

# JOURNAL OF THE HOUSE

First Regular Session, 99th GENERAL ASSEMBLY

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FIFTY-FOURTH DAY, TUESDAY, APRIL 11, 2017

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

*They that wait upon the Lord shall renew their strength. (Isaiah 40:31)*

Almighty God, we thank You for all the blessings You have so abundantly given us. Help us to translate our thanksgiving for Your glory and to live as Your obedient and loving children. May we never forget who You are, who we are, and who our neighbor is.

Grant to the Members of this body the strength and the courage to do what they truly believe to be right and good for our State. Deliver them from pride and prejudice, from intolerance and every evil, and bind them together in a faith which will enable them to labor endlessly for the best interests of our people.

Look with favor upon us, and may the words of our mouths and the meditations of our hearts be acceptable in Your sight.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

"The Star-Spangled Banner" was performed by Taylor Blackwell.

The Journal of the fifty-third day was approved as printed.

## PERFECTION OF HOUSE BILLS

**HB 105**, relating to the organ donor program fund, was taken up by Representative Love.

On motion of Representative Love, the title of **HB 105** was agreed to.

On motion of Representative Love, **HB 105** was ordered perfected and printed.

Representative Lynch assumed the Chair.

**HCS HB 260**, relating to kinship placements for foster children, was taken up by Representative Brown (94).

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 260, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. **Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);**

(2) "Assessment and treatment services for children under ten years old", an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) "Central registry", a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(5) "Children's services providers and agencies", any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

(6) "Director", the director of the Missouri children's division within the department of social services;

(7) "Division", the Missouri children's division within the department of social services;

(8) "Family assessment and services", an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) "Family support team meeting" or "team meeting", a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) "Investigation", the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) "Jail or detention center personnel", employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child's well-being. **Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);**

(13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

(16) "Those responsible for the care, custody, and control of the child", ~~[those included but not limited to]~~ **includes, but is not limited to:**

(a) The parents or ~~[guardian]~~ **legal guardians** of a child~~[-]~~ ;

(b) Other members of the child's household~~[- or ]~~ ;

(c) Those exercising supervision over a child for any part of a twenty-four-hour day~~[- Those responsible for the care, custody and control shall also include ]~~ ;

(d) Any ~~[adult]~~ **person** who~~[-]~~ **has access to the child** based on relationship to the parents of the child~~[-]~~ or members of the child's household or the family~~[- has access to the child ]~~ ; or

(e) **Any person who takes control of the child by deception, force, or coercion.**

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) **For investigation reports where the identification of the specific perpetrator or perpetrators can not be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all identifying information but shall not place an unknown perpetrator on the central registry. The division shall retain all identifying information for the purpose of utilizing such information in subsequent investigations or family assessments of the same child, the child's family, or members of the child's household. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all identifying information as otherwise provided in this section;**

(3) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section; ~~[or]~~

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; **or**

**(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.**

3. ~~The children's division may reopen a case for review [at the request of the alleged perpetrator, the alleged victim, or the office of the child advocate] if new, specific, and credible evidence is obtained [that the division's decision was based on fraud or misrepresentation of material facts relevant to the division's decision and there is credible evidence that absent such fraud or misrepresentation the division's decision would have been different. If the alleged victim is under the age of eighteen, the request for review may be made by the alleged victim's parent, legal custodian, or legal guardian. All requests to reopen an investigation for review shall be made within a reasonable time and not more than one year after the children's division made its decision. The division shall not reopen a case for review based on any information which the person requesting the review knew, should have known, or could by the exercise of reasonable care have known before the date of the division's final decision in the case, unless the person requesting the review shows by a preponderance of the evidence that he or she could not have provided such information to the division before the date of the division's final decision in the case. Any person, other than the office of the child advocate, who makes a request to reopen a case for review based on facts which the person knows to be false or misleading or who acts in bad faith or with the intent to harass the alleged victim or perpetrator shall not have immunity from any liability, civil or criminal, for providing the information and requesting that the division reopen the investigation. Any person who makes a request to reopen an investigation based on facts which the person knows to be false shall be guilty of a class A misdemeanor. The children's division shall not reopen an investigation under any circumstances while the case is pending before a court of this state nor when a court has entered a final judgment after de novo judicial review pursuant to this section].~~

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made

within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested."; and

Further amend said bill, Page 2, Section 210.565, Line 51, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to prevent any loss of federal funding for child welfare services in Missouri, the repeal and reenactment of section 210.110 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 210.110 of section A of this act shall be in full force and effect upon its passage and approval."; and

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

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

On motion of Representative Brown (94), the title of **HCS HB 260, as amended**, relating to child welfare, was agreed to.

On motion of Representative Brown (94), **HCS HB 260, as amended**, was adopted.

On motion of Representative Brown (94), **HCS HB 260, as amended**, was ordered perfected and printed.

**HCS HB 303**, relating to the offense of filing false documents, was taken up by Representative Mathews.

Speaker Pro Tem Haahr assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 303, Page 6, Section 570.095, Lines 140-141, by deleting all of said lines and inserting in lieu thereof the following:

**"9. If a filing or record is deemed invalid, the prevailing party shall be awarded all reasonable costs and fees incurred by that party in the action. If the filing or record is deemed"; and**

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

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

On motion of Representative Mathews, the title of **HCS HB 303, as amended**, was agreed to.

On motion of Representative Mathews, **HCS HB 303, as amended**, was adopted.

On motion of Representative Mathews, **HCS HB 303, as amended**, was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Rule 16:

AYES: 149

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin
Brown 27	Brown 57	Brown 94	Burnett	Burns
Butler	Chipman	Christofanelli	Cierpiot	Conway 10
Conway 104	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Dunn	Eggleston	Ellebracht	Ellington	Engler
Evans	Fitzpatrick	Fitzwater 49	Fraker	Francis
Franklin	Franks Jr	Frederick	Gannon	Gray
Green	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson
Higdon	Hill	Houghton	Houx	Hubrecht
Hurst	Johnson	Justus	Kelley 127	Kelly 141
Kendrick	Kidd	Kolkmeier	Korman	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Mathews	Matthiesen	May	McCaherty	McCreery
McGaugh	McGee	Meredith 71	Merideth 80	Messenger
Mitten	Moon	Morgan	Morris	Mosley
Muntzel	Neely	Newman	Nichols	Peters
Pfautsch	Phillips	Pierson Jr	Pietzman	Pike
Plocher	Quade	Razer	Redmon	Rehder
Reiboldt	Reisch	Remole	Rhoads	Roberts
Roeber	Rone	Ross	Rowland 155	Rowland 29
Runions	Ruth	Schroer	Shaul 113	Shull 16
Shumake	Smith 163	Sommer	Spencer	Stacy
Stevens 46	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	Walker 74	Wessels	White
Wiemann	Wilson	Wood	Mr. Speaker	

NOES: 003

Marshall	McDaniel	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 010

Carpenter	Cookson	Curtis	Fitzwater 144	McCann Beatty
Miller	Roden	Smith 85	Stephens 128	Unsicker

VACANCIES: 001

**HCS HB 433**, relating to intoxicating liquor, was taken up by Representative Cornejo.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 433, Page 8, Section 311.355, Line 33, by inserting immediately after said line a hard return and the following:

**"Except that any such retailer shall assume the cost of the sale or discounted price permitted under this subsection.**

**5. Advertisements authorized under this section, including for any combination of coupons, premiums, prizes, rebates, loyalty programs, or other discounts, shall comply with the provisions of 11 CSR 70-2.240(5)(I)."; and**

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

Representative Lavender offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 433, Page 1, Line 1, by inserting immediately after said line the following:

"AMEND House Committee Substitute for House Bill No. 433, Page 7, Section 311.355, Line 27, by inserting immediately after the word "**liquor**" the following:

**", except that no such coupon, premium, prize, rebate, loyalty program, or other offer shall discount intoxicating liquor to a price below the retailer's actual cost"; and"; and**

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

Representative Lavender moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 433, Page 7, Section 311.201, Line 55, by inserting immediately after all of said section and line the following:

"311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesaler-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the holder of such solicitor's license has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of alcohol and tobacco control shall provide forms for annual registration as the primary American source of supply, and shall prescribe the procedures for such registration.

2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received.

