

JOURNAL OF THE HOUSE

First Regular Session, 102nd GENERAL ASSEMBLY

THIRTY-FIFTH DAY, WEDNESDAY, MARCH 8, 2023

The House met pursuant to adjournment.

Representative Hudson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicky, Chaplain.

“The Lord thy God bless thee in all the work of thine hand which thou doest.” (Deuteronomy 14:29)

O Lord, our God, whose glory is in all the world and whose goodness shines in all that is true, we commit ourselves and our chamber to Your merciful care.

Grant that the work of this day may be in accordance with Your holy will. Give to us health of body, clarity of mind and strength of spirit that we may do what we have to do with all our hearts and minds.

Deliver us from the fear that destroys, from the stress that deadens, and from the frustration that discourages us. Help us to work together to make our dreams come true and to dream to make our work worth doing!

Keep our Missouri strong. Let us walk and work humbly together. May we have faith that Your glory shall be revealed in every word and vote we offer for our citizens.

And the House says, “Amen!”

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Charlie Smith.

The Journal of the thirty-fourth day was approved as printed by the following vote:

AYES: 137

Adams	Allen	Amato	Anderson	Appelbaum
Aune	Baker	Banderman	Baringer	Barnes
Billington	Boggs	Bonacker	Boyd	Bromley
Brown 149	Brown 27	Buchheit-Courtway	Burger	Busick
Butz	Byrnes	Casteel	Chappell	Christ
Christofanelli	Clemens	Coleman	Collins	Cook
Copeland	Crossley	Cupps	Davidson	Davis
Deaton	Diehl	Dinkins	Doll	Ealy
Evans	Falkner	Farnan	Fogle	Fountain Henderson
Francis	Gallick	Gragg	Gray	Gregory
Griffith	Haden	Haffner	Haley	Hardwick
Hausman	Hein	Hicks	Hinman	Houx

Hovis	Hudson	Hurlbert	Ingle	Johnson 12
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lavender	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Mayhew
McGaugh	McGill	McMullen	Merideth	Mosley
Murphy	Myers	Nickson-Clark	Nurrenbern	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Phifer	Plank	Pollitt	Pouche
Proudie	Quade	Reedy	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schulte
Schwadron	Seitz	Sharpe 4	Shields	Smith 155
Smith 163	Sparks	Stacy	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Van Schoiack	Veit
Voss	Weber	West	Wilson	Woods
Wright	Mr. Speaker			

NOES: 000

PRESENT: 003

Lewis 25 Unsicker Windham

ABSENT WITH LEAVE: 023

Aldridge	Atchison	Bangert	Black	Bland Manlove
Bosley	Brown 16	Brown 87	Burnett	Burton
Henderson	Johnson 23	Matthiesen	Morse	Reuter
Sauls	Schnelting	Sharp 37	Smith 46	Steinhoff
Waller	Walsh Moore	Young		

VACANCIES: 000

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Houx reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 133 & 583**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baringer, Fogle, Houx, Hudson and Owen

Noes (0)

Absent (2): Kelly (141) and Pollitt

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 253**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (3): Houx, Hudson and Owen

Noes (2): Baringer and Fogle

Absent (2): Kelly (141) and Pollitt

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 827**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (5): Baringer, Fogle, Houx, Hudson and Owen

Noes (0)

Absent (2): Kelly (141) and Pollitt

THIRD READING OF HOUSE BILLS

HB 70, relating to school protection officers, was taken up by Representative Dinkins.

On motion of Representative Dinkins, **HB 70** was read the third time and passed by the following vote:

AYES: 120

Allen	Amato	Atchison	Aune	Baker
Banderman	Baringer	Barnes	Billington	Black
Boggs	Bonacker	Boyd	Bromley	Brown 149
Brown 27	Buchheit-Courtway	Burger	Burton	Busick
Butz	Byrnes	Casteel	Chappell	Christ
Christofanelli	Coleman	Cook	Copeland	Crossley
Cupps	Davidson	Davis	Deaton	Diehl
Dinkins	Evans	Falkner	Farnan	Fogle
Francis	Gallick	Gragg	Gregory	Griffith
Haden	Haffner	Haley	Hardwick	Hausman
Hein	Henderson	Hicks	Hinman	Houx
Hovis	Hudson	Hurlbert	Ingle	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lewis 6	Lonsdale	Lovasco	Mackey
Marquart	Matthiesen	Mayhew	McGaugh	McGill
McMullen	Murphy	Myers	O'Donnell	Oehlerking
Owen	Parker	Patterson	Peters	Pollitt
Pouche	Quade	Reedy	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Stinnett	Taylor 48	Thomas	Thompson
Titus	Toalson Reisch	Unsicker	Van Schoiack	Veit
Voss	West	Wilson	Wright	Mr. Speaker

NOES: 025

Adams	Anderson	Appelbaum	Clemens	Collins
Doll	Fountain Henderson	Gray	Johnson 23	Lavender
Lewis 25	Mann	Mosley	Nickson-Clark	Nurrenbern
Phifer	Proudie	Steinhoff	Strickler	Taylor 84
Terry	Walsh Moore	Weber	Windham	Woods

PRESENT: 007

Bangert	Brown 87	Ealy	Johnson 12	Merideth
Plank	Smith 46			

ABSENT WITH LEAVE: 011

Aldridge	Bland Manlove	Bosley	Brown 16	Burnett
Morse	Perkins	Reuter	Sauls	Waller
Young				

VACANCIES: 000

Representative Hudson declared the bill passed.

HCS HBs 133 & 583, relating to a tax credit for certain live entertainment events, was placed on the Informal Calendar.

HB 202, relating to industrial hemp, was taken up by Representative Francis.

Representative O'Donnell assumed the Chair.

On motion of Representative Francis, **HB 202** was read the third time and passed by the following vote:

AYES: 154

Adams	Allen	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Boggs
Bonacker	Boyd	Bromley	Brown 149	Brown 16
Brown 27	Brown 87	Buchheit-Courtway	Burger	Burton
Busick	Butz	Byrnes	Casteel	Chappell
Christ	Christofanelli	Clemens	Coleman	Collins
Cook	Copeland	Crossley	Cupps	Davidson
Davis	Deaton	Diehl	Dinkins	Doll
Ealy	Evans	Falkner	Farnan	Fogle
Fountain Henderson	Francis	Gallick	Gragg	Gray
Gregory	Griffith	Haden	Haffner	Haley
Hardwick	Hausman	Hein	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Ingle	Johnson 12	Johnson 23	Jones	Justus
Kalberloh	Keathley	Kelley 127	Kelly 141	Knight
Lavender	Lewis 25	Lewis 6	Lonsdale	Lovasco
Mackey	Mann	Marquart	Matthiesen	Mayhew
McGaugh	McGill	McMullen	Merideth	Mosley
Murphy	Myers	Nickson-Clark	Nurrenbern	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Phifer	Plank	Pollitt	Pouche
Proudie	Quade	Reedy	Richey	Riggs
Riley	Roberts	Sander	Sassmann	Schnelting
Schulte	Schwadron	Seitz	Sharp 37	Sharpe 4
Shields	Smith 155	Smith 163	Smith 46	Sparks
Stacy	Steinhoff	Stephens	Stinnett	Strickler
Taylor 48	Taylor 84	Terry	Thomas	Thompson
Titus	Toalson Reisch	Unsicker	Van Schoiack	Veit
Voss	Walsh Moore	Weber	West	Wilson
Windham	Woods	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Aldridge	Bland Manlove	Bosley	Burnett	Morse
Reuter	Sauls	Waller	Young	

VACANCIES: 000

Representative O'Donnell declared the bill passed.

THIRD READING OF HOUSE BILLS - INFORMAL

HCS HBs 133 & 583, relating to a tax credit for certain live entertainment events, was taken up by Representative Hudson.

