses intended to testify *against* the HJR¹, the vast majority of witnesses who came to testify were told by the Chair that the only permitted testimony was their name and whether they were for or against the HJR. These witnesses had already universally identified themselves as being against the HJR.² It is this second action which violates our Rules and both Constitutions.

The First Amendment to the United States Constitution provides for freedom of speech, as does Article I of the Missouri Constitution.

The Missouri Constitution, under article 1, section 8, goes farthest: in addition to "forbid[ing] any law to be passed impairing the freedom of speech," it "then gives a general and perpetual guarantee against any interference from any quarter whatever with the freedom on every person 'to say, write or publish whatever he will on any subject." *Marx & Haas Jeans Clothing Co. v. Watson*, 67 S.W. 391, 393–94 (Mo. 1902) (quoting Article I of the Missouri Constitution). That "[l]anguage could not be broader, nor prohibition nor protection more amply comprehensive... [it] stands as an affirmative prescription against any exception being thereto made". *Id.* at 394. If speech "is neither blasphemous, obscene, seditious, or defamatory, then, under the Constitution of this state, no court has the right to restrain it, nor the legislature the power to punish it... Anything which makes the exercise of a right more expensive or less convenient, *more difficult or less effective*, impairs that right..." *Ex parte Harrison*, 110 S.W. 709, 710 (Mo. 1908) (emphasis added).

Nevertheless, the Chair violated even the lesser protections of the U.S. Constitution. "Citizens have an enormous first amendment interest in directing speech about public issues to those who govern". *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990). "[T]he First Amendment [to the U.S. Constitution] means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002) (cleaned up).

While it is true that in a limited public forum, such as legislative committee hearings, the government may restrict speech, such restrictions must be "reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view." *Perry Educ. Ass'n, 460 U.S. 37, 46, 103 S.Ct. 948 (1983)* (restrictions must be "narrowly drawn to effectuate a compelling state interest."); *Reza v. Pearce, 806 F.3d 497, 503 (9th Cir. 2015)*; *Green v. Nocciero, 676 F.3d 748, 754 (8th Cir. 2012)* (in a limited public forum, restrictions on public testimony cannot "discriminate against a speaker based on his viewpoint").

By prohibiting nearly all witnesses who intended to testify against the HJR from giving any testimony at all,³ and placing the restriction knowing all witnesses speaking in favor would have been given an opportunity to testify, the Chair was not making a "reasonable" nor a content-neutral restriction.⁴ That Missourians' voices were silenced in

¹ Because only four Missourians testified in favor of the HJR, the actual number of witnesses allowed a reasonable opportunity to testify was four in favor and five opposed. Scores of other Missourians, all wishing to testify in opposition, were unconstitutionally restricted in their testimony. ² The Chair's instructions were that witnesses beyond the first five for and against could only "give your name and a for or against." Over the course of the hearing, the Chair silenced witnesses based on the content of their testimony, not the time it took to give it.

³ The Chair's defect is not cured by directing witnesses that they could state only their name and whether they were for or against the HJR. Not only is this an unreasonable restriction on the content of the witnesses' speech, but it was also necessarily duplicative: the witnesses had already indicated that they intended to speak in opposition to the HJR. Certainly the Chair has the power to make reasonable restrictions on the amount of *time* a witness may testify, and subject to witnesses to restriction on germaneness and decorum, but here the Chair required substantially all those who intended to oppose the HJR (and none who supported the HJR) simply to repeat that they opposed the HJR and nothing more — a restriction that is not content neutral and cannot be squared with any restriction on the government's ability restrict speech. Indeed, the Chair *compelled* every word of the witnesses' testimony and actively stopped witnesses who attempted to provide additional testimony to the Committee regardless of the length of the testimony. (*See*, *e.g.*, Committee Hearing at 6:52:55pm where the Chair silenced the first word from a Missourian attempting to testify). By imposing a reasonable time limitation on all who spoke in favor of the HJR but prescribing the exact testimony of the vast majority opposing the HJR, the Chair also created "a reasonable perception of state hostility toward" those opposing the HJR. S.Rep.No. 357, 98th Cong., 2d Sess. 10 (1984).

⁴ The availability of online means to testify does not cure the defect. Even if it would under normal circumstances (which it does not) here the Committee voted on the HJR immediately after ending the hearing. The silenced witnesses did not have a reasonable opportunity to submit

the consideration of the HJR — which entirely strikes a portion of the Missouri Constitution that Missourians had to gather signatures for and pass electorally just months ago — is particularly repugnant.