3. The term "primary American source of supply" as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers.

4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

**5. The supervisor of alcohol and tobacco control shall approve or deny any application for primary American source of supply for any intoxicating liquor product within five working days following the receipt of a properly completed application. Any such application for an intoxicating liquor product received by the supervisor of alcohol and tobacco control that is not approved or denied within five working days shall be considered conditionally approved and such intoxicating liquor product may be solicited, sold, shipped, ordered, purchased, and received in this state.";** and

Further amend said bill, Page 9, Section 311.510, Lines 1-23, by deleting all of said lines and inserting in lieu thereof the following:

"311.510. 1. It shall be the duty of the supervisor of liquor control to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he **or she** shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has been correctly labeled to show that the same has been made from wholesome ingredients.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the ~~[Federal Bureau of Alcohol, Tobacco and Firearms]~~ **Alcohol and Tobacco Trade Bureau** ~~[which verifies the alcohol content of the product].~~

**3. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples prior to granting approval for the sale of any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in this state if the supervisor of liquor control is provided a label. The supervisor of liquor control shall have sole authority to approve all labels for keg collars, bottles, and cans of such beer or other intoxicating malt liquor and any inspections to determine labeling compliance for such products shall be under the sole authority of the supervisor of liquor control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau required.**

311.540. 1. Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control, **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled.

2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control, **or his or her designee**, is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product."; and

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

Representative Ruth offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 433, Page 1, Lines 34-36 and Page 2, Lines 1-36, by deleting all of said lines from the amendment; and

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

On motion of Representative Ruth, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Hill, **House Amendment No. 2, as amended**, was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 433, Page 1, Section 311.020, Line 9, by inserting immediately after all of said section and line the following:

"311.070. 1. Distillers, wholesalers, winemakers, brewers, or their employees, officers, or agents shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away, or furnish equipment, money, credit, or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

2. Any distiller, wholesaler, winemaker, or brewer who shall violate the provisions of subsection 1 of this section, or permit his **or her** employees, officers, or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- (1) For the first offense, by a fine of one thousand dollars;
- (2) For a second offense, by a fine of five thousand dollars; and
- (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

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

(1) "Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps, and visors;

(2) "Equipment and supplies", glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment), or ice. "Dispensing accessories" include, **but are not limited to, items such as** standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

(3) "Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker, or brewer. Such materials shall only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest prizes displayed on the licensed premises;

(4) "Product display", wine racks, bins, barrels, casks, shelving, or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

(6) "Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, ~~or~~ paper napkins, coasters, cups, **ice buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers**, or menus.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker, or brewer, or their employees, officers, or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter:

(1) The distiller, wholesaler, winemaker, or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed ~~three~~ **five** hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the ~~three~~ **five** hundred dollar limits to provide a retail business a product display in excess of ~~three~~ **five** hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker, or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker, or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker, or brewer may provide, give, or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed ~~five~~ **eight** hundred dollars per calendar year, per brand, per retail outlet. **The replacement of similar in appearance, type, and dollar value permanent point-of-sale advertising materials shall not count towards the maximum of eight hundred dollars per calendar year, per brand, per retail outlet.** The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of ~~three~~ **two** years;

(b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

(c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker, or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

(d) The distiller, wholesaler, winemaker, or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of one thousand dollars per year to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker, or brewer may sell equipment ~~or~~ **and** supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The ~~[distiller,] wholesaler[, winemaker]~~ or brewer may install **non-refrigeration beer** dispensing accessories at the retail business establishment, ~~[which shall include for the purposes of beer equipment to properly preserve and serve draught beer only]~~ and to facilitate the ~~[delivery to the retailer]~~ **dispensing of draft beer**, the brewers and wholesalers may lend, give, rent, or sell and they may install or repair any of the following items or render to retail licensees any of the following services: ~~[beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year]~~ **tap markers, regulators, gauges, vents, nuts, clamps, splicers, keg stackers, washers, couplings, shanks, faucets, non-insulated beer and air hoses, and wall brackets;**

(a) **All other dispensing accessories as defined in this section that are installed by a wholesaler or brewer to a retailer shall be sold in the same manner as other equipment and supplies;**

(b) **Portable coil boxes, air pumps, tubs, blankets, coolers, rolling coolers, carbon dioxide and nitrogen-driven cold plans or jockey boxes, tents not to exceed ten square feet in size, or other coverings for temporary wrappings of barrels may be loaned by a wholesaler or brewer to a retailer only if a deposit is given by the retailer in an amount that covers the cost of such equipment, and the deposit shall not be refunded to the retailer until such loaned equipment is returned to the wholesaler or brewer. An actual deposit payment, other than a charge to a retailer's account, shall be received if an equipment item is loaned for more than ten days within a thirty day period; and**

(c) **A complete record of equipment given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than two years by the wholesaler or brewer;**

(6) The distiller, wholesaler, winemaker, or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt ~~[beverages]~~ **liquor;**

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label are not considered different brands;

(8) The distiller, wholesaler, winemaker, or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker, or brewer may sell or give the retail business newspaper cuts, mats, or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker, or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

- (a) The advertisement shall not contain the retail price of the product;
  - (b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;
  - (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and
  - (d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;
- (11) Distillers, winemakers, wholesalers, brewers, or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-sale advertising materials on a licensed premises, if the following requirements are met:
- (a) No money or something of value is given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest; and
  - (b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this section;
- (12) The distiller, wholesaler, winemaker, or brewer may stock, rotate, rearrange, or reset the products sold by such distiller, wholesaler, winemaker, or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker, or brewer are not altered or disturbed;
- (13) The distiller, wholesaler, winemaker, or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine, or malt beverages;
- (14) The distiller, wholesaler, winemaker, or brewer participating in the activities of a retail business association may do any of the following:
- (a) Display, serve, or donate its products at or to a convention or trade show;
  - (b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;
  - (c) Provide its own hospitality which is independent from the association activity;
  - (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity;
  - (e) Make payments for advertisements in programs or brochures issued by retail business associations if the total payments made for all such advertisements are fair and reasonable;
  - (f) Pay dues to the retail business association if such dues or payments are fair and reasonable;
  - (g) Make payments or donations for retail employee training on preventive sales to minors and intoxicated persons, checking identifications, age verification devices, and the liquor control laws;
  - (h) Make contributions not to exceed one thousand dollars per calendar year for transportation services that shall be used to assist patrons from retail establishments to his or her residence or overnight accommodations;
  - (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail business association activities; and
  - (j) Any retail business association that receives payments or donations shall, upon written request, provide the division of alcohol and tobacco control with copies of relevant financial records and documents to ensure compliance with this subsection;
- (15) The distiller, wholesaler, winemaker, or brewer may sell or give a permanent outside sign to a retail business if the following requirements are met:
- (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable, rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or structure, shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker, or brewer;
  - (b) The retail business shall not be compensated, directly or indirectly, for displaying the permanent sign or a temporary banner;
  - (c) The cost of the permanent sign shall not exceed five hundred dollars; and
  - (d) Temporary banners of a seasonal nature or promoting a specific event shall not be constructed to be permanent outdoor signs and may be provided to retailers. The total cost of temporary outdoor banners provided to a retailer in use at any one time shall not exceed five hundred dollars per brand;
- (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight that was delivered in a damaged condition or damaged while in the possession of the retailer;

(17) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;

(18) In addition to withdrawals authorized pursuant to subdivision (17) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and

(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and

(c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight **and malt liquor**, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; and

(19) Nothing in this section authorizes consignment sales.

5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco control;

(2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures, equipment, or furnishings shall be identified by the retail licensee as being furnished by a licensed distiller, wholesaler, winemaker, or brewer.