On motion of Representative Hudson, **HCS HBs 133 & 583** was read the third time and passed by the following vote:

AYES: 110

Adams	Amato	Anderson	Appelbaum	Atchison
Aune	Banderman	Bangert	Baringer	Barnes
Black	Bonacker	Brown 149	Brown 16	Brown 27
Brown 87	Buchheit-Courtway	Burger	Burton	Busick
Butz	Casteel	Christ	Clemens	Coleman
Collins	Cook	Crossley	Diehl	Dinkins
Doll	Ealy	Evans	Falkner	Farnan
Fogle	Fountain Henderson	Francis	Gallick	Gray
Gregory	Griffith	Haden	Hausman	Hein
Henderson	Hinman	Houx	Hovis	Hudson
Ingle	Johnson 12	Johnson 23	Jones	Justus
Kalberloh	Knight	Lavender	Lewis 25	Mackey
Mann	Marquart	Mayhew	McGaugh	McGirl
McMullen	Merideth	Mosley	Myers	Nickson-Clark
Nurrenbern	O'Donnell	Owen	Parker	Patterson
Peters	Phifer	Plank	Pollitt	Pouche
Quade	Reedy	Riggs	Roberts	Sassmann
Seitz	Sharp 37	Sharpe 4	Shields	Smith 155
Smith 46	Steinhoff	Stephens	Strickler	Taylor 48
Taylor 84	Terry	Thomas	Thompson	Unsicker
Van Schoiack	Veit	Voss	Walsh Moore	Weber
Wilson	Windham	Woods	Wright	Mr. Speaker

NOES: 039

Allen	Baker	Billington	Boggs	Boyd
Bromley	Byrnes	Chappell	Christofanelli	Davidson
Davis	Deaton	Gragg	Haffner	Haley
Hardwick	Hicks	Hurlbert	Keathley	Kelley 127
Kelly 141	Lewis 6	Lonsdale	Lovasco	Matthiesen
Oehlerking	Perkins	Richey	Riley	Sander
Schnelting	Schulte	Schwadron	Smith 163	Sparks
Stacy	Stinnett	Titus	Toalson Reisch	

PRESENT: 002

Cupps Proudie

ABSENT WITH LEAVE: 012

Aldridge	Bland Manlove	Bosley	Burnett	Copeland
Morse	Murphy	Reuter	Sauls	Waller
West	Young			

VACANCIES: 000

Representative O'Donnell declared the bill passed.

Speaker Plocher assumed the Chair.

THIRD READING OF HOUSE BILLS

HCS HB 253, relating to admission of nonresident pupils, was taken up by Representative Pollitt.

Representative Patterson moved the previous question.

Which motion was adopted by the following vote:

AYES: 108

Allen	Amato	Atchison	Baker	Banderman
Billington	Black	Boggs	Bonacker	Boyd
Bromley	Brown 149	Brown 16	Brown 27	Buchheit-Courtway
Burger	Busick	Byrnes	Casteel	Chappell
Christ	Christofanelli	Coleman	Cook	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Evans	Falkner	Farnan	Francis	Gallick
Gragg	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Jones	Justus	Kalberloh	Keathley	Kelley 127
Kelly 141	Knight	Lewis 6	Lonsdale	Lovasco
Marquart	Matthiesen	Mayhew	McGaugh	McGill
McMullen	Murphy	Myers	O'Donnell	Oehlerking
Owen	Parker	Patterson	Perkins	Peters
Pollitt	Pouche	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Schnelting
Schulte	Schwadron	Seitz	Sharpe 4	Shields
Smith 155	Smith 163	Sparks	Stacy	Stephens
Stinnett	Taylor 48	Thomas	Thompson	Titus
Toalson Reisch	Van Schoiack	Veit	Voss	West
Wilson	Wright	Mr. Speaker		

NOES: 046

Adams	Anderson	Appelbaum	Aune	Bangert
Baringer	Barnes	Bland Manlove	Brown 87	Burton
Butz	Clemens	Collins	Crossley	Doll

Ealy	Fogle	Fountain Henderson	Gray	Hein
Ingle	Johnson 12	Johnson 23	Lavender	Lewis 25
Mackey	Mann	Merideth	Mosley	Nickson-Clark
Nurrenbern	Phifer	Plank	Proudie	Quade
Sharp 37	Smith 46	Steinhoff	Strickler	Taylor 84
Terry	Unsicker	Walsh Moore	Weber	Windham
Woods				

PRESENT: 000

ABSENT WITH LEAVE: 009

Aldridge	Bosley	Burnett	Copeland	Morse
Sassmann	Sauls	Waller	Young	

VACANCIES: 000

On motion of Representative Pollitt, **HCS HB 253** was read the third time and passed by the following vote:

AYES: 085

Allen	Amato	Baker	Billington	Black
Boggs	Boyd	Buchheit-Courtway	Byrnes	Casteel
Chappell	Christ	Christofanelli	Coleman	Cupps
Davidson	Davis	Deaton	Dinkins	Evans
Falkner	Francis	Gragg	Gregory	Griffith
Haden	Haffner	Hardwick	Hausman	Henderson
Hicks	Hinman	Houx	Hovis	Hudson
Hurlbert	Jones	Kalberloh	Keathley	Kelly 141
Knight	Lewis 6	Lovasco	Mackey	Matthiesen
Mayhew	McGill	McMullen	Murphy	Myers
O'Donnell	Oehlerking	Owen	Patterson	Perkins
Peters	Pollitt	Pouche	Reedy	Reuter
Richey	Riggs	Riley	Sander	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Sparks	Stacy
Stephens	Stinnett	Taylor 48	Thomas	Titus
Toalson Reisch	West	Wilson	Wright	Mr. Speaker

NOES: 069

Adams	Aldridge	Anderson	Appelbaum	Atchison
Aune	Banderman	Bangert	Baringer	Barnes
Bland Manlove	Bonacker	Bromley	Brown 149	Brown 16
Brown 27	Brown 87	Burger	Burton	Busick
Butz	Clemens	Collins	Cook	Crossley
Diehl	Doll	Ealy	Farnan	Fogle
Fountain Henderson	Gallick	Gray	Haley	Hein
Ingle	Johnson 12	Johnson 23	Justus	Kelley 127
Lavender	Lewis 25	Lonsdale	Mann	Marquart
McGaugh	Merideth	Mosley	Nickson-Clark	Nurrenbern
Parker	Phifer	Plank	Proudie	Quade
Smith 46	Steinhoff	Strickler	Taylor 84	Terry
Thompson	Unsicker	Van Schoiack	Veit	Voss
Walsh Moore	Weber	Windham	Woods	

PRESENT: 001

Sharp 37

ABSENT WITH LEAVE: 008

Bosley	Burnett	Copeland	Morse	Roberts
Sauls	Waller	Young		

VACANCIES: 000

Speaker Plocher declared the bill passed.

THIRD READING OF HOUSE BILLS - CONSENT

HB 402, relating to hospitals, was taken up by Representative Henderson.

