

JOURNAL OF THE HOUSE

First Regular Session, 100th GENERAL ASSEMBLY

FIFTIETH DAY, WEDNESDAY, APRIL 10, 2019

The House met pursuant to adjournment.

Speaker Pro Tem Wiemann in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

God is not far from each one of us, for in Him we live and move and have our being. (Acts 17:28)

Creator God who is in heaven, our days are in Your hands. Give us the blessings of a sweet humility and meekness. Come to us and sweep aside the mists of error; correct our weakness and strengthen in all of us the wholesome sense of personal worth and the joy of life.

Help us to glory in the wonderful commands of the Master, by whose coming the world is to be loved, by whose presence the world is to be awed, by whose rapture the world is to be thrilled, and at whose mercy the world is to bow. May the knowledge of truth gently wedge its way into all our lives, and may our feet press God's highway now and forever.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Micah Benjamin Walter, Jacelyn Wright, John Sutherland, and Joseph Wesley Walter.

The Journal of the forty-ninth day was approved as printed by the following vote:

AYES: 129

Allred	Anderson	Andrews	Bailey	Bangert
Baringer	Barnes	Basye	Beck	Billington
Black 137	Black 7	Bondon	Bosley	Bromley
Brown 27	Brown 70	Burnett	Burns	Busick
Carter	Chipman	Christofanelli	Clemens	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dohrman
Eggleston	Ellebracht	Eslinger	Evans	Falkner III
Fishel	Fitzwater	Francis	Gannon	Gray
Green	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Houx	Hovis	Hudson
Hurst	Kelley 127	Kendrick	Knight	Lavender
Lovasco	Love	Lynch	Mackey	Mayhew
McCreery	McDaniel	McGaugh	McGee	McGirl

1480 *Journal of the House*

Messenger	Miller	Mitten	Morgan	Morris 140
Morse 151	Muntzel	Neely	O'Donnell	Patterson
Pfautsch	Pierson Jr.	Pike	Plocher	Pogue
Pollitt 52	Porter	Price	Razer	Reedy
Rehder	Toalson Reisch	Remole	Richey	Riggs
Roberts 161	Roberts 77	Roden	Rogers	Rone
Rowland	Runions	Sain	Sauls	Schnelting
Schroer	Sharpe	Shaul 113	Shawan	Shields
Simmons	Smith	Solon	Sommer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Veit	Vescovo	Walsh
Wiemann	Wilson	Wright	Mr. Speaker	

NOES: 001

Moon

PRESENT: 002

Baker Merideth

ABSENT WITH LEAVE: 029

Appelbaum	Bland Manlove	Butz	Carpenter	Chappelle-Nadal
Dogan	Ellington	Franks Jr.	Gregory	Ingle
Justus	Kelly 141	Kidd	Kolkmeyer	Mosley
Murphy	Pietzman	Pollock 123	Proudie	Quade
Roeber	Ross	Ruth	Shull 16	Spencer
Walker	Washington	Windham	Wood	

VACANCIES: 002

SPECIAL RECOGNITION

Speaker Pro Tem Wiemann introduced Director General Jerry Chang, Division Director Jeffrey Liu, and Vice Consul Shirley Chang of the Taipei Economic and Cultural Office in Denver.

Director General Chang addressed the House.

Speaker Haahr assumed the Chair.

HOUSE RESOLUTIONS

HR 435, relating to Taiwan, was taken up by Representative Lynch.

On motion of Representative Lynch, **HR 435** was adopted by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 146

Allred	Anderson	Andrews	Appelbaum	Bailey
Baker	Bangert	Baringer	Barnes	Basye
Beck	Billington	Black 137	Black 7	Bondon

Bosley	Bromley	Brown 27	Brown 70	Burnett
Burns	Busick	Carpenter	Carter	Chipman
Christofanelli	Clemens	Coleman 32	Coleman 97	Deaton
DeGroot	Dinkins	Dogan	Dohrman	Eggleston
Ellebracht	Ellington	Evans	Falkner III	Fishel
Fitzwater	Francis	Franks Jr.	Gannon	Gray
Gregory	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Houx	Hovis	Hudson
Hurst	Ingle	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Knight	Kolkmeyer	Lavender
Lovasco	Love	Lynch	Mackey	Mayhew
McCreery	McGaugh	McGee	McGill	Merideth
Messenger	Miller	Mitten	Moon	Morgan
Morris 140	Morse 151	Muntzel	Murphy	O'Donnell
Patterson	Pfautsch	Pierson Jr.	Pietzman	Pike
Plocher	Pollitt 52	Pollock 123	Porter	Price
Proudie	Quade	Reedy	Rehder	Toalson Reisch
Remole	Richey	Riggs	Roberts 161	Roberts 77
Roden	Rogers	Rone	Rowland	Runions
Ruth	Sain	Sauls	Schnelting	Schroer
Sharpe	Shaul 113	Shawan	Shields	Simmons
Smith	Solon	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Unsicker	Veit	Vescovo	Walker
Walsh	Wiemann	Wilson	Wood	Wright

Mr. Speaker

NOES: 000

PRESENT: 002

Pogue Windham

ABSENT WITH LEAVE: 013

Bland Manlove	Butz	Chappelle-Nadal	Eslinger	Green
McDaniel	Mosley	Neely	Razer	Roeber
Ross	Shull 16	Washington		

VACANCIES: 002

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 1094, relating to income tax, was taken up by Representative Dohrman.

On motion of Representative Dohrman, the title of **HCS HB 1094** was agreed to.

Representative Taylor assumed the Chair.

On motion of Representative Dohrman, **HCS HB 1094** was adopted.

On motion of Representative Dohrman, **HCS HB 1094** was ordered perfected and printed.

HCS HB 349, relating to the practice of shampooing, was taken up by Representative Hannegan.

On motion of Representative Hannegan, the title of **HCS HB 349** was agreed to.