6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such distillers, wholesalers, brewers, or winemakers to the exclusion in whole or in part of intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

7. ~~[Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits equipment to properly preserve and serve premixed distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler furnishing, making or rendering the same for a period of not less than one year]~~ **The distiller, wholesaler, or winemaker may install non-refrigeration distilled spirits and wine dispensing accessories at the retail business establishment and, to facilitate the dispensing of distilled spirits and wine, the distiller, wholesaler, or winemaker may lend, give, rent, sell, install, or repair, or render to retail licensees, any of the following items or services: tap markers, regulators, gauges, vents, nuts, clamps, splicers, keg stackers, washers, couplings, shanks, faucets, non-insulated spirits and wine hoses, air hoses, and wall brackets;**

(1) **All other dispensing accessories as defined in this section that are installed by a distiller, wholesaler, or winemaker to a retailer shall be sold in the same manner as other equipment and supplies;**

(2) **Portable coil boxes, air pumps, tubs, blankets, coolers, rolling coolers, portable bars, agitating tanks, carbon dioxide and nitrogen-driven cold plates or jockey boxes, tents not to exceed ten square feet, or other coverings for temporary wrappings of barrels may be loaned by a distiller, wholesaler, or winemaker to**

**a retailer only if a deposit is given by the retailer in an amount that covers the cost of such equipment, and the deposit shall not be refunded to the retailer until such loaned equipment is returned to the distiller, wholesaler, or winemaker. An actual deposit payment, other than a charge to a retailer's account, shall be received if an equipment item is loaned for more than ten days within a thirty day period; and**

**(3) A complete record of equipment given, rented, sold, installed, and loaned, and repairs and services made to a retailer, shall be retained for a period of not less than two years by the distiller, wholesaler, or winemaker.**

8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005, or an educational institution if such contributions are unrelated to such organization's retail operations.

9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total payments made for all such advertisements are the same as those paid by other vendors.

10. A brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

11. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises shall be closed during the hours specified under section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.

12. For the purpose of the promotion of tourism, a person may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

**13. Notwithstanding any other provision of law to the contrary, an act by a distiller, wholesaler, winemaker, or brewer of selling non-refrigeration merchandise with a logo to a retailer is not in violation of this section, provided:**

**(1) The merchandise bears in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker, or brewer;**

**(2) The merchandise is sold at a price not less than the cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such merchandise; and**

**(3) The price charged for the merchandise is collected in accordance with credit regulations as established in the state code of regulations.";** and

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

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

Representative Taylor assumed the Chair.

Speaker Richardson resumed the Chair.

On motion of Representative Cornejo, the title of **HCS HB 433, as amended**, was agreed to.

On motion of Representative Cornejo, **HCS HB 433, as amended**, was adopted.

On motion of Representative Cornejo, **HCS HB 433, as amended**, was ordered perfected and printed.

On motion of Representative Cierpiot, the House recessed until 3:00 p.m.

### AFTERNOON SESSION

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

### PERFECTION OF HOUSE BILLS

**HCS HB 118**, relating to elementary and secondary education, was taken up by Representative Wood.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 118, Page 12, Section 162.1310, Line 24, by inserting immediately after said line the following:

"167.121. 1. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, **unforeseen circumstances**, travel time, or distance, the commissioner of education or his or her designee may assign the pupil to another district. **If the commissioner or his or her designee determines that the pupil shall not be assigned to another district, the pupil may appeal the decision to a board of arbitration within ten days of notification of the decision. The board of arbitration shall consist of three members to be appointed by the chair of the joint committee on education. Initial appointments to the board shall be made before July 15, 2017. Each board member shall serve a one-year term but may be reappointed to serve additional terms as determined by the chair. No board member shall be paid compensation except for reasonable expenses associated with his or her duties. The board shall make its determination regarding the reassignment of the student within fifteen days of notification of the appeal by the pupil. All decisions of the board are final and shall not be appealed.** Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual performance reports may enroll the parent's or guardian's child in the Missouri virtual school created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil's enrollment in the virtual school created in section 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

(2) A pupil's residence, for purposes of this section, means residency established under section 167.020. Except for students residing in a K-8 district attending high school in a district under section 167.131, the board of the home district shall pay to the virtual school the amount required under section 161.670.

(3) Nothing in this section shall require any school district or the state to provide computers, equipment, internet or other access, supplies, materials or funding, except as provided in this section, as may be deemed necessary for a pupil to participate in the virtual school created in section 161.670.

(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if

any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

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

Representative Curtman offered **House Amendment No. 1 to House Amendment No. 1.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 118, Page 1, Lines 6-7, by deleting said lines and inserting in lieu thereof the following:

"designee may assign the pupil to another district. **In making such a determination, the commissioner or his or her designee shall incorporate consideration of any previous affirmative decisions regarding the reassignment of any pupil living in the same territory or geographical location under like circumstances of the pupil currently seeking a hardship assignment. The hardship assignment shall continue until the pupil completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. A hardship assignment granted to a pupil under this section shall also apply to each sibling of the pupil.**

**2. If the commissioner or his or her designee determines that the pupil described in subsection 1 of this section shall not be assigned to another district, the pupil may appeal the decision"; and**

Further amend said amendment, Pages 1-2, by renumbering the subsections accordingly; and

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

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

Representative Morgan offered **House Amendment No. 2 to House Amendment No. 1.**

*House Amendment No. 2*  
*to*  
*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 118, Page 1, Line 9, by deleting said line and inserting in lieu thereof the following:

**"shall consist of three members, one of which to be appointed by the Missouri School Administrators Association; the Missouri School Boards Association; and a majority vote of the Missouri State Teachers Association, Missouri National Education Association, and the Missouri American Federation of Teachers."; and**

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

Representative Morgan moved that **House Amendment No. 2 to House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Wood, **House Amendment No. 1, as amended**, was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 118, Page 22, Section 167.890, Line 15, by inserting immediately after said line the following:

"168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company, **a municipality, or any other entity** under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

2. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in 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, such information shall be reported to the department of elementary and secondary education.

7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

10. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

11. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri may contract with any municipality for the purpose of transporting school children. Municipalities entering into any such contract shall comply with the requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

~~[3-]~~ 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".; and

Further amend said substitute, Page 22, Section B, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"Section B. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act shall be in full force and effect on July 1, 2017, or upon its passage and approval, whichever occurs later."; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 118, Page 12, Section 162.1310, Line 24, by inserting immediately after said line the following:

"163.018. 1. Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:

(1) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; **or**

(2) **That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education** shall be included in the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, and for any charter school located in said district, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts and charter schools, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance."; and

Further amend said substitute, Page 15, Section 167.241, Line 21, by inserting immediately after said line the following:

**"167.266. 1. Beginning with the 2017-18 school year, the board of education of a school district or a charter school that is a local educational agency may establish an academic and career counseling program in cooperation with parents and the local community that is in the best interest of and meets the needs of students in the community. School districts and local educational agencies may use the Missouri comprehensive guidance and counseling program as a resource for the development of a district's or local educational agency's program. The department of elementary and secondary education shall develop a process for recognition of a school district's academic and career counseling program established in cooperation with parents and the local community no later than January 1, 2018.**

**2. The state board of education shall promulgate rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable,**

**and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.";** and

Further amend said substitute, Page 22, Section B, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"Section B. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act shall be in full force and effect on July 1, 2017, or upon its passage and approval, whichever occurs later."; and

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

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

Representative Rowland (155) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 118, Page 2, Section 160.011, Line 35, by inserting after the phrase, "schools of any school district." the following:

**"In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required.";** and

Further amend said bill, page, and section, Lines 40 and 41, by deleting said lines and inserting in lieu thereof the following:

"or approved employment aligned with the student's career academic plan for a total of [~~one thousand forty-four~~] **the required number of hours as provided in this subdivision**"; and

Further amend said bill and section, Page 3, Line 52, by inserting immediately after said section and line the following:

"160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. **In school year 2018-19 and subsequent years, no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process.** The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours [~~and~~] **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility."; and

Further amend said bill, Section 162.1310, Page 12, Line 24, by inserting immediately after said section and line the following:

"163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. **In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;**

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; **and**

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2018-19 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as "September membership" and as "average daily attendance" for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum produced per child by the local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort."; and

Further amend said bill, Section 167.890, Page 22, Line 15, by inserting immediately after said section and line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2018-19 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

~~[7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029.]~~

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

**(2) Notwithstanding subdivision (1) of this subsection, in school year 2018-19 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.**

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

**(2) In school year 2018-19 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.**

4. The commissioner of education may provide, for any school district [~~in which schools are in session for twelve months of each calendar year~~] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather [~~flooding~~] or fire.

~~[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.—~~

~~—————2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]"; and~~

Further amend said bill and page, Section B, Lines 1 to 6, by deleting said section and lines and inserting in lieu thereof the following:

"Section B. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency within the meaning of the constitution, and these sections shall be in full force and effect on July 1, 2017, or upon their passage and approval, whichever occurs later."; and

Further amend said bill, page, and section, Line 6, by inserting immediately after said section and line the following:

"Section C. The repeal of section 171.029 of this act shall become effective July 1, 2018."; and

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

Representative Eggleston assumed the Chair.