On motion of Representative Henderson, **HB 402** was read the third time and passed by the following vote:

AYES: 155

Adams	Aldridge	Amato	Anderson	Appelbaum
Atchison	Aune	Baker	Banderman	Bangert
Baringer	Barnes	Billington	Black	Bland Manlove
Boggs	Bonacker	Boyd	Bromley	Brown 149
Brown 16	Brown 27	Brown 87	Buchheit-Courtway	Burger
Burton	Busick	Butz	Byrnes	Casteel
Chappell	Christ	Christofanelli	Clemens	Coleman
Collins	Cook	Copeland	Crossley	Cupps
Davidson	Davis	Deaton	Diehl	Dinkins
Doll	Ealy	Evans	Falkner	Farnan
Fogle	Fountain Henderson	Francis	Gallick	Gragg
Gray	Gregory	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Hein	Henderson
Hicks	Hinman	Houx	Hovis	Hudson
Hurlbert	Ingle	Johnson 12	Johnson 23	Jones
Justus	Kalberloh	Keathley	Kelley 127	Kelly 141
Knight	Lavender	Lewis 25	Lewis 6	Lonsdale
Lovasco	Mackey	Mann	Marquart	Matthiesen
Mayhew	McGaugh	McGirl	McMullen	Merideth
Mosley	Murphy	Myers	Nurrenbern	O'Donnell
Oehlerking	Owen	Parker	Patterson	Perkins
Peters	Phifer	Plank	Pollitt	Pouche
Proudie	Quade	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharp 37
Sharpe 4	Shields	Smith 155	Smith 163	Smith 46
Sparks	Stacy	Steinhoff	Stephens	Stinnett
Strickler	Taylor 48	Taylor 84	Terry	Thomas
Thompson	Titus	Toalson Reisch	Unsicker	Van Schoiack
Veit	Voss	Walsh Moore	Weber	West
Wilson	Windham	Woods	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Allen	Bosley	Burnett	Morse	Nickson-Clark
Sauls	Waller	Young		

VACANCIES: 000

Speaker Plocher declared the bill passed.

On motion of Representative Patterson, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Plocher.

Representative Patterson suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 034

Amato	Anderson	Atchison	Baringer	Billington
Brown 16	Burton	Busick	Byrnes	Chappell
Cook	Davis	Farnan	Gallick	Haffner
Hardwick	Hinman	Jones	Kelley 127	Lewis 6
McGirl	Murphy	Owen	Peters	Reuter
Riggs	Roberts	Sander	Schnelting	Sharpe 4
Shields	Smith 155	Van Schoiack	Wright	

NOES: 002

Hurlbert	Keathley
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PRESENT: 068

Aldridge	Allen	Appelbaum	Aune	Baker
Banderman	Barnes	Boggs	Bonacker	Boyd
Bromley	Brown 149	Casteel	Christofanelli	Copeland
Crossley	Diehl	Dinkins	Ealy	Falkner
Fogle	Fountain Henderson	Gragg	Gray	Griffith
Haley	Hausman	Hein	Hicks	Houx
Hudson	Johnson 23	Justus	Kalberloh	Knight
Lonsdale	Mann	Marquart	Mayhew	McMullen
Myers	O'Donnell	Oehlerking	Parker	Patterson
Perkins	Plank	Pollitt	Pouche	Proudie
Reedy	Riley	Schulte	Schwadron	Stacy
Steinhoff	Stephens	Stinnett	Strickler	Taylor 48
Terry	Thomas	Toalson Reisch	Unsicker	Voss
West	Wilson	Mr. Speaker		

ABSENT WITH LEAVE: 059

Adams	Bangert	Black	Bland Manlove	Bosley
Brown 27	Brown 87	Buchheit-Courtway	Burger	Burnett
Butz	Christ	Clemens	Coleman	Collins
Cupps	Davidson	Deaton	Doll	Evans
Francis	Gregory	Haden	Henderson	Hovis
Ingle	Johnson 12	Kelly 141	Lavender	Lewis 25
Lovasco	Mackey	Matthiesen	McGaugh	Merideth
Morse	Mosley	Nickson-Clark	Nurrenbern	Phifer
Quade	Richey	Sassmann	Sauls	Seitz
Sharp 37	Smith 163	Smith 46	Sparks	Taylor 84
Thompson	Titus	Veit	Waller	Walsh Moore
Weber	Windham	Woods	Young	

VACANCIES: 000

THIRD READING OF HOUSE BILLS

HB 827, relating to the virtual school program, was taken up by Representative Christofanelli.

On motion of Representative Christofanelli, **HB 827** was read the third time and passed by the following vote:

AYES: 136

Adams	Aldridge	Allen	Amato	Anderson
Appelbaum	Atchison	Aune	Baker	Banderman
Baringer	Barnes	Billington	Boggs	Bonacker
Bromley	Brown 149	Brown 16	Brown 87	Buchheit-Courtway
Burton	Busick	Butz	Byrnes	Casteel
Chappell	Christ	Christofanelli	Clemens	Collins
Cook	Copeland	Crossley	Davis	Deaton
Diehl	Dinkins	Ealy	Evans	Falkner
Farnan	Fogle	Fountain Henderson	Francis	Gallick
Gragg	Gray	Griffith	Haden	Haffner
Haley	Hardwick	Hausman	Hein	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert
Ingle	Johnson 23	Jones	Justus	Keathley
Kelley 127	Kelly 141	Knight	Lavender	Lewis 25
Lewis 6	Lonsdale	Lovasco	Mackey	Mann
Marquart	Matthiesen	Mayhew	McGaugh	McGirl
McMullen	Mosley	Murphy	Myers	Nurrenbern
O'Donnell	Oehlerking	Owen	Parker	Patterson
Perkins	Peters	Plank	Pollitt	Pouche
Proudie	Quade	Reedy	Reuter	Richey
Riggs	Riley	Roberts	Sander	Sassmann
Schnelting	Schulte	Schwadron	Seitz	Sharpe 4
Shields	Smith 155	Smith 163	Smith 46	Sparks
Stacy	Steinhoff	Stephens	Stinnett	Strickler
Taylor 48	Taylor 84	Terry	Thomas	Titus
Toalson Reisch	Unsicker	Van Schoiack	Veit	Voss
Weber	West	Wilson	Woods	Wright
Mr. Speaker				

NOES: 000

PRESENT: 003

Boyd Burger Davidson

ABSENT WITH LEAVE: 024

Bangert	Black	Bland Manlove	Bosley	Brown 27
Burnett	Coleman	Cupps	Doll	Gregory
Henderson	Johnson 12	Kalberloh	Merideth	Morse
Nickson-Clark	Phifer	Sauls	Sharp 37	Thompson
Waller	Walsh Moore	Windham	Young	

VACANCIES: 000

Speaker Plocher declared the bill passed.

PERFECTION OF HOUSE BILLS

HCS HBs 919 & 1081, relating to privacy protections, was placed on the Informal Calendar.

HCS HBs 47 & 638, relating to land surveys, was taken up by Representative Haley.

On motion of Representative Haley, the title of **HCS HBs 47 & 638** was agreed to.

On motion of Representative Haley, **HCS HBs 47 & 638** was adopted.

On motion of Representative Haley, **HCS HBs 47 & 638** was ordered perfected and printed.

HB 630, HCS HBs 802, 807 & 886, HCS HBs 816 & 660, HCS HBs 700 & 445, HCS HBs 556 & 581, HB 81 and HB 131 were placed on the Informal Calendar.

HCS HB 356, relating to private pension taxation, was taken up by Representative McGirl.

On motion of Representative McGirl, the title of **HCS HB 356** was agreed to.

HCS HB 356 was laid over.

Representative Patterson moved that **HCS HB 356** be committed to the Committee on Legislative Review.

Which motion was adopted.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 630, relating to the confiscation of animals, was taken up by Representative Knight.

Representative Knight moved that the title of **HB 630** be agreed to.

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

House Amendment No. 1

AMEND House Bill No. 630, Page 1, In the Title, Line 3, by deleting the word "confiscation" and inserting in lieu thereof the word "treatment"; and

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

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

Representative O'Donnell offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 630, Page 1, Section 578.018, Line 10, by deleting the word "**ten**" and inserting in lieu thereof the word "**fifteen**"; and

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

On motion of Representative O'Donnell, **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Bill No. 630, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"273.358. 1. A political subdivision shall not adopt or enforce an ordinance or other regulation that prohibits or effectively prohibits the operation of a pet shop licensed under sections 273.325 to 273.357 from operating within its state license.

2. Nothing in this section shall be construed to prohibit the enforcement of any applicable building codes, general zoning requirements, or relevant inspections as otherwise required by ordinance or law."; and

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

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

On motion of Representative Knight, **HB 630, as amended**, was ordered perfected and printed.

HCS HBs 919 & 1081, relating to privacy protections, was taken up by Representative Schnelting.

