

# JOURNAL OF THE HOUSE

SECOND EXTRAORDINARY SESSION, 100TH GENERAL ASSEMBLY

FOURTH DAY, FRIDAY, NOVEMBER 20, 2020

The House met pursuant to adjournment.

Speaker Pro Tem Wiemann in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

## INTRODUCTION OF HOUSE BILLS

The following House Bill was read the first time and copies ordered printed:

**HB 3**, introduced by Representative Schroer, relating to civil actions arising during a state of emergency, with an emergency clause.

## MESSAGES FROM THE GOVERNOR

The following proclamation was received from His Excellency, Governor Michael L. Parson.

### PROCLAMATION SPECIAL MESSAGE

WHEREAS, the first case of severe acute respiratory syndrome coronavirus 2 (“COVID-19”) in the State of Missouri was identified on March 7, 2020, and an emergency declaration in response to the spread of COVID-19 was made on March 13, 2020; and

WHEREAS, since the first case of COVID-19 was identified in Missouri, health care providers from across the state have altered their practices and operations in order to respond to COVID-19, and have provided exceptional care to patients in a rapidly-changing and challenging environment; and

WHEREAS, manufacturers and businesses from across the state have been instrumental in helping the State of Missouri respond to COVID-19, including modifying their operations to provide equipment that has been difficult to obtain from out-of-state suppliers, and remaining open to customers to ensure that citizens can access basic goods and services; and

WHEREAS, health care providers, manufacturers, businesses, and numerous other entities should not be legally penalized for their efforts to help respond to a declared emergency; and

WHEREAS, other fundamental functions of society, such as schools, churches, non-profit organizations, and government must be able to continue to operate in an environment where they can properly serve the public without risk of unnecessary and frivolous litigation; and

WHEREAS, due to COVID-19, the General Assembly was only able to meet in limited fashion during the Second Regular Session of the One Hundredth General Assembly; and

WHEREAS, additional immediate legislative measures must be taken to provide for the economic recovery from COVID-19 by providing liability protection to health care providers, manufacturers, business owners, churches, schools, and nonprofit organizations, among others.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, hereby amend the matters specifically designated and limited for consideration by the General Assembly in my October 21, 2020 Proclamation to add to those matters the following additional specifically designated and limited matters. The additional specifically designated and limited matters on which the action of the General Assembly is deemed necessary is as follows:

1. To enact legislation amending Section 44.045, RSMo to provide liability protection for health care providers who provide care as necessitated by a declared state of emergency;
2. To add a new section to Chapter 537, RSMo to provide products liability protection for any person who designs, manufactures, labels, sells, distributes, or donates products in direct response to a declared state of emergency;
3. To add a new section to Chapter 537, RSMo to provide premises liability protection for exposure claims related to a declared state of emergency; and
4. To add an Emergency Clause to all legislation enacted by the One Hundredth General Assembly, of the State of Missouri in the Second Extra Session of the Second Regular Session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 12<sup>th</sup> day of November, 2020.

/s/ Michael L. Parson  
Governor

ATTEST:

/s/ Jay Ashcroft  
Secretary of State

The following executive order was received from His Excellency, Governor Michael L. Parson.

**EXECUTIVE ORDER  
20-19**

WHEREAS, COVID-19 is a novel acute respiratory illness that is spread through close contact between persons and respiratory transmissions and is highly contagious; and

WHEREAS, I have been advised by the Missouri Department of Health and Senior Services and the State Emergency Management Agency that COVID-19 continues to pose a serious health risk for the citizens of the State of Missouri. The spread of COVID-19 and the identification of additional cases in Missouri continues, and steps are being taken to prevent a substantial risk to public health and safety; and

WHEREAS, Executive Order 20-02 was issued on March 13, 2020; extended on April 24, 2020 until June 15, 2020, through Executive Order 20-09; and extended on June 11, 2020 until December 30, 2020, through Executive Order 20-12 declaring a State of Emergency within the State of Missouri; and