Representative Hannegan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 349, Page 3, Section 329.010, Line 60, by deleting the word "section." and inserting in lieu thereof the following:

"section;

(15) **"Threading", the act of removing hair from eyebrows, the upper lip, or other body parts by using cotton thread to pull hair from the follicles. "Threading" may include the use of over-the-counter astringent, gels, powders, tweezers, or scissors incidental to threading, but does not include the use of chemicals, heat, or any type of wax.**

329.036. Nothing in this chapter or chapter 328, except for the provisions of sections 329.010 and 329.277, shall apply to persons engaged in the practice of threading, as defined in section 329.010.

329.277. The practices of cosmetology and barbering shall not include threading; except that, nothing in this section shall be construed as prohibiting a licensed cosmetologist or barber from performing the service of threading as defined in section 329.010."; and

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

Representative Ingle raised a point of order that **House Amendment No. 1** is not germane to the bill.

Representative Taylor requested a parliamentary ruling.

Speaker Pro Tem Wiemann resumed the Chair.

The Chair ruled the point of order well taken.

On motion of Representative Hannegan, **HCS HB 349** was adopted.

On motion of Representative Hannegan, **HCS HB 349** was ordered perfected and printed.

HCS HB 404, relating to the retirees experiencing a better living initiative, was taken up by Representative Messenger.

Representative Messenger moved that the title of **HCS HB 404** be agreed to.

Representative Ellington offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 404, Page 1, In the Title, Lines 2-3, by deleting "retirees experiencing a better living initiative" and inserting in lieu thereof "creation of economic development programs"; and

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

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Bondon	Bromley
Chipman	Christofanelli	Coleman 32	Coleman 97	Deaton
DeGroot	Dinkins	Dogan	Eggleston	Eslinger
Evans	Falkner III	Fitzwater	Francis	Gannon
Gregory	Grier	Griesheimer	Griffith	Haden
Haffner	Hannegan	Hansen	Helms	Henderson
Hicks	Hill	Houx	Hovis	Hudson
Hurst	Justus	Kelley 127	Kelly 141	Kolkmeier
Lovasco	Love	Lynch	Mayhew	McGaugh
McGill	Messenger	Miller	Moon	Morris 140
Morse 151	Muntzel	O'Donnell	Patterson	Pfautsch
Pike	Plocher	Pogue	Pollitt 52	Pollock 123
Porter	Reedy	Rehder	Toalson Reisch	Riggs
Roberts 161	Roden	Rone	Ruth	Schnelting
Schroer	Sharpe	Shawan	Shields	Solon
Sommer	Spencer	Stacy	Stephens 128	Taylor
Trent	Veit	Vescovo	Walsh	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 040

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Brown 70	Burnett
Burns	Carpenter	Carter	Chappelle-Nadal	Clemens
Ellington	Franks Jr.	Green	Ingle	Kendrick
Lavender	Mackey	McCreery	McGee	Merideth
Mitten	Morgan	Mosley	Pierson Jr.	Price
Proudie	Quade	Roberts 77	Rogers	Rowland
Runions	Sain	Sauls	Unsicker	Windham

PRESENT: 000

ABSENT WITH LEAVE: 028

Black 7	Busick	Butz	Dohrman	Ellebracht
Fishel	Gray	Kidd	Knight	McDaniel
Murphy	Neely	Pietzman	Razer	Remole
Richey	Roerber	Ross	Shaul 113	Shull 16
Simmons	Smith	Stevens 46	Swan	Tate
Walker	Washington	Wright		

VACANCIES: 002

Representative Ellington moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Vescovo moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allred	Anderson	Andrews	Bailey	Baker
Basye	Billington	Black 137	Black 7	Bondon
Bromley	Busick	Chipman	Christofanelli	Coleman 32
Coleman 97	Deaton	DeGroot	Dinkins	Dogan
Dohrman	Eggleston	Eslinger	Evans	Falkner III
Fitzwater	Francis	Gannon	Gregory	Grier
Griesheimer	Griffith	Haden	Haffner	Hannegan
Hansen	Helms	Hicks	Hill	Houx
Hovis	Hudson	Hurst	Justus	Kelley 127
Kelly 141	Kolkmeyer	Lovasco	Love	Lynch
Mayhew	McGaugh	McGill	Messenger	Miller
Moon	Morris 140	Morse 151	Muntzel	O'Donnell
Patterson	Pfautsch	Pike	Plocher	Pogue
Pollitt 52	Pollock 123	Porter	Reedy	Rehder
Toalson Reisch	Riggs	Roberts 161	Roden	Rone
Ruth	Schnelting	Schroer	Sharpe	Shaul 113
Shawan	Shields	Simmons	Smith	Solon
Sommer	Stacy	Stephens 128	Taylor	Trent
Veit	Vescovo	Walsh	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 039

Appelbaum	Bangert	Baringer	Barnes	Beck
Bland Manlove	Bosley	Brown 27	Brown 70	Burnett
Burns	Carpenter	Carter	Chappelle-Nadal	Clemens
Franks Jr.	Green	Ingle	Kendrick	Lavender
Mackey	McCreery	McGee	Merideth	Mitten
Morgan	Mosley	Pierson Jr.	Price	Proudie
Quade	Roberts 77	Rogers	Rowland	Runions
Sain	Sauls	Unsicker	Windham	

PRESENT: 000

ABSENT WITH LEAVE: 025

Butz	Ellebracht	Ellington	Fishel	Gray
Henderson	Kidd	Knight	McDaniel	Murphy
Neely	Pietzman	Razer	Remole	Richey
Roeber	Ross	Shull 16	Spencer	Stevens 46
Swan	Tate	Walker	Washington	Wright

VACANCIES: 002

Representative Messenger again moved that the title of **HCS HB 404** be agreed to.

Which motion was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 404, Page 2, Section 620.468, Line 45, by inserting after said section and line the following:

"620.1949. 1. There is hereby created in the state treasury the "Economic Development Grant Program Fund", which shall consist of moneys appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. There is hereby established an "Economic Development Grant Program". The department of economic development shall administer the economic development grant program and approve disbursements from the economic development grant program fund.