On motion of Representative Schnelting, the title of **HCS HBs 919 & 1081** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 919 & 1081, Page 1, Section 105.1675, Line 8, by inserting after all of said section and line the following:

"542.400. As used in sections 542.400 to 542.422, the following words and phrases mean:

- (1) "Aggrieved person", a person who was a party to any intercepted wire **or electronic** communication or a person against whom the interception was directed;
- (2) "Communication common carrier", an individual or corporation undertaking to transport messages for compensation;
- (3) "Contents", when used with respect to any wire **or electronic** communication, includes any information concerning the identity of the parties, the substance, purport, or meaning of that communication;
- (4) "Court of competent jurisdiction", any circuit court having general criminal jurisdiction within the territorial jurisdiction where the communication is to be intercepted including any circuit judge specially assigned by the supreme court of Missouri pursuant to section 542.404;
- (5) **"Electronic communication", any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system, but does not include:**
 - (a) **Any wire or oral communication;**
 - (b) **Any communication made through a tone-only paging device;**
 - (c) **Any communication from an electronic tracking device under section 565.260; or**
 - (d) **Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds;**
- (6) "Electronic, mechanical, or other device", any device or apparatus which can be used to intercept a wire **or electronic** communication other than:
 - (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof, owned by the user or furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or being used by a communications common carrier in the ordinary course of its business or by an investigative office or law enforcement officer in the ordinary course of his duties; or
 - (b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;
- ~~(6)~~ (7) "Intercept", the aural acquisition of the contents of any wire **or electronic** communication through the use of any electronic or mechanical device, including but not limited to interception by one spouse of another spouse;
- ~~(7)~~ (8) "Investigative officer" or "law enforcement officer or agency", any officer or agency of this state or a political subdivision of this state, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in sections 542.400 to 542.422, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;
- ~~(8)~~ (9) "Oral communication", any communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;
- ~~(9)~~ (10) "Person", any employee, or agent of this state or political subdivision of this state, and any individual, partnership, association, joint stock company, trust, or corporation;
- ~~(10)~~ (11) "Prosecuting attorney", the elected prosecuting attorney of the county or the circuit attorney of any city not contained within a county;
- ~~(11)~~ (12) "State", the state of Missouri and political subdivisions of the state;
- ~~(12)~~ (13) "Wire communication", any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception including the use of such connection in a switching station furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of local, state or interstate communications.

542.402. 1. Except as otherwise specifically provided in sections 542.400 to 542.422, a person is guilty of a class E felony and upon conviction shall be punished as provided by law, if such person:

(1) Knowingly, **with the intent to disclose or use**, intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire **or electronic** communication;

(2) Knowingly, **with the intent to disclose or use**, uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when such device transmits communications by radio or interferes with the transmission of such communication; provided, however, that nothing in sections 542.400 to 542.422 shall be construed to prohibit the use by law enforcement officers of body **cameras**, microphones, and transmitters in undercover investigations for the acquisition of evidence ~~and~~, **or for** the protection of law enforcement officers and others working under their direction in such investigations;

(3) Knowingly discloses, or endeavors to disclose, to any other person the contents of any wire, **electronic, or oral** communication, when he knows or has reason to know that the information was obtained through the interception of a wire, **electronic, or oral** communication in violation of this subsection, **except as provided in sections 542.200 to 542.422**; or

(4) Knowingly uses, or endeavors to use, the contents of any wire, **electronic, oral** communication, when he knows or has reason to know that the information was obtained through the interception of a wire, **electronic, or oral** communication in violation of this subsection, **except as provided in sections 542.400 to 542.422**.

2. It is not unlawful under the provisions of sections 542.400 to 542.422:

(1) For an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire **or electronic** communication, to intercept, disclose, or use that communication in the normal course of his **or her** employment while engaged in any activity which is a necessary incident to the rendition of his **or her** service or to the protection of the rights or property of the carrier of such communication, however, communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks;

(2) For a person acting under law to intercept a wire, **electronic**, or oral communication, where such person is a party to the communication **and the other party has consented** or where ~~one~~ **all** of the parties to the communication ~~has~~ **have** given prior consent to such interception;

(3) For a person acting under law to intercept a wire, electronic, or oral communication if such person is a peace officer and the peace officer has obtained the communication in response to an emergency hostage situation;

~~(3)~~ (4) For a person not acting under law to intercept a wire, **electronic, or oral** communication where such person is a party to the communication **and the other party has consented** or where ~~one~~ **all** of the parties to the communication ~~has~~ **have** given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act; **or**

(5) For a person not acting under law to intercept a wire, electronic, or oral communication if:

(a) There is no expectation of privacy;

(b) The communication occurs within a government proceeding that is open to the public;

(c) The communication is recorded to obtain evidence of a crime or unethical conduct;

(d) One party to the communication has consented to recording the communication, and the recording contains any admission of the commission of a criminal offense, or contains material evidence relevant to the commission of a criminal offense;

(e) The person is a victim, as defined under section 575.010, and the victim records the communication made to the victim by his or her perpetrator;

(f) The person is a party to the communication and records the communication to obtain a statement by another party that the other party intends to commit, is committing, or has committed an unlawful act;

(g) The communication is to report an emergency including, but not limited to, a fire, medical emergency, crime, or disaster;

(h) The communication conveys a threat to commit a criminal offense including, but not limited to, a threat of extortion, blackmail, bodily harm, or other unlawful request or demand;

(i) The communication is made by a hostage holder;

(j) The communication constitutes harassment under section 565.090 or 565.091; or

(k) The communication constitutes stalking under section 565.225 or 565.227.

542.404. 1. The elected prosecuting attorney of the county with the written authorization of the attorney general of the state of Missouri may make application for an order authorizing the interception of a wire **or electronic** communication. The supreme court of Missouri, upon notice that the attorney general of the state of Missouri has authorized application for an interception of a wire **or electronic** communication, shall appoint a circuit court from a circuit other than the circuit where the application originates to approve or deny the application

and to issue any necessary orders. Such court may grant, in conformity with sections 542.400 to 542.422, an order authorizing the interception of wire **or electronic** communications by the law enforcement agency having responsibility for the investigation of the offense if there is probable cause to believe that the interception may provide evidence of a felony which involves the manufacture or distribution of a controlled substance, as the term is defined by section 195.016, or the felony of murder, arson, or kidnapping, or a terrorist threat as defined in section 574.115, or any conspiracy to commit any of the foregoing.

2. Any order entered pursuant to the provisions of sections 542.400 to 542.422 shall require live monitoring by appropriate law enforcement personnel of the interception of any wire **or electronic** communication.

542.406. 1. Any investigative officer or law enforcement officer who, by any means authorized by sections 542.400 to 542.422, has lawfully obtained knowledge of the contents of any wire **or electronic** communication, or evidence derived therefrom, may disclose such contents to another investigative officer or law enforcement officer to the extent that such disclosure is necessary to the proper performance of the official duties of the officer making or receiving the disclosure for investigative purposes only.

2. Any investigative officer or law enforcement officer who, by any means authorized by sections 542.400 to 542.422, has lawfully obtained knowledge of the contents of any wire, **electronic**, or oral communication, or evidence derived therefrom, may use such contents to the extent such use is necessary to the proper performance of his official duties.

3. Any person who has received, by any means authorized by sections 542.400 to 542.422, any information concerning a wire **or electronic** communication, or evidence derived therefrom, intercepted in accordance with the provisions of sections 542.400 to 542.422 shall disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding, including deposition in any court or in any grand jury proceeding, subject to the rules of evidence.

4. No otherwise privileged wire **or electronic** communication intercepted in accordance with, or in violation of, the provisions of sections 542.400 to 542.422 shall lose its privileged character and shall be suppressed upon motion.