The Chair's restrictions also violated Rule 27 of this General Assembly, which provides that those testifying a committee hearing "shall be" given "a reasonable opportunity to be heard". While Rule 27 affords a committee chair the power to restrict the "length of time" a speaker may testify, a chair may not to direct what that testimony can be, as the Chair did in the HJR's committee hearing. 5 See, Ashcroft v. ACLU, 535 U.S. at 573.

2. The HJR itself suffers from significant defects.

In addition to the procedural consideration, the HJR suffers from grave content defects.

First, the HJR violates the "single subject" rule by addressing at least two topics. Missouri Constitution Article XIII, section 2(b) states in part: "No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith." Yet the HJR contains more than one subject, Reproductive health care (the HJR's title) does not, according to the HJR's handler, include abortion.⁶⁷

The single-subject rule "is intended to discourage placing voters in the position of having to vote for some matter which they do not support in order to enact that which they earnestly support. The single subject matter rule is the constitutional assurance that within a range of a subject and related matters a measure must pass or fail on its own merits." *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 830 (Mo. 1990).

The subject of Amendment 3 was clear: "to protect the right to reproductive freedom" *Coleman v. Ashcroft*, 696 S.W.3d 347, 369 (Mo. Sept. 20, 2024) and the purpose of the HJR is equally clear to the legislature, to repeal the right to reproductive freedom (with "ballot candy" regarding the separate issue of gender affirming medicine.⁸

Second, the ballot language contained in the HJR is not a fair summary of the HJR. The legislature's ballot language must "be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure." RSMo §116.155.2. "The critical test is 'whether the language fairly and impartially summarizes the purposes of the measure, so that the voters will not be deceived or misled." *Coburn v. Mayer*, 368 S.W.3d 320, 324 (Mo.App.W.D. 2012).

The summary language must inform voters of the "central feature[s]" of a proposed constitutional amendment. *See, e.g., Seay v. Jones*, 439 S.W.3d 881, 891 (Mo.App. W.D. 2014). The paramount "central feature" of the HJR is reversing Amendment 3 entirely and placing significant restrictions on access to any and all abortions, while the ballot summary only hints at imposing a parental consent requirement for minors attempting to access abortion care. With respect to all other forms of abortion, the ballot summary is permissive — explaining only that abortion

⁶ The Resolution's Handler, Rep. Brian Seitz, does not believe the subject of the bill is "Reproductive health care" at all. Committee Hearing at 5:43:40 pm (Rep. Seitz: "abortion is in no way health care, abortion is the murder of innocent life"). See also: "House panel approves constitutional amendment limiting abortion rights", Missouri News Network (April 13, 2015) (quoting Rep. Seitz as saying "Abortion is, in no way, health care.") Available at: https://lewispnj.com/articles/8971/view/house-panel-approves-constitutional-amendment-limiting-abortion-rights

⁷ In some cases, health care related to "gender transition" — which is broadly defined in the HJR well beyond what could be considered reproductive health care — does not concern abortion and is also outside of the HJR's title. Recognizing that gender affirming care may not also be reproductive care, the subject matters are expressly separated in the state laws of numerous other states. *See, e.g.*, Mass Gen. Laws ch. 12, § 11/3/4 (2022) (defining reproductive health care services separately from gender-affirming health care services); 735 Ill. Comp. Stat. § 40/28-15 (2022) (same). Further, Rep. Seitz clarified in his committee testimony "reproductive health care... deals with reproducing." (Committee hearing at 6:04 pm).

⁸ See, Journal of the House for the First Day—Wednesday, January 8, 2025. Address by Speaker Jonathan Patterson: "we must clarify the provisions of Amendment 3 and make Missouri the most pro-life state it can be."; See also, "Missouri House GOP starts over with new bill to ban abortion with limited exceptions". Missouri Independent (April 10, 2025) (quoting Susan Klein with Missouri Right to Life, who testified that the HJR is "a true effort to 'repeal and replace Amendment 3.") available at: https://missouriindependent.com/2025/04/10/missouri-abortion-ban-amendment-gop-rape-incest/

written or online testimonies and the Committee did not have any opportunity to review the submitted testimonies prior to voting.

⁵ Rule 27 states in relevant part: "In the discretion of the committee chair, *the length of time allowed* one speaker or questioner may be limited." (*emphasis added*). It does not allow for the chair to limit the content of speaker, except that the speaker may be kept "to the point and avoid repetition".