3. The moneys deposited into the economic development grant program fund shall be used and distributed to allow companies to reopen a manufacturing facility that has been closed. The amount granted to such company shall not exceed the amount of moneys necessary for such company to reopen such manufacturing facility. The department of economic development shall develop a procedure for those eligible under this section to apply for grants under this section.

4. In the event that the balance in the fund and any appropriations for this grant program are insufficient to fund all grants approved by the department of economic development for a given fiscal year, all such grants shall be reduced pro rata as necessary.

5. The department of economic development shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

Representative Ruth raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Messenger, **HCS HB 404** was adopted.

On motion of Representative Messenger, **HCS HB 404** was ordered perfected and printed.

HB 338, relating to the Battle of St. Louis memorial day, was taken up by Representative Schnelting.

On motion of Representative Schnelting, the title of **HB 338** was agreed to.

On motion of Representative Schnelting, **HB 338** was ordered perfected and printed.

HB 816, relating to embalming apprenticeships, was taken up by Representative Black (137).

On motion of Representative Black (137), the title of **HB 816** was agreed to.

Representative Black (137) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 816, Page 3, Section 333.041, Line 64, by inserting after the words "**this section, and**" the words "**also pending the successful completion**"; and

Further amend said bill, page, and section, Line 67, by inserting after the word "**first.**" the following:

"An applicant shall not continue to practice as an embalmer apprentice under the provisions of this subsection without providing a written notice to the board to extend his or her apprenticeship registration for up to six months. The board shall grant the extension upon receipt of the written notice."; and

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

On motion of Representative Black (137), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Bill No. 816, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"326.319. 1. All moneys payable pursuant to the provisions of this chapter shall be collected by the division of professional registration who shall transmit them to the department of revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of Accountancy Fund" which is hereby created.

2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule certificate or permit renewal less frequently than~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that** exceeds **two times** the ~~[appropriate-~~ **multiple of the appropriations from the board's funds for the preceding fiscal year]** **amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**

3. In any proceeding in which a remedy provided by subsection 1 or 2 of section 326.310 is imposed, the board may also require the respondent licensee to pay the costs of the proceeding if the board is a prevailing party or in settlement. The moneys shall be placed in the state treasury to the credit of the "Missouri State Board of Accountancy Investigation Fund", which is hereby created, to be used solely for investigations as provided in this chapter. The moneys shall not be considered in calculating amounts to be transferred to general revenue as provided in subsection 2 of this section. The fund shall be used solely for board investigations.

4. The board shall set the amount of the fees which this chapter authorizes and requires by rule pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

327.081. 1. All funds received pursuant to the provisions of this chapter shall be deposited in the state treasury to the credit of the "State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated to the board by the general assembly from this fund.

2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that** exceeds **two times** the ~~[appropriate multiple of the appropriations from the board's funds for the preceding fiscal year]~~ **amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**

332.061. All funds received pursuant to the provisions of this chapter shall be transmitted by the director of the division of professional registration to the department of revenue for deposit in the state treasury to the credit of the "Dental Board Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated from the dental board fund by the legislature. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium ~~[is]~~ **exceeds** two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that** exceeds **two times** the ~~[appropriate multiple of the appropriations from the board's funds for the preceding fiscal year]~~ **amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**"; and

Further amend said bill, Page 3, Section 333.041, Line 67, by inserting after all of said section and line the following:

"333.231. 1. All fees payable under this chapter shall be collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the fund to be known as the "Board of Embalmers and Funeral Directors' Fund".

2. All compensation of board members and employees and all expenses incident to the administration of this chapter shall be paid out of the board of embalmers and funeral directors' fund. No expense of this board shall ever be paid out of any other fund of the state, either by deficiency bill or otherwise.

3. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that** exceeds **two times** the ~~[appropriate multiple of the appropriations from the board's funds for the preceding fiscal year]~~ **amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**

334.050. 1. There is hereby established in the office of the state treasurer a fund to be known as the "Board of Registration for the Healing Arts Fund". All fees of any kind and character authorized to be charged by the board shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund, to be disbursed only in payment of expenses of maintaining the board and for the enforcement of the provisions of law concerning professions regulated by the board; and no other money shall be paid out of the state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of said fund.

2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium

exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that exceeds two times the [appropriate multiple of the appropriations from the board's funds for the preceding fiscal year] amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**

3. The board shall charge each person applying to and appearing before it for examination for certificate of licensure to practice as physician and surgeon, an examination fee. Should the examination prove unsatisfactory and the board refuse to issue a license thereon, the applicant failing to pass the examination may return to any meeting and be examined upon payment of a reexamination fee.

335.036. 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to administer the provisions of sections 335.011 to 335.096;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to 335.096;

(3) Prescribe minimum standards for educational programs preparing persons for licensure pursuant to the provisions of sections 335.011 to 335.096;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of insurance, financial institutions and professional registration.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that exceeds two times the [appropriate multiple of the appropriations from the board's funds for the preceding fiscal year] amount of such three-year average. However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

338.070. 1. The board of pharmacy shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce

revenue which shall not substantially exceed the cost and expense of administering this chapter. All fees shall be paid before an applicant may be admitted to examination or his or her name placed upon the register of pharmacists, or before any license or permit, or any renewal thereof, is issued by the board.

2. All fees payable pursuant to the provisions of this chapter shall be collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the fund to be known as the "Board of Pharmacy Fund".

3. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the **average** amount of ~~[the appropriation]~~ **expenses** from the board's funds for the preceding **three completed** fiscal ~~[year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year]~~ **years**. The amount, if any, in the fund which shall lapse is that amount in the fund ~~[which]~~ **that** exceeds **two times** the ~~[appropriate multiple of the appropriations from the board's funds for the preceding fiscal year]~~ **amount of such three-year average**. **However, no moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year 2021.**; and

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

Representative Griesheimer raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Black (137), **HB 816, as amended**, was ordered perfected and printed.