On motion of Representative Rowland (155), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 118, Page 22, Section 167.890, Line 15, by inserting after all of said section and line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, **for school years before school year 2018-19**, the district follows the procedure set forth in subsection 3 of this section. **The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2018-19 and for subsequent years.**

3. **For calendars for school years before school year 2018-19**, a district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029."; and

Further amend said bill and page, Section B, Lines 1-6, by deleting all of said lines and inserting in lieu thereof the following:

"Section B. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency within the meaning of the constitution, and sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890 of section A of this act shall be in full force and effect on July 1, 2017, or upon its passage and approval, whichever occurs later."; and

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

Representative Corlew offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1  
to  
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill No. 118, Page 1, Line 14, by inserting immediately after the word "**districts**" the following:

", **except those districts in any county of the first classification or any charter county**,"; and

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

Speaker Richardson resumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

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AYES: 110

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Christofanelli	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Helms	Henderson	Higdon	Houghton	Houx
Hubrecht	Hurst	Johnson	Justus	Kelley 127
Kelly 141	Kidd	Kolkmeier	Korman	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mathews	Matthiesen	McCaherty	McDaniel	McGaugh
Messenger	Moon	Morris	Muntzel	Neely
Pfautsch	Phillips	Pietzman	Pike	Plocher
Pogue	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roden	Roerber	Rone
Ross	Rowland 155	Ruth	Shaul 113	Shull 16
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Swan	Tate	Taylor	Trent	Walker 3
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 039

Adams	Anders	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellebracht
Ellington	Green	Harris	Kendrick	Lavender
May	McCreery	McGee	Meredith 71	Mitten
Morgan	Mosley	Newman	Nichols	Peters
Pierson Jr	Quade	Roberts	Rowland 29	Runions
Smith 85	Stevens 46	Walker 74	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 013

Arthur	Cross	Franks Jr	Gray	Hill
McCann Beatty	Merideth 80	Miller	Razer	Schroer
Shumake	Unsicker	Vescovo		

VACANCIES: 001

Representative Corlew moved that **House Amendment No. 1 to House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Brown 94
Chipman	Christofanelli	Cierpiot	Cookson	Corlew
Crawford	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Engler	Evans	Fitzpatrick
Fitzwater 144	Fitzwater 49	Francis	Franklin	Frederick
Gannon	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelly 141	Kidd	Kolkmeier
Korman	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	McCaherty
McDaniel	McGaugh	Messenger	Moon	Morris
Muntzel	Neely	Pfautsch	Pietzman	Pike
Plocher	Pogue	Redmon	Rehder	Reiboldt
Reisch	Remole	Rhoads	Roden	Roeber
Rone	Ross	Rowland 155	Ruth	Schroer
Shaul 113	Shull 16	Smith 163	Sommer	Spencer
Stacy	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 039

Adams	Anders	Bangert	Baringer	Barnes 28
Beck	Brown 27	Burnett	Burns	Carpenter
Conway 10	Curtis	Dunn	Ellebracht	Ellington
Franks Jr	Green	Harris	Kendrick	Lavender
May	McCreery	McGee	Meredith 71	Merideth 80
Mitten	Morgan	Mosley	Newman	Nichols
Peters	Pierson Jr	Quade	Roberts	Rowland 29
Runions	Smith 85	Stevens 46	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 016

Arthur	Butler	Conway 104	Cornejo	Cross
Fraker	Gray	Kelley 127	McCann Beatty	Miller
Phillips	Razer	Shumake	Stephens 128	Unsicker
Walker 74				

VACANCIES: 001

On motion of Representative Houghton, **House Amendment No. 5** was adopted by the following vote, the ayes and noes having been demanded by Representative Morgan:

AYES: 081

Alferman	Anderson	Austin	Bahr	Barnes 60
Basye	Beard	Bernskoetter	Berry	Black
Brattin	Brown 57	Brown 94	Chipman	Christofanelli
Cierpiot	Cookson	Crawford	Curtman	Davis

DeGroot	Dohrman	Eggleston	Engler	Fitzpatrick
Fitzwater 144	Fitzwater 49	Franklin	Frederick	Gregory
Grier	Haahr	Hannegan	Hansen	Helms
Hill	Houghton	Houx	Hubrecht	Hurst
Johnson	Justus	Kelley 127	Kelly 141	Kidd
Kolkmeier	Lant	Lichtenegger	Love	Marshall
Mathews	McCaherty	McDaniel	McGaugh	Moon
Morris	Muntzel	Neely	Pietzman	Plocher
Rehder	Reiboldt	Reisch	Remole	Roden
Roeber	Ross	Schroer	Shull 16	Smith 163
Spencer	Stacy	Stephens 128	Tate	Taylor
Trent	Vescovo	White	Wiemann	Wood
Mr. Speaker				

NOES: 071

Adams	Anders	Andrews	Bangert	Baringer
Barnes 28	Beck	Bondon	Brown 27	Burnett
Burns	Butler	Carpenter	Conway 10	Conway 104
Corlew	Curtis	Dogan	Dunn	Ellebracht
Ellington	Evans	Fraker	Francis	Franks Jr
Gannon	Green	Haefner	Harris	Henderson
Higdon	Kendrick	Lauer	Lavender	Lynch
Matthiesen	May	McCreery	McGee	Meredith 71
Merideth 80	Messenger	Mitten	Morgan	Mosley
Newman	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pike	Pogue	Quade	Redmon
Rhoads	Roberts	Rone	Rowland 155	Rowland 29
Runions	Ruth	Shaul 113	Smith 85	Sommer
Stevens 46	Swan	Walker 3	Walker 74	Wessels
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 010

Arthur	Cornejo	Cross	Gray	Korman
McCann Beatty	Miller	Razer	Shumake	Unsicker

VACANCIES: 001

**Representative Morgan offered House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 118, Page 14, Section 167.151, Line 36, by inserting immediately after said line the following:

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

- (1) [~~"Blind persons", individuals who:~~
- ~~(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or~~
  - ~~(b) Have a reasonable expectation of visual deterioration; or~~
  - ~~(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;]~~

**"Assessment", the National Reading Media Assessment or another research-based, assessment or series of research-based, assessments authorized under the Individuals with Disabilities Education Act that determines**

**a student's reading and writing skills, needs, and appropriate reading and writing media, both now and in the future, and addresses the student's academic and functional strengths, deficits, and future needs;**

(2) "Braille", the system of reading and writing through touch ~~[commonly known as standard English braille];~~

(3) "Student", any student who ~~[is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142]~~ **has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students ~~[may]~~ **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless, as a result of an assessment, instruction in braille or the use of braille is determined not appropriate for the student.** No student shall be denied the opportunity of instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C."; and

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

On motion of Representative Morgan, **House Amendment No. 6** was adopted.

**HCS HB 118, as amended**, was referred to the Committee on Fiscal Review pursuant to Rule 53.

Representative Haefner assumed the Chair.