⁹ See, "Missouri House debates legislation to put abortion ban on the ballot", Apr 15, 2025, komu.com ("The resolution's sponsor, state Rep. Ed Lewis, R-Moberly, said although Amendment 3 already passed, this resolution is closer to what the majority of Missourians wanted. What people

2846 Journal of the House

is allowed — as oppose to indicating that it would overturn Amendment 3 or restrict (or eliminate) access to abortion.

With respect to abortion care, it states that the HJR "Allow[s] abortions for medical emergencies, fetal anomalies, rape, and incest" when in fact such abortions are allowed under the current Missouri Constitution in a provision the HJR removes. The HJR, in fact, prohibits abortions in all cases except for medical emergencies, fetal anomalies, rape, and incest and only allows abortions in an extremely limited subset of medical emergencies, fetal anomalies, rapes or incidents of incest. See, e.g., Seay v. Jones, 439 S.W.3d at 889–90 (where "significant contingencies are not referenced in any fashion in the summary statement" the summary violates §116.155.2). Not only are the restrictions on abortions performed as a result of medical emergencies, fetal anomalies, rape, or incest not included in the ballot summary, the ballot summary does not even hint that there are any contingencies or requirements to lawfully obtain an abortion in such cases (or, except for minors without parental consent, in any cases). The ballot summary, saying it "allow[s] abortions" in these cases does not fairly reflect that the HJR actually forbids abortion in cases of rape or incest unless done before the twelfth week and certain other restrictions (most notably reporting a rape or incest to authorities) are met. Other restrictions apply in the cases of fetal anomalies and medical emergencies, but the summary language suggests the HJR removes barriers to care, not that it imposes barriers that do not currently exist under Missouri law.

Similarly, compared to current law, the HJR does nothing to "Guarantee access to care for medical emergencies, ectopic pregnancies, and miscarriages". Indeed, the HJR does not guarantee such access or make such access any more likely than under the current Missouri Constitution. As the Bill Handler recognized in his testimony before the Committee, the notion that women cannot "get care for ectopic pregnancies or miscarriages" under current Missouri law, is "blatantly false." The HJR does not "guarantee" such access, it only provides that the access currently provided for in the Missouri Constitution will continue to be provided for.

Likewise, the ballot language lies by stating that the HJR "Ensure[s] women's safety during abortions." In fact, the HJR provides only that the "general assembly *may* enact laws that regulate the provision of abortions..." (emphasis added). The HJR does not *ensure* that such laws are passed nor is there any indication that the current Missouri Constitution is less able to provide such assurances. *Seay v. Jones*, 439 S.W.3d at 889–91 (summary language is violative of §116.155.2 if the action promised in the summary is contingent on future legislative or executive decision). Even if the General Assembly were to use its powers under the HJR to enact laws provided for under the HJR, there is no evidence such laws would ensure (or even further) women's safety during abortions.

Finally, the ballot language asks: "Shall the Missouri Constitution be amended to:... Ensure parental consent for minors". For minors to what? The answer isn't for minors to exist, as the HJR *removes* parental consent for that by banning nearly all abortions. The answer isn't for minors to obtain puberty blockers and gender affirming care, either, as the HJR also *removes* the ability of parents to consent to such medical treatment.

3. Summary statement

Both the substance of the HJR and the process by which it has come to this point are fatally flawed and facially unconstitutional.

The people of Missouri not only deserve, but are guaranteed, a reasonable opportunity to be heard. While it is supremely disappointing that the scores of Missourians who came to testify on April 9 were unconstitutionally silenced, it is worse that the HJR intends to silence, lie to, and deceive millions of Missouri voters. As members of this body, we also have the right to ensure that the Rules of the General Assembly are complied with so that we, and all Missourians, can have faith in the legislative process.

HJR 73 needs to be re-heard, re-written, or, ideally, crumpled up, thrown into a trash can, and set ablaze. 10

wanted and what people stated over and over, is in this HJR," Lewis said. "To say I want to terminate this other person's life because it's inconvenient for me, I don't think most people in the state of Missouri line up in that position."); available at: https://www.komu.com/news/state/missouri-house-debates-legislation-to-put-abortion-ban-on-the-ballot/article_9de27e48-7cd4-4d7a-bb6a-540f9b338731.html

¹⁰ "Will Missouri GOP fight votes on abortion, minimum wage?" Kansas City Star (Nov. 13, 2024) available at: https://www.kansascity.com/news/politics-government/article295452799.html?utm_source=substack&utm_medium=email

Please note said objection in the House Journal and annex it to HJR 73 to be considered by the governor in connection therewith as mandated by Article III, Section 30.