HCS HB 932, relating to the development of multidisciplinary adult protection teams, was taken up by Representative Rehder.

On motion of Representative Rehder, the title of **HCS HB 932** was agreed to.

Representative Taylor resumed the Chair.

On motion of Representative Rehder, **HCS HB 932** was adopted.

On motion of Representative Rehder, **HCS HB 932** was ordered perfected and printed.

HB 758, relating to hospital inspections, was taken up by Representative Bondon.

Representative Bondon offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 758, Page 1, In the Title, Lines 2 and 3, by deleting the words "hospital inspections" and inserting in lieu thereof the words "facilities licensed by the department of health and senior services"; and

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

On motion of Representative Bondon, **House Amendment No. 1** was adopted.

Speaker Haahr resumed the Chair.

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

House Amendment No. 2

AMEND House Bill No. 758, Page 2, Section 197.108, Line 29, by inserting after all of said section and line the following:

"197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the certificate of need program of the Missouri department of health and senior services;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198 and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012 shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision, one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(8) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(9) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (12) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility licensed under chapter 198 which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period, provided that any such health care facility seeking ~~a nonapplicability review for~~ an increase in total beds or total bed capacity in an amount less than described in this paragraph shall be eligible for such review only if the facility has had no patient care class I deficiencies within the last eighteen months and has maintained at least an eighty-five percent average occupancy rate for the previous six quarters;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(10) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(11) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(12) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.318. 1. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

2. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

3. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

4. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198 may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the department of health and senior services and the health facilities review committee;

(b) Certification from the department of health and senior services that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained ~~a ninety percent~~ **an eighty-five percent** average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198 may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198 may transfer or sell individual long-term care licensed **and available** beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed **and available** beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished **and until the average occupancy of licensed and available beds in that licensure category within a fifteen-mile radius is eighty-five percent for the prior six quarters. Any facility which transfers or sells licensed and available beds shall have an average occupancy rate of less than seventy percent in the last six quarters.**

5. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the health and senior services vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

6. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198 from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility."; and

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

On motion of Representative Bondon, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Bill No. 758, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"190.243. 1. Severely injured patients shall be transported to a trauma center. Patients who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center. Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

2. A physician or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health and senior services, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma, STEMI, or stroke center.

3. Transport of the STEMI, stroke, or severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.

4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke center shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols; **except in any county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants, a patient who does not meet the criteria for direct transport under this subsection shall be transported to and cared for at the hospital or freestanding emergency department of their choice so long as such ambulance service is not in violation of local protocols.**"; and

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

Representative Bondon raised a point of order that a member was in violation of Rule 85.

The Chair advised members to keep their comments confined to the question at hand.

On motion of Representative Bondon, **House Amendment No. 3** was adopted.

Representative Franks Jr. offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Bill No. 758, Page 2, Section 197.108, Line 29, by inserting after all of said section and line the following:

"198.610. 1. The provisions of sections 198.610 to 198.630 shall be known and may be cited as the "Authorized Electronic Monitoring in Long-Term Care Facilities Act".

2. For purposes of sections 198.610 to 198.630, the following terms shall mean:

- (1) "Authorized electronic monitoring", the placement and use of an electronic monitoring device by a resident in his or her room in accordance with the provisions of sections 198.610 to 198.630;**
- (2) "Department", the department of health and senior services;**
- (3) "Electronic monitoring device", a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof, that is installed in a resident's room under the provisions of sections 198.610 to 198.630 and broadcasts or records activity or sounds occurring in the room;**
- (4) "Facility", any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility;**
- (5) "Resident", a person residing in a facility;**
- (6) "Resident's representative", a resident's legal representative.**

198.612. 1. A resident may be permitted to conduct authorized electronic monitoring of the resident's room through the use of electronic monitoring devices placed in the room under the provisions of sections 198.610 to 198.630 if the facility in which the resident resides permits electronic monitoring devices in its policies and procedures and if the electronic monitoring devices comply with the facility's requirements therein.

2. Nothing in sections 198.610 to 198.630 shall be construed to allow the use of an electronic monitoring device to take still photographs or for the nonconsensual interception of private communications.

3. Except as otherwise provided in this section, a resident, a resident's representative, or the parent of a resident under eighteen years of age and the facility shall consent in writing on a notification and consent form prescribed by the department in order for authorized electronic monitoring to be conducted in the resident's room. If the resident has not affirmatively objected to the authorized electronic monitoring and the resident's physician determines that the resident lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the resident in order of priority:

- (1) An attorney-in-fact under a durable power of attorney for health care;**
- (2) The resident's representative;**
- (3) The resident's spouse;**
- (4) The resident's parent;**
- (5) The resident's adult child who has the written consent of all other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or**
- (6) The resident's adult brother or sister who has the written consent of all other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.**

4. Prior to another person, other than a resident's representative, consenting on behalf of a resident eighteen years of age or older in accordance with the provisions of sections 198.610 to 198.630, the resident shall be asked by that person, in the presence of a facility employee, if he or she wants authorized electronic monitoring to be conducted. The person shall explain to the resident:

- (1) The type of electronic monitoring device to be used;
- (2) The standard conditions that may be placed on the electronic monitoring device's use including those listed in subdivision (7) of subsection 2 of section 198.614;
- (3) With whom the recording may be shared according to section 198.622; and
- (4) The resident's ability to decline all recording.

For the purposes of this subsection, a resident affirmatively objects if he or she orally, visually, or through the use of auxiliary aids or services declines authorized electronic monitoring. The resident's response shall be documented on the notification and consent form.

5. A resident or roommate may consent to authorized electronic monitoring with any conditions of the resident's choosing including, but not limited to, the list of standard conditions provided in subdivision (7) of subsection 2 of section 198.614. A resident or roommate may request that the electronic monitoring device be turned off or the visual recording component of the electronic monitoring device be blocked at any time.