**HCS HB 656**, relating to the uniform wireless communication infrastructure deployment act, was taken up by Representative Rhoads.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 656, Page 3, Section 67.1830, Line 68, by deleting the word "within" and inserting in lieu thereof the phrase "~~[within]~~ in"; and

Further amend said bill, page, and section, Lines 80-83, by deleting all of said lines and inserting in lieu thereof the following:

"(f) Establish permitting requirements for towers and other structures or equipment for wireless communications facilities in the public right-of-way, notwithstanding the provisions of section 67.1832;

(g) Establish standards for street restoration in order to lessen the impact of degradation"; and

Further amend said bill, page, and section, Line 85, by deleting all of said line and inserting in lieu thereof the following:

"(h) Impose permit conditions to protect public safety"; and

Further amend said bill, Page 5, Section 67.1846, Lines 14-15, by deleting the phrase "~~or antenna fee~~" and inserting in lieu thereof the phrase "or antenna fee"; and

Further amend said bill, page, and section, Line 19, by inserting after the word "fee" the phrase "**or antenna fee**"; and

Further amend said bill, page, and section, Line 20, by inserting after the word "taxes" the phrase ", **business license fees, or business license taxes**"; and

Further amend said bill and page, Section 67.5090, Line 1, by deleting the phrase "~~[67.5103]~~ **67.5104**" and inserting in lieu thereof the phrase "67.5103"; and

Further amend said bill, page, and section, Line 5, by inserting after the word "Missouri" the following:

**"by adopting a uniform statewide framework for the deployment of wireless infrastructure consistent with applicable right-of-way and zoning guidelines. Except as specified herein, nothing in this act is intended to prevent or otherwise limit the ability of wireless communications service providers and wireless communications infrastructure providers to deploy wireless infrastructure consistent with this act and sections 67.1830 to 67.1846, to prevent or otherwise limit an authority's ability to require wireless communications service providers and wireless communications infrastructure providers to obtain permits for the installation of wireless facilities or wireless support structures, or to prevent a municipal utility or municipality from requiring wireless communications service providers and wireless communications infrastructure providers collocating small wireless facilities on municipal or municipal utility poles to comply with section 67.5104"; and**

Further amend said bill, Page 6, Section 67.5092, Lines 28-29, by deleting all of said lines and inserting in lieu thereof the following:

"~~(8)~~ (7) "Collocation", the placement or installation of a new wireless facility on **[a] an existing** structure, **including associated ground mounted facilities immediately adjacent to an existing structure**, that already has an existing wireless facility,"; and

Further amend said bill, page, and section, Line 35, by deleting the first instance of the number "**47.**" and inserting in lieu thereof the number "**47**"; and

Further amend said bill, page, and section, Line 37, by deleting the word "**provider**" and inserting in lieu thereof the word "**provider,**"; and

Further amend said bill and section, Page 7, Line 62, by deleting the phrase "**ground-based enclosure, battery backup power system,**"; and

Further amend said bill, page, and section, Line 66, by deleting the phrase ", **but any ground-based enclosure shall not exceed fifty cubic feet**"; and

Further amend said bill, page, and section, Lines 67-70, by deleting all of said lines and inserting in lieu thereof the following:

**"a measure of the exterior displacement, not the interior volume, of the enclosure. This term shall include a micro wireless facility"; and**

Further amend said bill and section, Page 8, Line 91, by deleting the word "wires," and inserting in lieu thereof the word "wires"; and

Further amend said bill, page, and section, Line 106, by deleting the word "**services**" and inserting in lieu thereof the word "**facilities**"; and

Further amend said bill and section, Page 9, Line 115, by deleting the word "**services**" and inserting in lieu thereof the word "**facilities**"; and

Further amend said bill, page, and section, Line 122, by deleting the word "**service**" and inserting in lieu thereof the word "**facility**"; and

Further amend said bill and page, Section 67.5094, Line 22, by inserting after the word "application" the phrase "**, unless such structures or facilities owned by the applicant are abandoned and subject to rules adopted under section 67.5101(7)**"; and

Further amend said bill and section, Page 11, Line 64, by inserting after the word "application" the following:

**", except that an authority may require an applicant for a small wireless facility, communications facility, or a micro wireless facility to act upon the approved application within eighteen months. If an authority so requires and an application is not acted upon within said time, the application shall be considered withdrawn by the applicant, and the approval shall be null and void";** and

Further amend said bill, page, and section, Line 78, by inserting after the word "regulations" the following:

**", except that an authority may require an applicant for a small wireless facility, communications facility, or a micro wireless facility to indemnify the authority in the same manner and to the same extent as utilities using the right-of-way";** and

Further amend said bill, Pages 11-12, Section 67.5096, Lines 1-37, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Pages 12-13, Section 67.5098, Lines 1-36, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 67.5100, Lines 1-41, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Page 14, Section 67.5101, Line 1, by deleting all of said line and inserting in lieu thereof the following:

**"67.5101. Notwithstanding sections 67.5090 to 67.5103, the";** and

Further amend said bill, page, and section, Lines 6-7, by deleting the phrase "**and that have the same or less wind loading and structural loading as those being replaced**" and inserting in lieu thereof the phrase "**, except the replacement shall be in accordance with applicable requirements under subsection 1 of section 67.5100**"; and

Further amend said bill and section, Page 15, Line 10, by deleting all of said line and inserting in lieu thereof the phrase "**compliance with applicable requirements under subsection 1 of section 67.5100**"; and

Further amend said bill, page, and section, Lines 12-13, by deleting the phrase "**cause traffic lane closures**" and inserting in lieu thereof the phrase "**obstruct the right-of-way**"; and

Further amend said bill, page, and section, Line 17, by inserting after the word "**collocation**" the phrase "**or replacement or installation**"; and

Further amend said bill, page, and section, Line 24, by inserting after the word "**collocation**" the phrase "**or replacement or installation**"; and

Further amend said bill, page, and section, Line 25, by inserting after the word "**period**" the following:

**"or in the fourteen-day period immediately following the prior fourteen-day period. An authority shall promptly communicate its request to each and any affected applicant";** and

Further amend said bill, page, and section, Line 27, by inserting after the word "**others**" the following:

**"based on applicable requirements and standards including those identified in subsection 1 of section 67.5100";** and

Further amend said bill, page, and section, Line 32, by deleting the word "**placed**" and inserting in lieu thereof the phrase "**placed, attached,**"; and

Further amend said bill, page, and section, Line 33, by inserting after the word "**collocation**" the phrase "**or replacement or installation**"; and

Further amend said bill, page, and section, Lines 35-38, by deleting all of said lines and inserting in lieu thereof the following:

**"authority has granted access, whether by lease or other rights granted, to such wireless support structures for other wireless communications infrastructure providers, and may at the authority's sole discretion, authorize the collocation or replacement or installation even if the authority has not previously authorized such access, provided required permits are obtained under applicable standards and requirements including those identified under subsection 1 of section 67.5100. Except in single-family residential or areas zoned as historic, an applicant may install a";** and

Further amend said bill, page, and section, Line 42, by inserting after the word "**structure**" the phrase "**meets the authority's requirements under this section, including subdivision (10) of this section, and**"; and

Further amend said bill and section, Page 16, Line 59, by inserting after the word "**terminated**" the phrase "**or unless the applicant and the authority agree to an extension term of less than ten years**"; and

Further amend said bill, page, and section, Lines 68-69, by deleting all of said lines and inserting in lieu thereof the following:

**"(9) Notwithstanding subdivision (8) of this section, an authority may impose a temporary moratorium on applications for small wireless facilities and the collocation thereof for the duration of a federal or state-declared natural disaster or for no";** and

Further amend said bill, page, and section, Lines 75-76, by deleting all of said lines and inserting in lieu thereof the following:

**"facility, to replace a utility pole, or for a support structure to accommodate such a facility, demonstrate that the small wireless facility or the replacement pole or structure reasonably matches the aesthetics of a utility pole or wireless support structure with decorative elements to which it will be attached, or an authority may subject small wireless facilities to reasonable and cost-efficient concealment requirements";** and

Further amend said bill and section, Page 17, Line 79, by deleting the word "**service**" and inserting in lieu thereof the word "**facility**"; and

Further amend said bill, page, and section, Line 80, by deleting all of said line and inserting in lieu thereof the following:

**"communications facility, other than a small wireless facility, in the right-of-way; and**

**(12) Nothing in this section shall be interpreted to exempt an applicant, or any entity which acquires the rights to any portion of a small wireless facility, communications facility, or a micro wireless facility which is located in right-of-ways under the exclusive control of an authority from the exclusive financial responsibility for the movement of the small wireless facility, communication facility, micro wireless facility, equipment compound, wireless facility, wireless support structure, or any associated equipment being moved as a result of a public project undertaken by an authority. If the project necessitating movement of the small wireless facility, communication facility, micro wireless facility, equipment compound, wireless facility, wireless support structure, or any associated equipment is a private commercial project, the entity undertaking the private commercial project must make an advance payment for the movement of the subject facilities before the applicant, or any entity which acquires the rights to any portion of a small wireless facility, communications facility, or micro wireless facility which is located in the right-of-way under the exclusive control of an authority is obligated to move the subject facilities.";** and

Further amend said bill and page, Section 67.5102, Line 3, by deleting the phrase "An authority" and inserting in lieu thereof the phrase **"Except as provided under section 67.5101(9), an authority"**; and