Sincerely,

The undersigned State Representatives.

- /s/ Kemp Strickler, District 34
- /s/ Tonya Rush, District 67
- /s/ Kem Smith, District 68
- /s/ Kimberly-Ann Collins, District 77
- /s/ Doug Clemens, District 72
- /s/ Marlon Anderson, District 76
- /s/ Ray Reed, District 83
- /s/ Kathy Steinhoff, District 45
- /s/ Marty Joe Murray, District 78
- /s/ Yolanda R. Young, District 22
- /s/ Raychel Proudie, District 73
- /s/ Keri Ingle, District 35
- /s/ Emily Weber, District 24
- /s/ Del Taylor, District 84
- /s/ Wick Thomas, District 19
- /s/ Elizabeth Fuchs, District 80
- /s/ Ashley Aune, District 14
- /s/ Nick Kimble, District 82
- /s/ Jaclyn Zimmermann, District 98
- /s/ Melissa Douglas, District 27
- /s/ Pattie Mansur, District 25
- /s/ Mark Boyko, District 90
- /s/ Jo Doll, District 91
- /s/ Bridget Walsh Moore, District 93
- /s/ Stephanie Boykin, District 70
- /s/ Marla Smith, District 74
- /s/ Connie Steinmetz, District 87
- /s/ Adrian Plank, District 47
- /s/ Jeff Hales, District 86
- /s/ Gregg Bush, District 50
- /s/ Donna Barnes, District 28
- /s/ Martin Jacobs, District 38
- /s/ Will Jobe, District 21
- /s/ Michael Burton, District 92
- /s/ LaDonna Appelbaum, District 71
- /s/ Jeremy Dean, District 132

SIGNING OF HOUSE JOINT RESOLUTION

All other business of the House was suspended while HCS HJR 73 was read at length and was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, HCS HJRs 23 & 3 and HCS HJR 73 were 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 CCS SS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SS SCS HCS HB 6, CCS SS SCS HCS HB 7, CCS SS SCS HCS HB 8, CCS SS SCS HCS HB 9, CCS SS SCS HCS HB 10, CCS SS SCS HCS HB 11, CCS SS SCS HCS HB 12, CCS SCS HCS HB 13, CCS SCS HCS HB 17, SCS HCS HB 18, SCS HCS HB 20, HCS HB 105, SS SCS HB 121, SS SCS HCS HBs 145 & 59, SS#2 SCS HB 147, HCS HB 169, SS#2 SCS HB 199, SS SCS HB 225, HB 262, HCS HBs 296 & 438, SS#2 HB 419, SS SCS HCS HBs 516, 290 & 778, HCS#2 HBs 567, 546, 758 & 958, SS#2 HCS HBs 594 & 508, CCS SS HCS HBs 595 & 343, SS#2 HB 596, CCS SS HCS HBs 737 & 486, SS SCS HB 754, SS HCS HBs 974, 57, 1032 & 1141 and SS HB 1041 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, CCS SS SCS HCS HB 2, CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5, CCS SS SCS HCS HB 6, CCS SS SCS HCS HB 7, CCS SS SCS HCS HB 8, CCS SS SCS HCS HB 9, CCS SS SCS HCS HB 10, CCS SS SCS HCS HB 11, CCS SS SCS HCS HB 12, CCS SCS HCS HB 13, CCS SCS HCS HB 17, SCS HCS HB 18, SCS HCS HB 20, HCS HB 105, SS SCS HB 121, SS SCS HCS HBs 145 & 59, SS#2 SCS HB 147, HCS HB 169, SS#2 SCS HB 199, SS SCS HB 225, HB 262, HCS HBs 296 & 438, SS#2 HB 419, SS SCS HCS HBs 516, 290 & 778, HCS#2 HBs 567, 546, 758 & 958, SS#2 HCS HBs 594 & 508, CCS SS HCS HBs 595 & 343, SS#2 HB 596, CCS SS HCS HBs 737 & 486, SS SCS HB 754, SS HCS HBs 974, 57, 1032 & 1141 and SS HB 1041 were delivered to the Governor by the Chief Clerk of the House.