542.408. 1. Each application for an order authorizing or approving the interception of a wire **or electronic** communication shall be made in writing and shall be submitted to the attorney general for his review and approval. If the attorney general approves the application, he shall join such application, which shall be submitted upon oath or affirmation to a court of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

(1) The identity of the prosecuting attorney making the application together with the identities of the law enforcement agency or agencies that are to conduct the interception;

(2) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including:

(a) Details as to the particular offense that has been, is being, or is about to be committed;

(b) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;

(c) A particular description of the type of communications sought to be intercepted; and

(d) The identity of the person and employment, if known, committing the offense and whose communications are to be intercepted;

(e) That the application is sought solely for detection of the crimes enumerated in section 542.404;

(3) A full and complete statement as to whether other investigative procedures have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried, or to be too dangerous;

(4) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for the interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(5) A full and complete statement of the facts concerning all previous applications known or available to the individual authorizing and making the application, made to any court for authorization to intercept, or for approval of interceptions of, wire **or electronic** communications involving any of the same persons, facilities or places specified in the application, and the action taken by the court on each such application;

(6) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or an explanation of the failure to obtain such results; and

(7) A statement that adequate resources are available to perform the interception and the estimated number of persons required to accomplish the interception.

2. The court may require the applicant to furnish additional testimony or documentary evidence in support of the application.

3. Upon such application the court may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire **or electronic** communications within the territorial jurisdiction of the court, if the court determines on the basis of the facts submitted by the applicant that:

(1) Probable cause exists to believe that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 542.404;

(2) Probable cause exists to believe that particular communications concerning that offense will be obtained through such interception;

(3) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous; and

(4) Probable cause exists to believe that the facilities from which, or the place where, the wire **or electronic** communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

4. Each order authorizing or approving the interception of any wire **or electronic** communication shall specify:

(1) The identity of the person and employment, if known, whose communications are to be intercepted;

(2) The nature and location of the communication facilities as to which, or the place where, authority to intercept is granted including whether the interception involves a cellular or other wireless device;

(3) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(4) The identity of the agency authorized to intercept the communications, and of the person authorizing the application;

(5) The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

5. No order entered under this section may authorize or approve the interception of any wire **or electronic** communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection 1 of this section and the court making the findings required by subsection 3 of this section. The period of extension shall be no longer than the court deems necessary to achieve the purposes for which it was granted and in no event longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under sections 542.400 to 542.422, and shall terminate upon attainment of the authorized objective, or in any event in thirty days.

6. Whenever an order authorizing interception is entered pursuant to the provisions of sections 542.400 to 542.422, the order may require reports to be made to the court who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require, but in no case longer than thirty days.

7. Notwithstanding any other provisions of sections 542.400 to 542.422, any law enforcement officer with the approval of the prosecuting attorney may request an order of an appropriate court whenever reasonable grounds therefor exist to have a pen register placed in effect, which pen register will only determine the phone number to which the call is placed.

8. Notwithstanding any other provision of law to the contrary, communication common carriers, and their officers, employees and agents, may provide information, facilities or technical assistance to persons authorized by law to intercept wire **or electronic** communications, if the communication common carrier, its officers, employees or agents have been provided with a court order directing such assistance signed by the authorizing court. The court order shall set forth the period of time during which the provision of the information, facilities or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No cause of action shall lie in any court against any communication common carrier, its officers, employees, and agents for providing information, facilities or assistance in accordance with the terms of an order under this subsection. Any communication common carrier furnishing such facilities or technical assistance shall be compensated therefor by the prosecuting attorney at the prevailing rates.

542.410. 1. The contents of any wire communication intercepted by any means authorized by sections 542.400 to 542.422 shall be recorded on tape or wire or other comparable device. The recording of the contents of any wire, **electronic**, or oral communication as required by this section shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions

thereof, such recordings shall be made available to the court issuing such order and shall be sealed under its directions. Custody of the recordings shall be wherever the court orders. The recordings shall not be destroyed except upon an order of the issuing court and in any event shall be kept for ten years. Duplicate recordings shall be made for use for disclosure pursuant to the provisions of subsections 1 and 2 of section 542.406 for investigations and discovery in accordance with applicable supreme court rules. The presence of the seal provided for by subsection 2 of this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire **or electronic** communication or evidence derived therefrom under the provisions of subsection 3 of section 542.406.

2. Applications made and orders granted under sections 542.400 to 542.422 shall be sealed by the court. Custody of the applications and orders shall be wherever the court directs. Such applications and orders shall be disclosed only upon a showing of good cause before a court of competent jurisdiction and shall not be destroyed except on order of the issuing or denying court, and in any event shall be kept for ten years.

3. Any violation of the provisions of this section shall be punishable as a class A misdemeanor.

4. Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under the provisions of sections 542.400 to 542.422 or the termination of the period of an order or extensions thereof, whichever is later, the issuing or denying court shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications an inventory which shall include notice of:

- (1) The fact of the entry of the order or the application;
- (2) The date of the entry and the period of authorized, approved interception;
- (3) The fact that during the period oral communications were or were not intercepted; and
- (4) The nature of said conversations.

The court, upon the filing of a motion, shall make available to such person or his counsel for inspection and copying such intercepted communications, applications and orders.

542.412. 1. The contents of any intercepted wire **or electronic** communications or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in federal or state court nor in any administrative proceeding unless each party, in compliance with supreme court rules relating to discovery in criminal cases, hearings and proceedings, has been furnished with a copy of the court order and accompanying application under which the interception was authorized or approved and a transcript of any intercepted wire **or electronic** communication or evidence derived therefrom.

2. If the defense in its request designates material or information not in the possession or control of the state, but which is, in fact, in the possession or control of other governmental personnel, the state shall use diligence and make good faith efforts to cause such materials to be made available to the defendant's counsel, and if the state's efforts are unsuccessful and such material or other governmental personnel are subject to the jurisdiction of the court, the court, upon request, shall issue suitable subpoenas or orders to cause such material or information to be made available to the state for disclosure to the defense.

542.414. 1. Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, the state, or a political subdivision thereof, may move to suppress the contents of any intercepted wire **or electronic** communication, or evidence derived therefrom, on the grounds that:

- (1) The communication was unlawfully intercepted;
- (2) The order of authorization or approval under which it was intercepted is insufficient on its face;
- (3) The interception was not made in conformity with the order of authorization or approval; or
- (4) The communication was intercepted in violation of the provisions of the Constitution of the United States or the state of Missouri or in violation of a state statute.

Such motion shall be made before the trial, hearing, or proceeding unless there was no reasonable opportunity to make such motion or the person was not aware of the existence of grounds for the motion. If the motion is granted, the contents of the intercepted wire **or electronic** communication, or evidence derived therefrom or the contents of any communication intercepted as a result of any extension of the original order authorizing or approving the interception of wire **or electronic** communication, and any evidence derived therefrom, shall be treated as having been obtained in violation of sections 542.400 to 542.422.

2. In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion to suppress made under subsection 1 of this section if the prosecuting attorney shall certify to the court or other official granting such motion that the appeal be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

542.416. 1. Within thirty days after the expiration of an order or each extension thereof entered pursuant to the provisions of section 542.408, the issuing court shall report to the state courts administrator:

- (1) The fact that an order or extension was applied for;
- (2) The kind of order or extension applied for;
- (3) The fact that the order or extension was granted as applied for, was modified, or was denied;
- (4) The period of interceptions authorized by the order, and the number and duration of any extensions of the order;
- (5) The offense specified in the order or application, or extension of an order;
- (6) The identity of the applying investigative officer or law enforcement officer and agency making the application and the person authorizing the application; and
- (7) The nature of the facilities from which or the place where communications were to be intercepted.