Further amend said bill, page, and section, Line 34, by inserting after the word **"fees"** the phrase **"consistent with the fees"**; and

Further amend said bill and section, Page 18, Lines 46-52 by deleting all of said lines and inserting in lieu thereof the following:

**"recover the direct and actual costs of managing the right-of-way. This paragraph precludes the imposition of any business license taxes, business license fees, or gross receipt taxes on wireless communications service providers and wireless communications infrastructure providers that are not imposed on wireline telecommunications businesses operating within the jurisdiction of the authority, or that are based on factors other than gross receipts except as mutually agreed to by the authority and the wireless communications service provider or the wireless communications infrastructure provider.";** and

Further amend said bill, page, and section, Line 59, by deleting the word **"wireless"** and inserting in lieu thereof the word **"communications"**; and

Further amend said bill, page, and section, Line 63, by deleting the second instance of the word **"services"** and inserting in lieu thereof the following:

**"services, other than those addressed in paragraph (d) of subdivision (2) of this section,";** and

Further amend said bill, Pages 18-19, Section 67.5103, Lines 1-7, by deleting all of said lines and removing all of said section from the bill; and

Further amend said bill, Page 19, Section 67.5104, Lines 13-15, by deleting all of said lines and inserting in lieu thereof the following:

**"only deny an attaching entity access to the utility's poles on a nondiscriminatory basis with respect to particular poles or support structures if there is insufficient capacity or for reasons of safety and reliability, generally applicable engineering standards or reasonably objective and documented aesthetic considerations under section 67.5101(10), and if the attaching entity will not resolve the issue at its own expense. In determining whether sufficient capacity exists to accommodate a new attachment, a municipality or municipal utility may grant access subject to a reservation to reclaim such space, when and if needed to meet the pole owner's core utility purpose that was projected at the time of the application pursuant to a bona fide development plan. If a municipal utility or municipality does not find any capacity, safety, or";** and

Further amend said bill, page, and section, Line 21, by inserting after the word "**utility**" the phrase "**or municipally owned**"; and

Further amend said bill, page, and section, Lines 30-34, by deleting all of said lines and inserting in lieu thereof the following:

**"infrastructure provider, each municipal utility and municipality shall, acting in good faith, prepare and make available a standard wireless pole attachment agreement that complies with the requirements of sections 67.5092 to 67.5104. A standard wireless pole attachment agreement shall be in a form that is substantially complete so that a wireless communications service provider or wireless communications infrastructure provider, acting in good faith, may accept it with little substantive negotiation. Notwithstanding any provision of law to the contrary, nothing shall preclude the contractual parties to a standard pole attachment agreement, if mutually agreeable, from negotiating terms beyond those contemplated by the standard pole attachment agreement. All pole";** and

Further amend said bill and section, Page 20, Line 58, by deleting the phrase "**video communications**" and inserting in lieu thereof the phrase "**video, communications,**"; and

Further amend said bill, page, and section, Line 64, by deleting the phrase "**video communications**" and inserting in lieu thereof the phrase "**video, communications,**"; and

Further amend said bill, page, and section, Line 69, by inserting after the word "**estimate**" the phrase "**and advance payment, if required,**"; and

Further amend said bill and section, Page 21, Line 74, by deleting all of said line and inserting in lieu thereof the following:

**"expenses, except for amounts charged by licensed contractors actually performing the make-ready work.**

**3. Pole attachments completed on or after August 28, 2017, shall not interfere with or impair the operation of existing utility facilities or preexisting third-party attachments.";** and

Further amend said bill and section by renumbering the subsequent subsections accordingly; and

Further amend said bill and section, Page 22, Line 122, by inserting immediately after all of said line the following:

**"9. Nothing in this section grants any wireless communications service provider or wireless communications infrastructure provider the power of eminent domain.";** and

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

Speaker Richardson resumed the Chair.

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

Representative Rowland (29) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 656, Page 16, Section 67.5101, Line 76, by deleting the word "**and**"; and

Further amend said bill and section, Page 17, Line 80, by deleting all of said line and inserting in lieu thereof the following:

"communications facility, other than a small wireless facility, in the right-of-way; and

(12) A new wireless support structure shall not be placed in the public right-of-way unless such placement is approved by the process set forth in section 67.5096. A new utility pole that is to be placed in the public right-of-way for the purpose of supporting small wireless facilities and is not replacing an existing utility pole as described in subdivision (5) shall be subject to the same municipal approval process as other utility poles. For the purpose of this subdivision, a structure shall be considered a wireless support structure, and not a utility pole, if it exceeds the greater of:

(a) Ten feet above the tallest existing utility pole already in the public right-of-way as of August 28, 2017, located within five hundred feet of the applicant's proposed structure; or

(b) Fifty feet above ground level."; and

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

On motion of Representative Rowland (29), **House Amendment No. 2** was adopted.

On motion of Representative Rhoads, the title of **HCS HB 656, as amended**, was agreed to.

On motion of Representative Rhoads, **HCS HB 656, as amended**, was adopted.

On motion of Representative Rhoads, **HCS HB 656, as amended**, was ordered perfected and printed.

**HCS HB 698**, relating to maintaining Missouri state parks, was taken up by Representative Pietzman.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 698, Page 1, Section 253.040, Line 5, by inserting after the word "acreage," the following:

"except for lands acquired by donation or gift,"; and

Further amend said bill and section, Page 2, Line 22, by inserting after the number "3." the following:

"Any land, or right in lands, sites, objects, or facilities accepted or acquired by the department by donation or gift shall not be modified, improved, or added on to using state or department funds prior to all current state parks meeting the requirements of subsection 1 of this section unless the department must repair or modify the lands, sites, objects, or facilities to protect public health, safety, or welfare.

4."; and

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

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

On motion of Representative Pietzman, the title of **HCS HB 698, as amended**, was agreed to.

On motion of Representative Pietzman, **HCS HB 698, as amended**, was adopted.

On motion of Representative Pietzman, **HCS HB 698, as amended**, was ordered perfected and printed.

**HB 598**, relating to contingency fee contracts, was taken up by Representative Cornejo.

Representative Wiemann assumed the Chair.

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

*House Amendment No. 1*

AMEND House Bill No. 598, Page 3, Section 34.378, Lines 56-61, by deleting all of said lines and inserting in lieu thereof the following:

- "(1) Fifteen percent of that portion of any amount recovered that is ten million dollars or less;
- (2) Ten percent of that portion of any amount recovered that is more than ten million dollars but less than or equal to fifteen million dollars;
- (3) Five percent of that portion of any amount recovered that is more than fifteen million dollars but less than or equal to twenty million dollars; and"; and

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

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

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

*House Amendment No. 2*

AMEND House Bill No. 598, Page 4, Section 34.378, Line 89, by inserting immediately after said line the following:

"37.851. 1. The general assembly and every department or division of the executive branch of the state, including the office of any statewide elected official and any executive branch appointee, shall document and make easily available to the public on the MissouriBUYS statewide e-procurement system operated and maintained by the office of administration the following information for all contracts entered into greater than two thousand five hundred dollars for the provision of legal services by a private law firm:

- (1) The dollar amount of each such contract;
- (2) The dollar rate per hour of each attorney working for the private law firm under the contract, if available; and

(3) A brief summary of the legal services to be provided by the firm.

2. As used in this section, "executive branch appointee" shall include any member of any task force, advisory committee, board, commission, or other body or persons appointed by, named by, or at the direction of an executive branch official.

3. The office of administration shall promulgate rules to implement the provisions of this section which relate to any executive department or agency. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void."; and

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

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

On motion of Representative Cornejo, the title of **HB 598, as amended**, was agreed to.