WHEREAS, Executive Order 20-04 was issued on March 19, 2020; extended in its entirety on May 4, 2020 until June 15, 2020 through Executive Order 20-10; and extended in part on June 11, 2020 until December 30, 2020, through Executive Order 20-12 ordering the temporary suspension of certain statutory and regulatory provisions related to telemedicine and motor carriers, and vesting state agencies and executive boards and commissions with authority to waive or suspend statutory or regulatory requirements, subject to approval from the Governor’s Office, where strict compliance would hinder the State’s response to COVID-19, and to ease licensing requirements to eliminate barriers to the provision of health care services and other professions; and

WHEREAS, Executive Order 20-05 was issued on March 23, 2020; extended on May 4, 2020 until June 15, 2020 through Executive Order 20-10; and extended on June 11, 2020 until December 30, 2020, through Executive Order 20-12 ordering the temporary suspension of prohibitions on the sale of unprepared foods by restaurants; and

WHEREAS, Executive Order 20-06 was issued on March 26, 2020; extended on May 4, 2020 until June 15, 2020, through Executive Order 20-10; extended on June 11, 2020 until September 15, 2020, through Executive Order 20-12, and extended on September 15, 2020 until December 30, 2020, through Executive Order 20-16 ordering and directing the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and further ordered and directing that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor; and

WHEREAS, Executive Order 20-14 was issued on September 3, 2020, ordering the temporary suspension of any physical appearance requirements as stated in Chapter 474 and authorizing the use of audio-visual technology with criteria established in the Order until December 30, 2020; and

WHEREAS, the state of emergency, and Executive Orders 20-02, 20-04, 20-05, and 20-06, as extended through other Executive Orders listed above, and Executive Order 20-14, will expire on December 30, 2020, unless extended in whole or in part; and

WHEREAS, an invocation of chapter 44, RSMo, is still required to ensure the protection, safety, and welfare of the citizens of Missouri; and

WHEREAS, resources of the State of Missouri continue to be needed to combat the public health threat caused by COVID-19 and to aid in Missouri’s recovery to this emergency; and

WHEREAS, I find it necessary to extend the state of emergency and extend Executive Order 20-04, in part, and Executive Orders 20-02, 20-05, 20-06, and 20-14 in whole.

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri declare that a state of emergency continues to exist in the State of Missouri and direct the Missouri State Emergency Operations Plan to continue to remain activated. I therefore, extend until March 31, 2021 the state of emergency originally contained in Executive Order 20-02, as extended by Executive Orders 20-09 and 20-12.

I also extend until March 31, 2021 the order suspending certain statutory and regulatory provisions related to telemedicine and motor carriers, and vesting state agencies and executive boards and commissions with authority to waive or suspend statutory or regulatory requirements, subject to my approval, where strict compliance would hinder the State’s response to COVID-19, and to ease licensing requirements to eliminate barriers to the provision of health care services and other professions contained in Executive Order 20-04, as extended by Executive Orders 20-10 and 20-12. The provision in Executive Order 20-04 which suspended the provisions of subsection 3 of section 161.210, RSMo, and 5 CSR 20-400.330, 500-560, 590-610, and 640 relating to teacher certification with regard to qualifying scores on exit examinations and culminating clinical experience in terms of semester hours, weeks, and number of placements was terminated on June 11, 2020 through Executive Order 20-12 and is not revived by this

Order. All other provisions in Executive Order 20-04 remain in full force and effect. All statutory and regulatory waivers currently in effective will remain in effect through the duration of the state of emergency unless rescinded by the state agency, executive board, or commission, subject to approval of the Governor's Office.

I extend until March 31, 2021 the order allowing the temporary suspension of prohibitions on the sale of unprepared foods by restaurants contained in Executive Order 20-05, as extended by Executive Orders 20-10 and 20-12.

I extend until March 31, 2021 the order to the Adjutant General of the State of Missouri, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property contained in Executive Order 20-06, as extended by Executive Orders 20-10, 20-12, and 20-16.