2. In January of each year, the principal prosecuting attorney for any political subdivision of the state shall report to the state courts administrator:

- (1) The information required by subdivisions (1) through (7) of subsection 1 of this section with respect to each application for an order or extension made during the preceding calendar year;
- (2) A general description of the interceptions made under such order or extension, including:
 - (a) The approximate nature and frequency of incriminating communications intercepted;
 - (b) The approximate nature and frequency of other communications intercepted;
 - (c) The approximate number of persons whose communications were intercepted; and
 - (d) The approximate nature, amount, and cost of the manpower and other resources used in the interceptions;
- (3) The number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made;
- (4) The number of trials resulting from such interceptions;
- (5) The number of motions to suppress made with respect to such interceptions, and the number granted or denied;
- (6) The number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and
- (7) The information required by subdivisions (2) through (6) of this subsection with respect to orders or extensions obtained in the preceding calendar year.

3. In April of each year the state courts administrator shall transmit to the Missouri general assembly a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire **or electronic** communications and the number of orders and extensions granted or denied during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the state courts administrator by subsections 1 and 2 of this section. The state courts administrator may promulgate rules and regulations dealing with the content and form of the reports required to be filed by subsections 1 and 2 of this section.

542.418. 1. The contents of any wire **or electronic** communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any civil or administrative proceeding, except in civil actions brought pursuant to this section.

2. Any person whose wire **or electronic** communication is intercepted, disclosed, or used in violation of sections 542.400 to 542.422 shall:

- (1) Have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications; and
- (2) Be entitled to recover from any such person:
 - (a) Actual damages, but not less than liquidated damages computed at the rate of one hundred dollars a day for each day of violation or ten thousand dollars whichever is greater;
 - (b) Punitive damages on a showing of a willful or intentional violation of sections 542.400 to 542.422; and
 - (c) A reasonable attorney's fee and other litigation costs reasonably incurred.

3. A good faith reliance on a court order or on the provisions of section 542.408 shall constitute a prima facie defense to any civil or criminal action brought under sections 542.400 to 542.422.

4. Nothing contained in this section shall limit any cause of action available prior to August 28, 1989.

542.420. Whenever any wire **or electronic** communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a state, or a political subdivision thereof if the disclosure of that information would be in violation of sections 542.400 to 542.422.

542.527. Except if there is a reasonable expectation of privacy by a guest or invitee, it shall not be a violation of law for a person to place any video or audio surveillance in the person's home for security purposes."; and

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

House Amendment No. 1 was withdrawn.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 919 & 1081, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

- "105.1500. 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".
2. As used in this section, the following terms mean:
- (1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income ~~tax~~ **taxation** under Section 501(c) of the Internal Revenue Code of 1986, as amended;
- (2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.
3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under subsection 4 **and 6** of this section, a public agency shall not:
- (a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;
- (b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code **of 1986, as amended**, to provide the public agency with personal information or otherwise compel the release of personal information;
- (c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency **without the express, written permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, the entity exempt from federal income taxation under Section 501(c) of the Internal Revenue of 1986, as amended;** or
- (d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.
- (2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.
4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:
- (1) Submitting any report or disclosure required by this chapter or chapter 130;
- (2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

- (3) Information reported in a personal financial disclosure made under sections 105.483 to 105.492;**
~~[(3)]~~ (4) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;
- ~~[(4)]~~ (5) Responding to any lawful request for discovery of personal information in litigation if:
- (a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and
 - (b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;
- ~~[(5)]~~ (6) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause; or
- ~~[(6)]~~ (7) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law.
5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:
- (a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or
 - (b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.
- (2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.
- (3) A person who knowingly violates this section is guilty of a class B misdemeanor.
- 6. This section shall not apply to:**
- (1) Personal information that a person or an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, submits, is expressly required by state law to submit, or has previously submitted to a public agency for the purpose of seeking or obtaining, including acting on behalf of another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive, status, or any other similar item, including a renewal of the same, provided that information that directly identifies an individual as a donor of financial support to an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, shall not be required by a public agency unless expressly required by state law;**
 - (2) A disclosure of personal information among law enforcement agencies pursuant to an active investigation;**
 - (3) A disclosure of personal information voluntarily made as part of public comment, public testimony, pleading, or in a public meeting by an entity or the representatives of an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended; or**
 - (4) A disclosure of personal information to a labor union or employee association regarding employees in a bargaining unit represented by the union or association.";** and

Further amend said bill, Page 2, Section 565.260, Line 35, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to protect the ability of nonprofit entities to interact with public agencies and restore transparency to governmental contracts, grant programs, and other similar items, the repeal and reenactment of section 105.1500 of Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 105.1500 of Section A of this act shall be in full force and effect upon its passage and approval.";

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

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

On motion of Representative Schnelting, **HCS HBs 919 & 1081, as amended**, was adopted.

On motion of Representative Schnelting, **HCS HBs 919 & 1081, as amended**, was ordered perfected and printed.

HCS HB 668, relating to grants to employers for the purpose of enhancing cybersecurity, was taken up by Representative Houx.

On motion of Representative Houx, the title of **HCS HB 668** was agreed to.

On motion of Representative Houx, **HCS HB 668** was adopted.

On motion of Representative Houx, **HCS HB 668** was ordered perfected and printed.

HCS HBs 802, 807 & 886, to authorize the conveyance of certain state property, was taken up by Representative Dinkins.

On motion of Representative Dinkins, the title of **HCS HBs 802, 807 & 886** was agreed to.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 802, 807 & 886, Page 5, Section 4, Line 22, by inserting after all of said line and section the following:

"Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Kirksville, Adair County, Missouri. The property to be conveyed is more particularly described as follows:

All of Block 39 of the Original Town (Now City) of Kirksville, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 6. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Kirksville, Adair County, Missouri. The property to be conveyed is more particularly described as follows: Part of the Northwest Fourth (NW1/4) of the Northeast Quarter (NE1/4) Section 16 Township 62 Range 15 Adair County, Missouri, beginning at a point Six Hundred Twenty-nine and One-half (629 1/2) feet South and Twenty (20) feet East of the Northwest (NW) Corner of said Forty acre tract, and running thence East Two Hundred Twenty-five (225) feet, thence South One Hundred (100) feet, thence West Two Hundred Twenty-five (225) feet, thence North One Hundred (100) feet to place of beginning; Also, part of the Northwest Fourth (NW1/4) of the Northeast Quarter (NE1/4) Section 16 Township 62 Range 15 Adair County, Missouri, beginning at a point Six Hundred Twenty-nine and One-half (629 1/2) feet South and Two Hundred Forty-five (245) feet East of the Northwest (NW) Corner of said Forty acre tract, and running thence East Four Hundred Forty-eight (448) feet, more or less, to the West line of Florence Street, thence South Fifty-one (51) feet Four (4) inches, thence West Four

Hundred Forty-eight (448) feet, thence North Fifty-one (51) feet Four (4) inches to beginning; subject to Right-of-Way for highway across Southwest Corner thereof.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 7. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of St. Louis, Missouri. The property to be conveyed is more particularly described as follows:

A tract being part of Lot 1 of Chouteau-Compton subdivision no. 2, in City Block 2235, City of St. Louis, Missouri, recorded in book 07032006, page 109 of the City of St. Louis Recorder's Office, being more particularly described as follows:

Beginning at a point Thirty (30) feet right of and at right angle to Compton Avenue Centerline Station 2+71.07, said point being on the East line of Compton Avenue, thence on said East line of Compton Avenue, North Fourteen (14) degrees Thirty-seven (37) minutes Forty-six (46) seconds East, basis of bearing grid North, Three Hundred Fifty-four and Thirteen-hundredths (354.13) feet to a point Thirty (30) feet right of and at right angle to Compton Avenue Centerline Station 6+25.20; thence leaving said East line of Compton Avenue, South Sixty-five (65) degrees Forty-five (45) minutes Forty-three (43) seconds East Twenty and Twenty-eight-hundredths (20.28) feet to a point Fifty (50) feet right of and at a right angle to Compton Avenue Centerline Station 6+21.81; thence South Fourteen (14) degrees Thirty-seven (37) minutes Forty-six (46) seconds West Three Hundred Fifty and Seventy-five-hundredths (350.75) feet to a point Fifty (50) feet right of and at right angle to Compton Avenue Centerline Station 2+71.07; thence North Seventy-five (75) degrees Twenty-two (22) minutes Twenty-two (22) seconds West Twenty (20) feet to the point of beginning, and contains Seven Thousand Forty-nine (7,049) square feet, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

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

On motion of Representative Dinkins, **HCS HBs 802, 807 & 886, as amended**, was adopted.