On motion of Representative Cornejo, **HB 598, as amended**, was ordered perfected and printed by the following vote, the ayes and noes having been demanded by Representative Ellebracht:

AYES: 099

Alferman	Anderson	Andrews	Austin	Bahr
Basye	Beard	Bernskoetter	Berry	Black
Bondon	Brattin	Brown 57	Brown 94	Chipman
Christofanelli	Cierpiot	Conway 104	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dohrman
Eggleston	Engler	Fitzpatrick	Fitzwater 49	Fraker
Francis	Franklin	Frederick	Gannon	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Helms	Henderson	Hill	Houghton	Houx
Hubrecht	Johnson	Justus	Kelley 127	Kelly 141
Kolkmeier	Korman	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mathews	Matthiesen
McGaugh	Messenger	Morris	Muntzel	Neely
Peters	Pfautsch	Phillips	Pietzman	Pike
Redmon	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roden	Roeber	Rone	Ross
Rowland 155	Ruth	Schroer	Shaul 113	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Mr. Speaker	

NOES: 044

Adams	Anders	Bangert	Baringer	Barnes 60
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Curtis	Dunn	Ellebracht
Ellington	Evans	Franks Jr	Green	Harris
Hurst	Kendrick	Lavender	May	McCreery
McGee	Meredith 71	Merideth 80	Mitten	Moon
Morgan	Mosley	Newman	Nichols	Pierson Jr
Pogue	Quade	Roberts	Rowland 29	Runions
Smith 85	Stevens 46	Walker 74	Wessels	

PRESENT: 000

ABSENT WITH LEAVE: 019

Arthur	Conway 10	Cookson	Corlew	Dogan
Fitzwater 144	Gray	Higdon	Kidd	McCaherty
McCann Beatty	McDaniel	Miller	Plocher	Razer
Shull 16	Shumake	Unsicker	Wood	

VACANCIES: 001

Speaker Richardson resumed the Chair.

### **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HCS HB 130** entitled:

An act to repeal sections 67.1809 and 67.1819, RSMo, and to enact in lieu thereof twenty-nine new sections relating to passenger transportation companies, with penalty provisions.

In which the concurrence of the House is respectfully requested.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**SS#2 SCS HCS HB 130** - Fiscal Review  
**HCS HB 411** - Fiscal Review  
**HB 785** - Elementary and Secondary Education  
**HB 1113** - Elementary and Secondary Education

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 18** - Special Committee on Small Business  
**SS SB 35** - Conservation and Natural Resources  
**SCS SB 84** - Crime Prevention and Public Safety  
**SCS SB 93** - Elections and Elected Officials  
**SCS SB 112** - Local Government  
**SB 125** - Professional Registration and Licensing  
**SCS#2 SB 128** - Judiciary  
**SB 134** - General Laws  
**SB 146** - Local Government  
**SS SCS SB 160** - Children and Families  
**SS SCS SB 213** - General Laws  
**SCS SB 217** - General Laws  
**SB 222** - Transportation  
**SCS SB 279** - Veterans  
**SB 282** - Crime Prevention and Public Safety  
**SB 283** - Transportation  
**SB 302** - Transportation  
**SCS SB 309** - Pensions  
**SCS SB 322** - Transportation  
**SB 326** - General Laws  
**SB 395** - General Laws  
**SCS SB 421** - Corrections and Public Institutions  
**SB 503** - Transportation

## COMMITTEE REPORTS

### **Committee on Agriculture Policy**, Chairman Houghton reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HCR 49**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (9): Bernskoetter, Eggleston, Harris, Houghton, Hurst, Kelly (141), Love, Reiboldt and Rone

Noes (3): Lavender, McCreery and Stevens (46)

Absent (1): Redmon

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 965**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (8): Bernskoetter, Eggleston, Houghton, Hurst, Kelly (141), Love, Reiboldt and Rone

Noes (4): Harris, Lavender, McCreery and Stevens (46)

Absent (1): Redmon

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 975**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Bernskoetter, Eggleston, Harris, Houghton, Hurst, Kelly (141), Lavender, Love, McCreery, Reiboldt, Rone and Stevens (46)

Noes (0)

Absent (1): Redmon

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1114**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Bernskoetter, Eggleston, Harris, Houghton, Hurst, Kelly (141), Lavender, Love, McCreery, Reiboldt, Rone and Stevens (46)

Noes (0)

Absent (1): Redmon

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 1224**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Bernskoetter, Eggleston, Harris, Houghton, Hurst, Kelly (141), Lavender, Love, McCreery, Reiboldt, Rone and Stevens (46)

Noes (0)

Absent (1): Redmon

**Committee on Elementary and Secondary Education**, Chairman Swan reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 263**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (8): Bahr, Bangert, Basye, Burnett, Dogan, Morgan, Roeber and Swan

Noes (1): Anders

Absent (4): Barnes (60), Matthiesen, Spencer and Wood

**Committee on Financial Institutions**, Chairman Crawford reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 1230**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (12): Bondon, Brown (57), Crawford, Fraker, Francis, Green, Helms, Houx, Nichols, Shaul (113), Smith (85) and Walker (3)

Noes (0)

Absent (1): Rowland (29)

**Committee on Insurance Policy**, Chairman Engler reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 1134**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (8): Burnett, Burns, Ellebracht, Engler, Messenger, Morris, Muntzel and Pfautsch

Noes (1): Stephens (128)

Present (1): Wiemann

Absent (1): Shull (16)

**Committee on Local Government**, Chairman Fraker reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 921**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (13): Adams, Baringer, Brattin, Burnett, Fraker, Grier, Hannegan, Houghton, McCaherty, Muntzel, Vescovo, Wessels and Wilson

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Local Government, to which was referred **SCS SB 11**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (13): Adams, Baringer, Brattin, Burnett, Fraker, Grier, Hannegan, Houghton, McCaherty, Muntzel, Vescovo, Wessels and Wilson

Noes (0)

Absent (0)

**Special Committee on Employment Security**, Chairman Brown (57) reporting:

Mr. Speaker: Your Special Committee on Employment Security, to which was referred **SS SCS SB 66**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 24(25)(b) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (7): Bahr, Brown (57), Dohrman, Frederick, Houx, Hubrecht and Remole

Noes (5): Beck, May, Mosley, Pogue and Runions

Absent (1): Hansen

**Committee on Veterans**, Chairman Davis reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HR 398**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Barnes (28), Beck, Brattin, Conway (10), Davis, Dohrman, Gray, Kelley (127), Lynch, Pike, Shumake, Tate and Wilson

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 898**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Barnes (28), Beck, Brattin, Conway (10), Davis, Dohrman, Gray, Kelley (127), Lynch, Pike, Shumake, Tate and Wilson

Noes (0)

Absent (0)

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 946**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(25)(c) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (13): Barnes (28), Beck, Brattin, Conway (10), Davis, Dohrman, Gray, Kelley (127), Lynch, Pike, Shumake, Tate and Wilson

Noes (0)

Absent (0)

**Committee on Rules - Legislative Oversight**, Chairman Rhoads reporting:

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCR 7**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 70**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 210**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 287**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 403**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Bondon, Brown (94), Dogan, Eggleston, Fitzwater (49), Haahr, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 538**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 637**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (10): Bondon, Brown (94), Dogan, Eggleston, Fitzwater (49), Haahr, Rhoads, Rone, Shull (16) and Shumake

Noes (3): Butler, Lavender and Wessels

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HCS HB 863**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

Mr. Speaker: Your Committee on Rules - Legislative Oversight, to which was referred **HB 913**, begs leave to report it has examined the same and recommends that it **Do Pass** by the following vote:

Ayes (13): Bondon, Brown (94), Butler, Dogan, Eggleston, Fitzwater (49), Haahr, Lavender, Rhoads, Rone, Shull (16), Shumake and Wessels

Noes (0)

Absent (1): Curtis

The following member's presence was noted: Miller.

## **ADJOURNMENT**

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Wednesday, April 12, 2017.

## COMMITTEE HEARINGS

### BUDGET

Wednesday, April 12, 2017, 8:15 AM, House Hearing Room 3.

Public hearing will be held: HB 1203, SCS SB 139

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

### CONSENT AND HOUSE PROCEDURE

Thursday, April 13, 2017, 9:00 AM, South Gallery.

Executive session will be held: SB 64, HCS SB 111

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

### CONSERVATION AND NATURAL RESOURCES

Wednesday, April 12, 2017, 8:00 AM, House Hearing Room 1.

Public hearing will be held: HB 1169, HB 556

Executive session will be held: HB 1168

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

### AMENDED

### CORRECTIONS AND PUBLIC INSTITUTIONS

Thursday, April 13, 2017, 8:00 AM, House Hearing Room 1.

Public hearing will be held: SB 486, SB 488

Executive session will be held: HB 973, HB 1099, SB 486, SB 488

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

### CRIME PREVENTION AND PUBLIC SAFETY

Thursday, April 13, 2017, 9:45 AM, South Gallery.