6. Prior to the authorized electronic monitoring, a resident shall obtain the written consent of any other resident residing in the room on the notification and consent form prescribed by the department. Except as otherwise provided in this subsection, a roommate, a roommate's legal representative, or the parent of a roommate under eighteen years of age shall consent in writing to the authorized electronic monitoring in the resident's room. If the roommate has not affirmatively objected to the authorized electronic monitoring in accordance with subsection 4 of this section and the roommate's physician determines that the roommate lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the roommate, in order of priority:

- (1) An attorney-in-fact under a durable power of attorney for health care;
- (2) The roommate's legal representative;
- (3) The roommate's spouse;
- (4) The roommate's parent;
- (5) The roommate's adult child who has the written consent of all other adult children of the roommate to act as the sole decision maker regarding authorized electronic monitoring; or
- (6) The roommate's adult brother or sister who has the written consent of all other adult siblings of the roommate to act as the sole decision maker regarding authorized electronic monitoring.

7. Consent by a roommate under subsection 6 of this section authorizes the resident's use of any recording obtained under sections 198.610 to 198.630 as provided under section 198.622.

8. Any resident previously conducting authorized electronic monitoring shall obtain consent from any new roommate before the resident may resume authorized electronic monitoring. If a new roommate does not consent to authorized electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the device.

9. Consent may be withdrawn by the resident or roommate at any time, and the withdrawal of consent shall be documented in the resident's clinical record. If a roommate withdraws consent and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device.

198.614. 1. Authorized electronic monitoring may begin only after a notification and consent form prescribed by the department has been completed and submitted to the facility and the facility consents.

2. A resident shall notify the facility in writing of his or her intent to install an electronic monitoring device by providing a completed notification and consent form prescribed by the department that shall include at minimum the following information:

(1) The resident's signed consent to electronic monitoring or the signature of the person consenting on behalf of the resident in accordance with section 198.612. If a person other than the resident signs the consent form, the form shall document the following:

- (a) The date the resident was asked if he or she wants authorized electronic monitoring to be conducted in accordance with subsection 4 of section 198.612;
- (b) Who was present when the resident was asked; and
- (c) An acknowledgment that the resident did not affirmatively object;

(2) The resident's roommate's signed consent or the signature of the person consenting on behalf of the roommate in accordance with section 198.612, if applicable, and any conditions placed on the roommate's consent. If a person other than the roommate signs the consent form, the form shall document the following:

- (a) The date the roommate was asked if he or she wants authorized electronic monitoring to be conducted in accordance with subsection 4 of section 198.612;

- (b) Who was present when the roommate was asked; and
 - (c) An acknowledgment that the roommate did not affirmatively object;
 - (3) The type of electronic monitoring device to be used;
 - (4) Any installation needs such as mounting of a device to a wall or ceiling;
 - (5) The proposed date of installation for scheduling purposes;
 - (6) A copy of any contract for maintenance of the electronic monitoring device by a commercial entity;
 - (7) A list of standard conditions or restrictions that the facility, resident, or roommate may elect to place on the use of the electronic monitoring device including, but not limited to:
 - (a) Prohibiting audio recording;
 - (b) Prohibiting broadcasting of audio or video; or
 - (c) Turning off the electronic monitoring device or blocking the visual recording component of the electronic monitoring device for the duration of an exam or procedure by a health care professional; while dressing or bathing is performed; or for the duration of a visit with a spiritual advisor, ombudsman, attorney, financial planner, intimate partner, or other visitor; and
 - (8) Any other condition or restriction elected by the facility, resident, or roommate on the use of an electronic monitoring device.
3. A copy of the completed notification and consent form shall be placed in the resident's and any roommate's clinical record and a copy shall be provided to the resident and his or her roommate, if applicable.
4. The department shall prescribe the notification and consent form required in this section no later than sixty days after the effective date of sections 198.610 to 198.630. If the department has not prescribed such a form by that date, the attorney general shall post a notification and consent form on its website for resident use until the department has prescribed the form.
- 198.616. 1. A resident authorized to conduct authorized electronic monitoring shall do so at his or her own expense, including paying purchase, installation, maintenance, and removal costs.
2. If a resident authorized to conduct authorized electronic monitoring chooses to install an electronic monitoring device that uses internet technology for visual or audio monitoring, such resident is responsible for contracting with an internet service provider.
3. The electronic monitoring device shall be placed in a conspicuously visible location in the room.
4. No facility shall charge the resident a fee for the cost of electricity used by an electronic monitoring device.
5. All electronic monitoring device installations and supporting services shall comply with the requirements of the National Fire Protection Association (NFPA) 101 Life Safety Code (2015 edition).
- 198.618. 1. If a resident of a facility conducts authorized electronic monitoring, a sign shall be clearly and conspicuously posted at all building entrances accessible to visitors. The notice shall be entitled "Electronic Monitoring" and shall state in large, easy-to-read type: "The rooms of some residents may be monitored electronically by or on behalf of the residents."
2. A sign shall be clearly and conspicuously posted at the entrance to a resident's room where authorized electronic monitoring is being conducted. The notice shall state in large, easy-to-read type, "This room is electronically monitored."
3. The facility is responsible for installing and maintaining the signage required in this section.
- 198.620. 1. No person or entity shall knowingly hamper, obstruct, tamper with, or destroy an electronic monitoring device installed in a resident's room without the permission of the resident or the individual who consented on behalf of the resident and the facility, in accordance with section 198.612.
2. No person or entity shall knowingly hamper, obstruct, tamper with, or destroy a video or audio recording obtained in accordance with sections 198.610 to 198.630 without the permission of the resident or the individual who consented on behalf of the resident and the facility, in accordance with section 198.612.
3. A person or entity that violates this section is guilty of a class B misdemeanor. A person or entity that violates this section in the commission of or to conceal a misdemeanor offense is guilty of a class A misdemeanor. A person or entity that violates this section in the commission of or to conceal a felony offense is guilty of a class D felony.
4. It is not a violation of this section if a person or facility turns off the electronic monitoring device or blocks the visual recording component of the electronic monitoring device at the direction of the resident or the person who consented on behalf of the resident in accordance with section 198.612.