On motion of Representative Dinkins, **HCS HBs 802, 807 & 886, as amended**, was ordered perfected and printed.

HB 131, relating to state employee pay periods, was taken up by Representative Griffith.

On motion of Representative Griffith, the title of **HB 131** was agreed to.

On motion of Representative Griffith, **HB 131** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS

HCS HB 587, relating to the collection of delinquent taxes, was taken up by Representative Owen.

On motion of Representative Owen, the title of **HCS HB 587** was agreed to.

On motion of Representative Owen, **HCS HB 587** was adopted.

On motion of Representative Owen, **HCS HB 587** was ordered perfected and printed.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 81, relating to certain required background checks, was taken up by Representative Veit.

On motion of Representative Veit, the title of **HB 81** was agreed to.

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

House Amendment No. 1

AMEND House Bill No. 81, Page 2, Section 210.493, Lines 40-43, by deleting all of said lines and inserting in lieu thereof the following:

- "(1) A **state and** Federal Bureau of Investigation fingerprint check;
- (2) A search of the [~~National Crime Information Center's~~] National Sex Offender Registry; and
- (3) A search of the following registries, repositories, or databases in Missouri, the"; and

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

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

Representative Kelly (141) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 81, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"171.097. 1. School districts shall ensure that a state criminal history background check consisting of open records is conducted on any person who is eighteen years of age or older, who is not counted by the district for purposes of average daily attendance under section 163.011, and who requests enrollment in a course that takes place on school district property during regular school hours and includes students counted by the district for purposes of average daily attendance under section 163.011.

2. The state criminal history background check required under this section shall be processed through the Missouri state highway patrol prior to enrollment. The person requesting enrollment in a course as described in this section shall pay the fee for the state criminal history background check pursuant to section 43.530.

3. If, as a result of the criminal history background check required under this section, it is determined that a person who requested enrollment has been convicted of a crime or offense listed in subsection 6 of section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, the school district shall prohibit such person from enrolling in any course for which a state criminal history background check is required under this section."; and

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

On motion of Representative Kelly (141), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Bill No. 81, Page 1, Section A, Line 2, by inserting after said section and line the following:

"195.817. 1. The department of health and senior services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a marijuana facility application, a marijuana facility renewal application, and an individual's application for a license or permit authorizing that individual to be an employee, contractor, owner, or volunteer of a marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following terms shall mean:

(1) "Contractor", a person who spends more than fourteen days per year performing work or service of any kind for a marijuana facility in accordance with a contract with that facility;

(2) "Marijuana facility", an entity licensed or certified by the department of health and senior services to cultivate, manufacture, test, transport, dispense, or conduct research on marijuana or marijuana products;

(3) "Owner", an individual who has a financial interest or voting interest in ten percent or greater of a marijuana facility."; and

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

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

Representative Johnson (12) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Bill No. 81, Page 3, Section 210.493, Line 86, by deleting said line and inserting in lieu thereof the following:

"repository or the National Sex Offender Registry."; and

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

On motion of Representative Johnson (12), **House Amendment No. 4** was adopted.

Representative Copeland offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Bill No. 81, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"43.539. 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

(a) Is actively employed by or seeks employment with a qualified entity;

(b) Is actively licensed or seeks licensure with a qualified entity;

- (c) Actively volunteers or seeks to volunteer with a qualified entity;
 - (d) Is actively contracted with or seeks to contract with a qualified entity; or
 - (e) Owns or operates a qualified entity;
 - (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or disabled persons;
 - (3) "Missouri criminal record review", a review of criminal history records and sex offender registration records under sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;
 - (4) "Missouri Rap Back program", any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;
 - (5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;
 - (6) "National Rap Back program", any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;
 - (7) "Patient or resident", a person who by reason of age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;
 - (8) "Qualified entity", a person, business, or organization that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;
 - (9) "Youth services agency", any agency, school, or association that provides programs, care, or treatment for or exercises supervision over minors.
2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:
- (1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of the registration, the qualified entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;
 - (2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;
 - (3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;
 - (4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;
 - (5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;
 - (6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;
 - (7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section, with respect to an applicant, shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [~~within the previous six years~~]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

- (a) Is actively employed by or seeks employment with a qualified entity;
- (b) Is actively licensed or seeks licensure with a qualified entity;
- (c) Actively volunteers or seeks to volunteer with a qualified entity; or
- (d) Is actively contracted with or seeks to contract with a qualified entity;

(2) "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(3) "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

(4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

(5) "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(6) "Qualified entity", an entity that is:

(a) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

(b) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment; or

(c) Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in Pub. L. 92-544 and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) This section shall not require the Missouri state highway patrol to make an eligibility determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section."; and

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

On motion of Representative Copeland, **House Amendment No. 5** was adopted.

On motion of Representative Veit, **HB 81, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bill was referred to the Committee indicated:

HCS HB 461 - Fiscal Review

COMMITTEE REPORTS

Committee on Conservation and Natural Resources, Chairman Sassmann reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 142**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bonacker, Brown (87), Burton, Diehl, Farnan, Haley, Justus, Knight, Mayhew, Sassmann, Taylor (48), Walsh Moore and Woods

Noes (0)

Absent (1): Stephens

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 631**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (13): Bonacker, Brown (87), Burton, Diehl, Farnan, Haley, Justus, Knight, Mayhew, Sassmann, Taylor (48), Walsh Moore and Woods

Noes (0)

Absent (1): Stephens

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 774**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (12): Bonacker, Brown (87), Diehl, Farnan, Haley, Justus, Knight, Mayhew, Sassmann, Taylor (48), Walsh Moore and Woods

Noes (1): Burton

Absent (1): Stephens

Committee on Economic Development, Chairman Hudson reporting:

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 675**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (12): Allen, Amato, Barnes, Brown (16), Christ, Gallick, Gray, Hudson, Johnson (23), Smith (155), Weber and Wilson

Noes (0)

Absent (4): Casteel, Hausman, Thompson and Young

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 939**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (12): Allen, Amato, Barnes, Brown (16), Christ, Gallick, Gray, Hudson, Johnson (23), Smith (155), Weber and Wilson

Noes (0)

Absent (4): Casteel, Hausman, Thompson and Young

Mr. Speaker: Your Committee on Economic Development, to which was referred **HB 1038**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (9): Allen, Amato, Barnes, Brown (16), Christ, Gallick, Hudson, Smith (155) and Wilson

Noes (3): Gray, Johnson (23) and Weber

Absent (4): Casteel, Hausman, Thompson and Young

Committee on Elementary and Secondary Education, Chairman Pollitt reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 497**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (15): Baker, Bonacker, Brown (87), Byrnes, Christofanelli, Gragg, Haffner, Hurlbert, Kelley (127), Lewis (6), Mackey, Mann, Pollitt, Stacy and Toalson Reisch

Noes (2): Nurrenbern and Terry

Absent (0)

Committee on Financial Institutions, Chairman O'Donnell reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 586**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (13): Adams, Billington, Clemens, Dinkins, Francis, McGirl, Mosley, O'Donnell, Oehlerking, Owen, Sander, Thompson and Titus

Noes (0)

Absent (1): Butz

Committee on Pensions, Chairman Hovis reporting:

Mr. Speaker: Your Committee on Pensions, to which was referred **HB 155**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (9): Brown (27), Clemens, Hovis, Marquart, Oehlerking, Owen, Reuter, Steinhoff and West

Noes (0)