Executive session will be held: HB 1133

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

### FISCAL REVIEW

Thursday, April 13, 2017, 8:30 AM, House Hearing Room 6.

Executive session will be held: HCS HB 118, HCS HB 411, SS#2 SCS HCS HB 130

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

Added HB 118, HB 411, and HB 130.

### AMENDED

### HEALTH AND MENTAL HEALTH POLICY

Wednesday, April 12, 2017, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 7.

Public hearing will be held: SB 50, HB 1111, HB 1119, HB 1152

Executive session will be held: HB 1197

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

#### HIGHER EDUCATION

Wednesday, April 12, 2017, 12:00 PM or upon conclusion of morning session (whichever is later), South Gallery.

Executive session will be held: HB 984

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

#### JOINT COMMITTEE ON EDUCATION

Monday, May 1, 2017, 12:30 PM, Senate Committee Room 2.

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

1. Department of Elementary and Secondary Education (DESE) will present a draft state response to the federal Every Student Succeeds Act (ESSA).
2. Elections of JCED Chair and Co-Chair.
3. Discuss possible JCED interim projects.

#### JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 27, 2017, 9:00 AM, House Hearing Room 7.

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

Second quarter meeting.

#### LOCAL GOVERNMENT

Wednesday, April 12, 2017, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 1.

Public hearing will be held: HB 1207, SB 30, HB 1017, HB 113, HB 991, HB 981

Executive session will be held: SB 296, HB 666, HB 1189, HB 967

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

We will hold executive session before public hearing. We will also be holding executive session on HB 1017 after completing public hearing.

#### PENSIONS

Wednesday, April 12, 2017, upon conclusion of morning session, North Gallery.

Executive session will be held: SS SB 62, HB 865, HB 996, HB 971, HB 1151

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

#### AMENDED

#### PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 12, 2017, 12:30 PM or upon morning adjournment (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 425, HB 429, HB 1156, HB 1060

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

#### RULES - ADMINISTRATIVE OVERSIGHT

Thursday, April 13, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HCB 2

Executive session will be held: HB 263, HB 410, HB 791, HCS HB 921, HCS HB 950, HCB 2, SB 8, HCS SS SCS SB 66, HCS SS SCS SB 113

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

**RULES - LEGISLATIVE OVERSIGHT**

Wednesday, April 12, 2017, 12:00 PM or upon conclusion of morning session (whichever is later), House Hearing Room 5.

Public hearing will be held: HCB 10

Executive session will be held: HCB 10, HCR 30, HB 397, HB 486, HB 761

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

**SPECIAL COMMITTEE ON INNOVATION AND TECHNOLOGY**

Wednesday, April 12, 2017, 12:00 PM or upon morning adjournment (whichever is later), House Hearing Room 4.

Executive session will be held: HB 564, HB 750

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

**TRANSPORTATION**

Wednesday, April 12, 2017, 8:00 AM, House Hearing Room 5.

Public hearing will be held: SB 329, SB 411

Executive session will be held: HB 803, HB 806, HB 959, HB 1212

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

**WORKFORCE DEVELOPMENT**

Wednesday, April 12, 2017, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SS SCS SB 10

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

**HOUSE CALENDAR**

FIFTY-FIFTH DAY, WEDNESDAY, APRIL 12, 2017

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 17 - Fitzpatrick

HCS HB 18 - Fitzpatrick

HCS HB 19 - Fitzpatrick

**HOUSE COMMITTEE BILLS FOR PERFECTION**

HCB 4 - Lauer

HCB 5 - Lauer

**HOUSE BILLS FOR PERFECTION**

HB 459 - Kolkmeier

HB 463 - Kolkmeier

HCS HB 159 - McGaugh

HB 39 - Higdon

HB 97 - Swan

HB 121 - Frederick

HB 182 - Hurst  
HCS HB 194 - Franklin  
HCS HB 219 - Hill  
HB 227 - Hubrecht  
HCS HB 324 - Neely  
HCS HB 326 - Miller  
HB 358 - Bahr  
HCS HB 415 - McGaugh  
HB 426 - Cornejo  
HCS HB 670 - Sommer  
HCS HB 741 - Engler  
HCS HB 746 - Crawford  
HB 824 - Reiboldt  
HCS HBs 908 & 757 - Lichtenegger  
HCS HBs 960, 962 & 828 - Mathews  
HB 708 - Hill  
HB 56 - Love  
HB 110 - Davis  
HCS HB 334 - Lauer  
HCS HB 574 - Davis  
HCS HB 677 - Rowland (155)  
HCS HB 694 - Redmon  
HB 738 - Kolkmeier  
HB 799 - Lauer  
HCS HB 890 - Mathews  
HB 114 - McGaugh  
HCS HB 118, (Fiscal Review 4/11/17) - Wood  
HCS HB 162 - Eggleston  
HB 301 - Hill  
HB 305 - Pike  
HB 322 - Neely  
HCS HB 379 - Plocher  
HCS HB 384 - Anderson  
HCS HB 436 - Hill  
HCS HB 608 - Anderson  
HB 705 - Cross  
HCS HB 754 - Schroer  
HCS HB 827 - DeGroot  
HB 889 - Rehder  
HCS HB 1116 - Shaul (113)  
HCS HB 136 - Spencer  
HCS HB 351 - McGaugh  
HB 352 - Eggleston  
HCS HB 380 - Plocher  
HB 603 - Rone

HB 897 - Houghton  
HB 102 - Swan  
HCS HB 144 - McGaugh  
HB 209 - Wiemann  
HB 257 - Pfautsch  
HCS HB 291 - Crawford  
HCS HB 306 - Berry  
HCS HB 330 - Morris  
HB 356 - Bahr  
HCS HB 432 - Conway (10)  
HCS HB 611 - Carpenter  
HCS HB 619 - Dogan  
HCS HB 717 - Curtman  
HB 723 - Walker (3)  
HCS HB 729 - Bernskoetter  
HB 849 - Pfautsch  
HB 899 - Brown (57)  
HCS HB 935 - Haefner  
HB 1008 - Kelly (141)  
HCS HB 1158 - Franklin  
HB 187 - Swan  
HCS HB 226 - Hubrecht  
HB 254 - Swan  
HB 268 - Brattin  
HCS HB 293 - Higdon  
HCS HB 405 - Hubrecht  
HCS HB 642 - Kelly (141)  
HCS HB 696 - Kelly (141)  
HB 743 - Conway (104)  
HB 768 - Lant  
HB 790 - Wiemann  
HB 794 - Walker (3)  
HCS HB 878 - Dogan  
HCS HB 886 - Black  
HB 888 - Basye  
HB 906 - DeGroot  
HCS HB 957 - Rhoads

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCR 17 - Hubrecht  
HCS HCRs 32 & 33 - Francis  
HCR 48 - Kidd

**HOUSE BILLS FOR THIRD READING**

HB 401 - McDaniel  
HCS HB 654 - Rowland (155)  
HCS HB 411, (Fiscal Review 4/11/17) - Lichtenegger

**HOUSE BILLS FOR THIRD READING - CONSENT**

HCS HB 914 - Kidd

**SENATE BILLS FOR THIRD READING - CONSENT**

SCS SB 52, E.C. - Frederick

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 50 - Roeber  
SCS HCS HB 14 - Fitzpatrick  
SS#2 SCS HCS HB 130, (Fiscal Review 4/11/17) - Mathews

**HOUSE RESOLUTIONS**

HR 11 - Peters

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

HCS HB 2001 - Fitzpatrick  
CCS SCS HCS HB 2002 - Fitzpatrick  
CCS SCS HCS HB 2003 - Fitzpatrick  
CCS SCS HCS HB 2004 - Fitzpatrick  
CCS SCS HCS HB 2005 - Fitzpatrick  
CCS SCS HCS HB 2006 - Fitzpatrick  
CCS SCS HCS HB 2007 - Fitzpatrick  
CCS SCS HCS HB 2008 - Fitzpatrick  
CCS SCS HCS HB 2009 - Fitzpatrick  
CCS SCS HCS HB 2010 - Fitzpatrick  
CCS SCS HCS HB 2011 - Fitzpatrick  
CCS SCS HCS HB 2012 - Fitzpatrick  
HCS HB 2013 - Fitzpatrick  
SCS HCS HB 2017 - Fitzpatrick  
SS SCS HCS HB 2018 - Fitzpatrick

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