198.622. 1. No facility shall access any video or audio recording created through authorized electronic monitoring without the written consent of the resident or the person who consented on behalf of the resident and the facility, in accordance with section 198.612.

2. Except as required under the Freedom of Information Act, a recording or copy of a recording made under sections 198.610 to 198.630 shall only be disseminated for the purpose of addressing concerns relating to the health, safety, or welfare of a resident or residents.

3. The resident or person who consented on behalf of the resident in accordance with section 198.612 shall provide a copy of any video or audio recording to parties involved in a criminal or administrative proceeding, upon a party's request, if the video or audio recording was made during the time period that the conduct at issue in the proceeding allegedly occurred.

198.624. Any individual who has reasonable cause to believe, as a result of any video or audio recording created through authorized electronic monitoring in accordance with the provisions of sections 198.610 to 198.630, that a resident has been the victim of a sexual assault shall report such suspected assault to a local law enforcement entity and provide such entity with a copy of the video or audio recording. Subject to applicable rules of evidence and procedure, any video or audio recording created through authorized electronic monitoring in accordance with the provisions of sections 198.610 to 198.630 may be admitted into evidence in a civil, criminal, or administrative proceeding if the contents of the recording have not been edited or artificially enhanced and the video recording includes the date and time the events occurred.

198.626. Each facility shall report to the department, in a manner prescribed by the department, the number of authorized electronic monitoring notification and consent forms received annually. The department shall report the total number of authorized electronic monitoring notification and consent forms received from facilities to the attorney general annually.

198.628. 1. No facility shall be civilly or criminally liable for the inadvertent or intentional disclosure of a recording by a resident or a person who consents on behalf of the resident for any purpose not authorized by sections 198.610 to 198.630. Nothing in sections 198.610 to 198.630 shall permit or authorize a resident to use any device that in any way violates any other state or federal law or regulation.

2. No facility shall be civilly or criminally liable for a violation of a resident's right to privacy arising out of any electronic monitoring conducted under sections 198.610 to 198.630.

3. The department shall promulgate rules to adopt the form described in subsection 2 of section 198.614. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

198.630. 1. No person shall:

(1) Intentionally retaliate or discriminate against any resident for consenting to authorized electronic monitoring under sections 198.610 to 198.630; or

(2) Prevent the installation or use of an electronic monitoring device by a resident who has received authorization from the facility with notice and consent as required under section 198.614 that otherwise meets the requirements of sections 198.610 to 198.630.

2. Sections 198.601 to 198.630 shall not be interpreted to allow any facility to prohibit the use of recording devices in a manner authorized under section 542.402."; and

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

On motion of Representative Franks Jr., **House Amendment No. 4** was adopted.

On motion of Representative Bondon, **HB 758, as amended**, was ordered perfected and printed.

HB 191, relating to the designation of a memorial highway, was taken up by Representative Kolkmeier.

Representative Kolkmeier offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Bill No. 191, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"memorial highways."; and

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

On motion of Representative Kolkmeier, **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Bill No. 191, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"227.462. The portion of Interstate 70 from State Highway A continuing east to Lake St. Louis Boulevard in St. Charles County shall be designated as the "Ralph Barrale Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations."; and

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

On motion of Representative Kolkmeier, **House Amendment No. 2** was adopted.

Representative Falkner III offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Bill No. 191, Page 1, Section 227.547, Line 4, by inserting after said section and line the following:

"227.550. The portion of State Highway 6 beginning from U.S. State Highway 169 continuing east to Riverside Road through the city of St. Joseph in Buchanan County shall be designated as "Firefighter Travis Owens Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donations."; and

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

Representative Patterson assumed the Chair.

On motion of Representative Falkner III, **House Amendment No. 3** was adopted.

On motion of Representative Kolkmeier, **HB 191, as amended**, was ordered perfected and printed.

HCS HB 326, relating to statewide mechanical contractor licenses, was taken up by Representative Schroer.

On motion of Representative Schroer, the title of **HCS HB 326** was agreed to.

HCS HB 326 was laid over.

PERFECTION OF HOUSE JOINT RESOLUTIONS

HCS HJR 19, relating to voter turnout thresholds for tax increases, was taken up by Representative Christofanelli.

On motion of Representative Christofanelli, the title of **HCS HJR 19** was agreed to.

Representative Christofanelli offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Joint Resolution No. 19, Page 1, Section 27, Line 3, by deleting the word, "**qualified**"; and

Further amend said page and section, Lines 4 and 5, by deleting the words, "**and at least fifty percent of qualified voters cast a ballot in the election**"; and

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

On motion of Representative Christofanelli, **House Amendment No. 1** was adopted.

On motion of Representative Christofanelli, **HCS HJR 19, as amended**, was adopted.

On motion of Representative Christofanelli, **HCS HJR 19, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 47 - Special Committee on Tourism

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 301 - Fiscal Review

HCS HB 379 - Fiscal Review

HCS HB 548 - Fiscal Review

HCS HB 679 - Fiscal Review

HB 966 - Fiscal Review

HB 60 - Children and Families

HB 245 - Insurance Policy

HB 460 - Conservation and Natural Resources

- HB 710** - Health and Mental Health Policy
- HB 808** - Insurance Policy
- HB 939** - Financial Institutions
- HB 949** - Local Government
- HB 974** - Elections and Elected Officials
- HB 1168** - Downsizing State Government

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

- SCR 2** - General Laws
- SCR 5** - Utilities
- SCR 17** - Special Committee on Tourism