SIGNING OF SENATE BILLS

All other business of the House was suspended while SB 2, SCS SB 3, CCS SS SB 28, HCS SS SB 43, SS SCS SBs 49 & 118, CCS HCS SS SB 63, CCS HCS SS SCS SB 68, HCS SS SCS SB 71, SS#2 SB 79, CCS HCS SS SCS SBs 81 & 174, SS SCS SB 82, SS SCS SB 98, SS SCS SB 105, SS SCS SB 133, SS#2 SB 145, SS SB 152, CCS HCS SS SB 160, HCS SS SB 218, SS SB 221, SS SCS SB 271, HCS#2 SCS SB 348 and SB 396 were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

CONSTITUTIONAL OBJECTIONS

Representative Wolfin offered objections to CCS HCS SS SB 150, which were appended to the bill.

May 15, 2025

Joseph Engler House of Representatives Chief Clerk 201 West Capitol Ave, Room 310 Jefferson City, MO 65101

CONSTITUTIONAL OBJECTION OF CCS HCS SS SB 150

Pursuant to Article III, Section 21 and Article III, Section 23 of the Missouri Constitution, I submit this formal constitutional objection to CCS HCS SS SB 150.

When originally introduced, Senate Bill 150 related solely to the creation of the career tech certificate program. Specifically, the bill established both the program and a dedicated fund to reimburse eligible student expenses such as tuition, books, and fees at approved institutions like community colleges and technical schools offering qualifying training programs.

A Senate Substitute was adopted and perfected, continuing to support the underlying purpose of the bill. However, before final passage, amendments were adopted that significantly altered the purpose and scope of the legislation. The bill's title was changed to "relating to workforce development initiatives," which opened the door to adding a wide array of unrelated provisions. These included adult high schools, STEM career awareness and grants, degree conferring authority, proprietary schools, Access Missouri financial assistance, changes to Missouri Southern State University's mission, the Missouri State Loan Repayment Program, child care facility licensure, license waivers for spouses of law enforcement officers, funeral director and embalmer licensing, and educational requirements for social workers.

Article III, Section 21 of the Missouri Constitution clearly states that "no bill shall be so amended in its passage through either house as to change its original purpose." The sweeping changes to SB l50's purpose constitute a direct violation of this provision.

Additionally, Article III, Section 23 requires that "no bill shall contain more than one subject which shall be clearly expressed in its title." The revised title, "relating to workforce development initiatives," is far too broad and vague to meet this standard. It has been used as a catchall to include numerous unrelated policy items, ranging from higher education governance to professional licensing and childcare licensure regulations. This too constitutes a clear violation of our state constitution.

For these reasons, I voted No on CCS HCS SS SB 150.

Sincerely

/s/ Bryant Wolfin House District 145

SIGNING OF SENATE BILL

All other business of the House was suspended while **CCS HCS SS SB 150** was read at length and was signed by the Speaker to the end that the same may become law.

SIGNING OF SENATE CONCURRENT RESOLUTION

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

The following members' presence was noted: Allen, Amato, Anderson, Aune, Banderman, Barnes, Bosley, Boykin, Boyko, Brown (149), Bush, Casteel, Caton, Chappell, Christensen, Clemens, Coleman, Collins, Costlow, Cupps, Davidson, Davis, Dean, Dolan, Ealy, Falkner, Farnan, Fogle, Fountain Henderson, Fowler, Fuchs, Gallick, Hales, Hardwick, Hausman, Hinman, Hovis, Hruza, Irwin, Jacobs, Jobe, Johnson, Kalberloh, Kimble, Lewis, Loy,

2850 Journal of the House

Lucas, Mackey, Martin, Matthiesen, Mayhew, McGaugh, Meirath, Miller, Murray, Oehlerking, Overcast, Patterson, Peters, Phelps, Plank, Pollitt, Proudie, Reed, Reedy, Rush, Sassmann, Schmidt, Schulte, Sharp (37), Sharpe (4), Simmons, Smith (46), Smith (68), Smith (74), Steinmetz, Steinmeyer, Strickler, Taylor (48), Terry, Thomas, Titus, Van Schoiack, Veit, Vernetti, Violet, Walsh Moore, Warwick, Wellenkamp, Williams, and Wilson.

ADJOURNMENT

Speaker Patterson declared the House of Representatives of the One Hundred Third General Assembly, convened in the First Regular Session on January 8, 2025, adjourned as of midnight, May 30, 2025, in accordance with the Constitution.

JONATHAN PATTERSON Speaker of the House

JOSEPH ENGLER Chief Clerk of the House