I extend until March 31, 2021 the order temporarily suspending any physical appearance requirements as stated in Chapter 474 and authorizing the use of audio-visual technology with criteria contained in Executive Order 20-14.

This order shall terminate on March 31, 2021, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 19<sup>th</sup> day of November, 2020.

/s/ Michael L. Parson  
Governor

ATTEST:

/s/ Jay Ashcroft  
Secretary of State

## **LETTER OF RESIGNATION**

November 12, 2020

To Whom It May Concern:

It has been an honor and pleasure to serve the people of Missouri in both the legislative and executive branches for nearly 20 years.

My expertise and experience are now needed elsewhere in public service. I wish everyone well. It has been wonderful to work with such a diverse selection of colleagues to make substantial differences in Missouri policies. These friendships are meaningful and I thank my closest friends and staff for always doing your best to aid me in serving the great people of St. Louis County as a state representative, state senator and school board member. I could have never imagined getting a better education than in state government.

I would like to highlight the people who I regard as true public servants in the capitol. Thank you from the bottom of my heart to all of the librarians on the 3<sup>rd</sup> floor who have diligently served the needs of my office and the former Lt. Governor, Jose Maxwell. Because of your help, I was always prepared for debate and other matters. I do hope you will get a raise next year! I would also like to thank Don Thalhuber and Christine Brauner in the Senate. The both of you are the absolute best people I've worked with in the building in two decades. And since my resignation is a public document, every person should know how special you are to me.

My resignation shall be considered effective on November 12<sup>th</sup> at 8:59 a.m.

Maria N. Chappelle-Nadal  
State Representative  
86<sup>th</sup> District

The following members' presence was noted: Bangert, Baringer, Basye, Bland Manlove, Bondon, Bosley, Brown (70), Brown (27), Burnett, Burns, Chipman, Clemens, Coleman (32), Coleman (97), DeGroot, Falkner, Fitzwater, Gray, Green, Griffith, Haden, Hurst, Ingle, Kelley (127), Kendrick, Kidd, Kolkmeier, Mackey, McDaniel, McGaugh, Mosley, Muntzel, Plocher, Porter, Proudie, Quade, Razer, Schnelting, Sharp (36), Sharpe (4), Shaul (113), Simmons, Sommer, Stacy, Stevens (46), Tate, Toalson Reisch, Trent, Wiemann, Windham, and Young.

### **ADJOURNMENT**

On motion of Representative Wiemann, the House adjourned until 10:00 a.m., Monday, November 30, 2020.

### **COMMITTEE HEARINGS**

#### **JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Tuesday, December 1, 2020, 1:00 PM, Joint Hearing Room (117).

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

Fourth quarter meeting.

*Please note additional procedures will be in place due to the COVID-19 pandemic. All entrants to the capitol building will be required to submit to screening questions and physical screening. Members of the public must enter the building using the first-level west entrance. An accessible entrance is located at the east entrance. Public seating in committees will be socially distanced and therefore limited. Committee hearings will be streamed. Links may be found at <https://www.senate.mo.gov> and <https://www.house.mo.gov>.*

### **HOUSE CALENDAR**

FIFTH DAY, MONDAY, NOVEMBER 30, 2020

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

HB 3

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

HCS HB 2001 - Smith

CCS SCS HS HCS HB 2002 - Smith

CCS SCS HS HCS HB 2003 - Smith

CCS SCS HS HCS HB 2004 - Smith

CCS SCS HS HCS HB 2005 - Smith

CCS SS SCS HS HCS HB 2006 - Smith

CCS SCS HS HCS HB 2007 - Smith

CCS SCS HS HCS HB 2008 - Smith

CCS SCS HS HCS HB 2009 - Smith

CCS SCS HS HCS HB 2010 - Smith

CCS SCS HS HCS HB 2011 - Smith

CCS SCS HS HCS HB 2012 - Smith

SCS HCS HB 2013 - Smith

HCS HB 2017 - Smith

HCS HB 2018 - Smith

HCS HB 2019 - Smith