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

- SCS SB 45** - Health and Mental Health Policy
- SB 54** - Financial Institutions
- SB 71** - Judiciary
- SCS SB 83** - Children and Families
- SB 84** - Conservation and Natural Resources
- SB 87** - Ways and Means
- SB 103** - Insurance Policy
- SS SCS SB 108** - Local Government
- SB 138** - Special Committee on Government Oversight
- SS SB 145** - Crime Prevention and Public Safety
- SB 164** - Professional Registration and Licensing
- SCS SB 174** - Ways and Means
- SB 202** - Conservation and Natural Resources
- SB 206** - Elementary and Secondary Education
- SS SB 213** - General Laws
- SCS SB 219** - Downsizing State Government
- SB 228** - Special Committee on Small Business
- SB 246** - Financial Institutions
- SB 297** - Special Committee on Criminal Justice
- SS SB 306** - Veterans
- SB 358** - Special Committee on Career Readiness
- SB 371** - Transportation
- SB 397** - Local Government
- SB 468** - General Laws

COMMITTEE REPORTS

Committee on Children and Families, Chairman Solon reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 420**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Bailey, Gannon, Ingle, Moon, Neely, Pietzman, Rehder, Remole, Solon, Stacy and Unsicker

Noes (0)

Absent (2): Mackey and Proudie

Committee on Elections and Elected Officials, Chairman Shaul (113) reporting:

Mr. Speaker: Your Committee on Elections and Elected Officials, to which was referred **HB 408**, 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 (7): McGaugh, Morgan, Shaul (113), Simmons, Stacy, Toalson Reisch and Windham

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Elections and Elected Officials, to which was referred **HB 535**, 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 (6): McGaugh, Morgan, Shaul (113), Simmons, Stacy and Toalson Reisch

Noes (0)

Absent (1): Windham

Mr. Speaker: Your Committee on Elections and Elected Officials, to which was referred **HB 595**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (5): McGaugh, Shaul (113), Simmons, Stacy and Toalson Reisch

Noes (2): Morgan and Windham

Absent (0)

Committee on Elementary and Secondary Education, Vice-Chair Bayse reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 836**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Bangert, Basye, Brown (70), Christofanelli, Coleman (97), Dogan, Eslinger, Morgan, Stacy, Swan and Trent

Noes (0)

Absent (4): Bailey, Baker, Proudie and Roeber

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 957**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Bangert, Basye, Brown (70), Christofanelli, Coleman (97), Dogan, Eslinger, Morgan, Stacy, Swan and Trent

Noes (0)

Absent (4): Bailey, Baker, Proudie and Roeber

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 976**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Bangert, Basye, Brown (70), Christofanelli, Coleman (97), Dogan, Eslinger, Morgan, Stacy, Swan and Trent

Noes (0)

Absent (4): Bailey, Baker, Proudie and Roeber

Committee on General Laws, Chairman Plocher reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 197**, begs leave to report it has examined the same and recommends that it **Do Pass - Consent**, and pursuant to Rule 24(5) be referred to the Committee on Consent and House Procedure by the following vote:

Ayes (10): Basye, Carpenter, McCreery, Merideth, Patterson, Plocher, Rogers, Schroer, Shawan and Taylor

Noes (0)

Absent (3): Coleman (97), Fitzwater and Hicks

Committee on Health and Mental Health Policy, Chairman Stephens (128) reporting:

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 725**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Appelbaum, Clemens, Helms, Hill, Kelley (127), Mackey, Morris (140), Pfautsch, Pollitt (52), Stephens (128), Stevens (46), Walker and Wright

Noes (0)

Absent (6): Chappelle-Nadal, Messenger, Neely, Pollock (123), Ruth and Schroer

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 867**, 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 (13): Appelbaum, Clemens, Helms, Hill, Kelley (127), Mackey, Morris (140), Pfautsch, Pollitt (52), Stephens (128), Stevens (46), Walker and Wright

Noes (0)

Absent (6): Chappelle-Nadal, Messenger, Neely, Pollock (123), Ruth and Schroer

Mr. Speaker: Your Committee on Health and Mental Health Policy, to which was referred **HB 1030**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (15): Appelbaum, Clemens, Helms, Hill, Kelley (127), Mackey, Morris (140), Pfautsch, Pollitt (52), Pollock (123), Ruth, Stephens (128), Stevens (46), Walker and Wright

Noes (0)

Absent (4): Chappelle-Nadal, Messenger, Neely and Schroer

Committee on Judiciary, Chairman Gregory reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 489**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (10): Christofanelli, DeGroot, Evans, Gregory, Hicks, Hill, Kolkmeier, Schroer, Trent and Veit

Noes (5): Ellebracht, Mackey, Mitten, Roberts (77) and Sauls

Absent (2): Coleman (97) and Toalson Reisch

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 541**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (11): Christofanelli, Coleman (97), DeGroot, Evans, Gregory, Hicks, Hill, Kolkmeier, Schroer, Trent and Veit

Noes (5): Ellebracht, Mackey, Mitten, Roberts (77) and Sauls

Absent (1): Toalson Reisch

Mr. Speaker: Your Committee on Judiciary, to which was referred **SS SB 38**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (9): Coleman (97), DeGroot, Evans, Gregory, Hicks, Kolkmeier, Schroer, Trent and Veit

Noes (5): Ellebracht, Mackey, Mitten, Roberts (77) and Sauls

Absent (3): Christofanelli, Hill and Toalson Reisch

Special Committee on Small Business, Chairman Andrews reporting:

Mr. Speaker: Your Special Committee on Small Business, to which was referred **HB 92**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (6): Allred, Andrews, Billington, Falkner III, Green and Murphy

Noes (0)

Absent (1): Butz

Mr. Speaker: Your Special Committee on Small Business, to which was referred **SCS SB 90**, 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 (6): Allred, Andrews, Billington, Falkner III, Green and Murphy

Noes (0)

Absent (1): Butz

Committee on Ways and Means, Chairman Sommer reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1060**, 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:

1504 *Journal of the House*

Ayes (7): Christofanelli, Eggleston, Gray, Justus, Roden, Sommer and Unsicker

Noes (0)

Absent (3): Bosley, Lovasco and Shull (16)

The following members' presence was noted: Butz, Ross, and Washington.

ADJOURNMENT

On motion of Representative Vescovo, the House adjourned until 10:00 a.m., Thursday, April 11, 2019.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, April 18, 2019, 8:30 AM, House Hearing Room 3.