Absent (1): Bromley

Mr. Speaker: Your Committee on Pensions, to which was referred **HB 496**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (9): Brown (27), Clemens, Hovis, Marquart, Oehlerking, Owen, Reuter, Steinhoff and West

Noes (0)

Absent (1): Bromley

Special Committee on Urban Issues, Chairman Sharp (37) reporting:

Mr. Speaker: Your Special Committee on Urban Issues, to which was referred **HB 102**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (6): Anderson, Banderman, Casteel, Cupps, Davidson and Sharp (37)

Noes (0)

Absent (1): Coleman

Committee on Transportation Infrastructure, Chairman Buchheit-Courtway reporting:

Mr. Speaker: Your Committee on Transportation Infrastructure, to which was referred **HB 207**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (14): Amato, Bangert, Buchheit-Courtway, Burger, Copeland, Hinman, Marquart, Mosley, Murphy, Myers, Phifer, Sharpe (4), Van Schoiack and Woods

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Transportation Infrastructure, to which was referred **HB 424**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (14): Amato, Bangert, Buchheit-Courtway, Burger, Copeland, Hinman, Marquart, Mosley, Murphy, Myers, Phifer, Sharpe (4), Van Schoiack and Woods

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Transportation Infrastructure, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (13): Amato, Bangert, Buchheit-Courtway, Burger, Copeland, Hinman, Marquart, Murphy, Myers, Phifer, Sharpe (4), Van Schoiack and Woods

Noes (0)

Absent (1): Mosley

Mr. Speaker: Your Committee on Transportation Infrastructure, to which was referred **HB 894**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (13): Amato, Bangert, Buchheit-Courtway, Burger, Copeland, Hinman, Marquart, Murphy, Myers, Phifer, Sharpe (4), Van Schoiack and Woods

Noes (0)

Absent (1): Mosley

Committee on Utilities, Chairman Bromley reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 225**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (10): Atchison, Banderman, Black, Bromley, Byrnes, Falkner, Keathley, Lonsdale, McMullen and Schulte

Noes (0)

Present (4): Brown (87), Ingle, Johnson (23) and Weber

Absent (0)

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 992**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (8): Atchison, Banderman, Black, Bromley, Johnson (23), Lonsdale, McMullen and Schulte

Noes (3): Falkner, Ingle and Keathley

Present (3): Brown (87), Byrnes and Weber

Absent (0)

Mr. Speaker: Your Committee on Utilities, to which was referred **HB 1152**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute** by the following vote:

Ayes (14): Atchison, Banderman, Black, Bromley, Brown (87), Byrnes, Falkner, Ingle, Johnson (23), Keathley, Lonsdale, McMullen, Schulte and Weber

Noes (0)

Absent (0)

REFERRAL OF HOUSE JOINT RESOLUTIONS - RULES

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

HCS HJR 20 - Rules - Regulatory Oversight

REFERRAL OF HOUSE BILLS - RULES

The following House Bills were referred to the Committee indicated:

HCS HB 155 - Rules - Regulatory Oversight
HB 196 - Rules - Administrative Oversight
HCS HB 207 - Rules - Legislative Oversight
HB 403 - Rules - Regulatory Oversight
HCS HB 424 - Rules - Administrative Oversight
HCS HB 443 - Rules - Legislative Oversight
HCS HB 496 - Rules - Regulatory Oversight
HCS HB 543 - Rules - Legislative Oversight
HCS HB 586 - Rules - Administrative Oversight
HCS HB 657 - Rules - Administrative Oversight
HB 719 - Rules - Administrative Oversight
HCS HB 778 - Rules - Legislative Oversight
HCS HB 779 - Rules - Regulatory Oversight
HCS HB 805 - Rules - Legislative Oversight
HCS HB 894 - Rules - Legislative Oversight
HCS HB 1023 - Rules - Regulatory Oversight
HCS HB 1058 - Rules - Administrative Oversight
HB 1154 - Rules - Administrative Oversight

WITHDRAWAL OF HOUSE BILLS

March 8, 2023

Dana Rademan Miller, Chief Clerk
State Capitol Building
Room 307
Jefferson City, MO 65101

To Whom It May Concern,

I am writing to officially withdraw **House Bill No. 1334** from circulation. Please contact my office if you have any questions.

Sincerely,

/s/ Dean VanSchoiack
State Representative
District 9

The following member's presence was noted: Sauls.

ADJOURNMENT

On motion of Representative Patterson, the House adjourned until 9:00 a.m., Thursday, March 9, 2023.

COMMITTEE HEARINGS

AGRICULTURE POLICY

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 6.
Executive session will be held: HB 88

BUDGET

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 3.
Follow-up questions for departments regarding FY 24 operating budgets and FY 23 supplemental budget (HB 15).

CONSENT AND HOUSE PROCEDURE

Tuesday, March 21, 2023, 5:00 PM or upon adjournment (whichever is later), House Hearing Room 5.

Public hearing will be held: HR 492

Executive session will be held: HR 492

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

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 7.
Public hearing will be held: HB 187, HB 250, HB 295

ELECTIONS AND ELECTED OFFICIALS

Tuesday, March 14, 2023, 12:00 PM or upon morning recess (whichever is later),
House Hearing Room 6.

Executive session will be held: HJR 19

CANCELLED

FISCAL REVIEW

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 4.

Pending bill referral.

CANCELLED

FISCAL REVIEW

Thursday, March 9, 2023, 8:30 AM, House Hearing Room 4.

Pending referral of HB 816, HB 700, HB 556, and HB 461.

RULES - LEGISLATIVE OVERSIGHT

Thursday, March 9, 2023, 8:45 AM, House Hearing Room 4.

Executive session will be held: HCS HJR 33 & 45, HB 349, HCS HB 725, HCS HBs 913 &
428, HB 978, HCS HB 183, HCS HB 419, HCS HB 863, HCS HB 197, HCS HB 1015

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

Added HB 1015, HB 197, HB 863, HB 183, and HB 419.

AMENDED

SPECIAL COMMITTEE ON ELECTION CONTESTS

Thursday, March 9, 2023, 10:30 AM or upon adjournment (whichever is later),
House Hearing Room 5.

Public hearing will be held: HEC 1

Discussion of future action by the Committee.

CANCELLED

SPECIAL COMMITTEE ON PUBLIC POLICY

Wednesday, March 22, 2023, 12:00 PM or upon morning recess (whichever is later),
Joint Hearing Room (117).

Public hearing will be held: HB 267, HB 347

TRANSPORTATION ACCOUNTABILITY

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 1366, HB 1370

WAYS AND MEANS

Thursday, March 9, 2023, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 1194

HOUSE CALENDAR

THIRTY-SIXTH DAY, THURSDAY, MARCH 9, 2023

HOUSE BILLS FOR PERFECTION

HCS HB 356, (Legislative Review 3/8/23) - McGirl

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 909 - Haffner

HB 44 - Haley

HB 67 - Terry

HB 94 - Schwadron

HB 487 - Francis

HB 528 - Murphy

HB 547 - Roberts

HB 1021 - Baker

HB 1055 - Mayhew

HCS HBs 816 & 660 - Deaton

HCS HBs 700 & 445 - Hardwick

HCS HBs 556 & 581 - Houx

HOUSE BILLS FOR PERFECTION - CONSENT

(03/02/2023)

HB 129 - Griffith

HCS HB 130 - Griffith

HB 283 - Kelly (141)

HB 644 - Francis

HB 923 - Hovis

HOUSE BILLS FOR THIRD READING

HB 677 - Copeland

HB 585 - Owen

HCS HB 461, (Fiscal Review 3/8/23) - Riggs

HCS HB 454 - Coleman

HB 490 - Sharpe (4)

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 715, (Fiscal Review 3/1/23) - Kelly (141)

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 3001 - Smith (163)

CCS SS SCS HCS HB 3002 - Smith (163)

CCS SS SCS HCS HB 3003 - Smith (163)

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

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