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

The University of Missouri Food and Agriculture Policy Research Institute (FAPRI) will be giving a legislative briefing on their agricultural economy baseline to the House Agriculture Policy Committee and the Senate Agriculture, Food Production and Outdoor Resources Committee.

CONSENT AND HOUSE PROCEDURE

Monday, April 15, 2019, 2:00 PM, House Hearing Room 1.

Public hearing will be held: HR 1321, SS SCS SB 197

Executive session will be held: HR 1321, SS SCS SB 197

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

ETHICS

Thursday, April 11, 2019, upon adjournment, House Hearing Room 4.

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

Portions of this meeting may be closed under the authority of Article III, Section 18 of the Missouri Constitution, House Rule 37, House Resolution 137 and 610.021 (3) RSMo.

FINANCIAL INSTITUTIONS

Thursday, April 11, 2019, 9:30 AM, House Hearing Room 5.

Public hearing will be held: HB 902

Executive session will be held: HB 968, HB 902

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

FISCAL REVIEW

Monday, April 15, 2019, 1:30 PM, House Hearing Room 4.

Executive session will be held: HCS HB 301, HB 966, HCS HB 379

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

GENERAL LAWS

Thursday, April 11, 2019, 12:00 PM or upon adjournment (whichever is later),
House Hearing Room 6.

Executive session will be held: SB 373, HB 1160

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

HEALTH AND MENTAL HEALTH POLICY

Thursday, April 11, 2019, 12:00 PM or upon adjournment, House Hearing Room 5.

Public hearing will be held: HB 1164

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

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Monday, April 29, 2019, 1:00 PM, House Hearing Room 4.

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

2nd Quarter Meeting.

RULES - LEGISLATIVE OVERSIGHT

Thursday, April 11, 2019, 9:35 AM, House Hearing Room 4.

Executive session will be held: HB 585, HCS HB 842, HB 357, HCS HB 1093, HB 925,
HB 882, HCS HB 1099

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

SPECIAL COMMITTEE ON CRIMINAL JUSTICE

Thursday, April 11, 2019, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 1141

Executive session will be held: HB 1095

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

SPECIAL COMMITTEE ON HOMELAND SECURITY

Tuesday, April 16, 2019, 6:00 PM or upon adjournment (whichever is later),
House Hearing Room 6.

Executive session will be held: SCR 6

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

SPECIAL COMMITTEE ON TOURISM

Thursday, April 11, 2019, 8:00 AM, House Hearing Room 6.

Public hearing will be held: SCR 11, SCR 12, SB 196

Executive session will be held: HB 863

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

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, April 15, 2019, 6:00 PM or upon adjournment (whichever is later),
House Hearing Room 4.

Executive session will be held: HB 297

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

TRANSPORTATION

Thursday, April 11, 2019, 8:45 AM, House Hearing Room 7.

Public hearing will be held: HB 1157, SB 368

Executive session will be held: HB 1134, HB 1058, HCR 26, SCS SB 89

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

Added SB 89.

AMENDED

HOUSE CALENDAR

FIFTY-FIRST DAY, THURSDAY, APRIL 11, 2019

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 41 - Fitzwater

HOUSE COMMITTEE BILLS FOR PERFECTION

HCB 1 - Roden

HCB 5 - Ruth

HCB 10 - Shaul (113)

HOUSE BILLS FOR PERFECTION

HB 1062 - Hansen

HB 637 - Shawan

HCS HB 749 - Tate

HCS HB 937 - Murphy

HCS HB 1122 - Coleman (97)

HB 1057 - Shawan

HB 877 - Kelly (141)

HB 186 - Trent

HCS HB 1151 - Evans

HCS HB 1206 - Anderson

HCS HBs 281 & 570 - Kelley (127)

HB 337 - Swan

HB 756 - Pfautsch

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 581 - Roeber

HB 230 - Dinkins

HB 231 - Kolkmeier

HB 930 - Ross

HCS HB 326 - Schroer

HB 769 - Ross

HCS HB 254 - Morris (140)

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 34 - Riggs

HOUSE BILLS FOR THIRD READING

HCS HB 844 - Hudson
HCS HB 301, (Fiscal Review 4/10/19) - Schroer
HB 873 - Riggs
HCS HB 1127 - Porter
HB 942 - Wiemann
HB 83 - Hill
HB 705 - Helms
HB 65 - Pike
HCS HB 548, (Fiscal Review 4/10/19) - Eggleston
HCS HB 674 - Kolkmeyer
HCS HB 679, (Fiscal Review 4/10/19) - Tate
HB 966, (Fiscal Review 4/10/19) - Gregory
HCS HB 106 - Smith
HCS HBs 746 & 722 - Wilson
HB 606 - Basye
HB 407 - Justus
HCS HB 745 - Ruth
HB 372 - Trent
HB 568 - Black (7)
HB 112 - Sommer
HCS HB 379, (Fiscal Review 4/10/19) - McGaugh
HCS HB 287 - Kidd

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 473 - Grier
HCS HBs 26 & 922, (Fiscal Review 3/28/19) - Taylor
HB 159 - Love
HB 920 - Coleman (97)

BILLS IN CONFERENCE

CCR SCS HCS HB 14 - Smith

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 2001 - Smith
CCS SCS HCS HB 2002 - Smith
CCS SCS HCS HB 2003 - Smith
CCS SCS HCS HB 2004 - Smith

CCS SCS HCS HB 2005 - Smith
CCS SCS HCS HB 2006 - Smith
CCS SCS HCS HB 2007 - Smith
CCS SCS HCS HB 2008 - Smith
CCS SCS HCS HB 2009 - Smith
CCS SS SCS HCS HB 2010 - Smith
CCS SCS HCS HB 2011 - Smith
CCS SCS HCS HB 2012 - Smith
SCS HCS HB 2013 - Smith
HCS HB 2017 - Smith
HCS HB 2018 - Smith
HCS HB 2019 - Smith