

# JOURNAL OF THE HOUSE

Second Regular Session, 98th GENERAL ASSEMBLY

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SIXTY-FOURTH DAY, WEDNESDAY, MAY 4, 2016

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*You will seek Me and find Me; when you seek Me with all your heart. (Jeremiah 29:13)*

O Lord of Hosts, Our Loving God, who is calling on us to walk in Your ways, to accept Your truths, and to live Your life, grant that the intentions of our morning prayer this moment may be acceptable to You and our hearts be in harmony with Your Holy Will.

Help us to consider carefully our pilgrimage upon this earth, to measure the deeds of the past by our devotion to the present and our dedication for the future. When we think of what we could have done had we given ourselves wholly to You, we feel humble and are truly sorry for being too lazy or too critical.

In reverence and peace we come to You again and lay our supplications before You. Help us to right the wrongs we have done to others and give us grace to forgive those who wronged us. Enlighten our minds with truth, enlarge our hearts with charity, and enlist us in the struggle for fairness on our farms and peace in our cities.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed Eevie Ray Alonso to act as an Honorary Page for the Day, to serve without compensation.

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

## SECOND READING OF SENATE BILLS

The following Senate Bill was read the second time:

**SCS SBs 588, 603 & 942**, relating to petitions for the expungement of records.

## THIRD READING OF HOUSE BILLS

**HCS HB 1605, with House Committee Amendment No. 2**, relating to tax incentives and tax credits, was taken up by Representative Kelley.

Representative Johnson assumed the Chair.

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

Speaker Richardson resumed the Chair.

On motion of Representative Kelley, **HCS HB 1605, as amended**, was read the third time and passed by the following vote:

AYES: 115

Adams	Alferman	Allen	Anders	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Brown 57	Burns
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtis	Davis	Dogan
Dohrman	Dunn	Engler	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Gardner
Green	Haahr	Hansen	Harris	Hicks
Higdon	Hoskins	Hough	Houghton	Hubbard
Johnson	Jones	Justus	Kelley	Kendrick
Kirkton	Kolkmeyer	Kratky	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Love
Lynch	Mathews	May	McCaherty	McCann Beatty
McGaugh	McGee	McNeil	Meredith	Messenger
Miller	Mims	Montecillo	Morgan	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Plocher	Redmon	Reiboldt	Remole
Rizzo	Roden	Rone	Rowden	Rowland 155
Rowland 29	Runions	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Swan	Walker
Walton Gray	Webber	Wood	Zerr	Mr. Speaker

NOES: 035

Anderson	Bondon	Brattin	Brown 94	Burlison
Curtman	Dugger	Eggleston	English	Fitzpatrick
Frederick	Haefner	Hill	Hubrecht	Hurst
Kidd	King	Koenig	Lichtenegger	Marshall
McDaniel	Moon	Morris	Parkinson	Pietzman
Pogue	Rehder	Roeber	Ross	Spencer
Taylor 139	Taylor 145	White	Wiemann	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Black	Ellington	Gannon	Hinson	Hummel
Korman	McCreery	McDonald	Mitten	Rhoads
Smith	Vescovo			

VACANCIES: 001

Speaker Richardson declared the bill passed.

**HCS HB 2566**, relating to the early learning quality assurance report pilot program, was taken up by Representative Pfautsch.

Representative Rhoads assumed the Chair.

On motion of Representative Pfautsch, **HCS HB 2566** was read the third time and passed by the following vote:

AYES: 123

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Barnes	Basye
Bernskoetter	Berry	Bondon	Brattin	Brown 57
Brown 94	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Corlew
Crawford	Davis	Dogan	Dohrman	Dugger
Dunn	Eggleston	Entlicher	Fitzpatrick	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gardner
Green	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Johnson	Jones	Justus
Kelley	Kendrick	King	Kirkton	Kolkmeyer
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Mathews	May	McCaherty	McCann Beatty	McGaugh
McGee	McNeil	Meredith	Messenger	Miller
Mims	Montecillo	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Plocher	Redmon	Rehder	Reiboldt
Remole	Rhoads	Rizzo	Roden	Roeber
Rone	Rowden	Rowland 155	Rowland 29	Runions
Ruth	Shaul	Shull	Solon	Sommer
Swan	Walker	Walton Gray	Webber	Wiemann
Wilson	Wood	Zerr		

NOES: 021

Bahr	Beard	Burlison	Chipman	Curtman
English	Hill	Hurst	Kidd	Koenig
Marshall	McDaniel	Moon	Parkinson	Pietzman
Pogue	Ross	Spencer	Taylor 139	Taylor 145
White				

PRESENT: 000

ABSENT WITH LEAVE: 018

Black	Cornejo	Cross	Curtis	Ellington
Engler	Fitzwater 144	Gannon	Hinson	Hummel
Leara	McCreery	McDonald	Mitten	Shumake
Smith	Vescovo	Mr. Speaker		

VACANCIES: 001

Representative Rhoads declared the bill passed.

**THIRD READING OF SENATE BILLS**

**SCS SBs 905 & 992**, relating to the uniform interstate family support act, was taken up by Representative Jones.

On motion of Representative Jones, **SCS SBs 905 & 992** was truly agreed to and finally passed by the following vote:

AYES: 134

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Barnes	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Burns	Butler	Carpenter	Chipman
Cierpiot	Colona	Conway 10	Conway 104	Corlew
Cornejo	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Dunn
Eggleston	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gardner	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hoskins	Houghton
Hubbard	Hubrecht	Hurst	Johnson	Jones
Kelley	Kendrick	King	Kirkton	Koenig
Kolkmeier	Kratky	LaFaver	Lair	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty
McGaugh	McGee	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Morris	Muntzel	Newman	Nichols	Norr
Pace	Peters	Pfautsch	Phillips	Pierson
Pietzman	Pike	Plocher	Redmon	Rehder
Reiboldt	Remole	Rhoads	Rizzo	Roden
Roeber	Rone	Ross	Rowden	Rowland 155
Rowland 29	Runions	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Swan	Taylor 139
Taylor 145	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Wood	Zerr	

NOES: 011

Bahr	Green	Hill	Justus	Kidd
McDaniel	Moon	Neely	Parkinson	Pogue
Spencer				

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Basye	Black	Cookson	Ellington
Gannon	Hinson	Hough	Hummel	Korman
Leara	McCreery	McDonald	Otto	Smith
Vescovo	Mr. Speaker			

VACANCIES: 001

Representative Rhoads declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 123

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Barnes	Basye
Beard	Bernskoetter	Bondon	Brown 57	Brown 94
Burlison	Burns	Butler	Carpenter	Chipman
Cierpiot	Colona	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtis
Davis	Dogan	Dohrman	Dugger	Dunn
Eggleston	Engler	English	Entlicher	Fitzwater 144
Fitzwater 49	Fraker	Franklin	Frederick	Gardner
Haahr	Haefner	Hansen	Harris	Higdon
Hoskins	Houghton	Hubbard	Hubrecht	Johnson
Jones	Kendrick	King	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Mathews	May	McCaherty
McCann Beatty	McGaugh	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Montecillo	Morgan
Muntzel	Neely	Newman	Norr	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Plocher	Redmon	Rehder	Reiboldt	Remole
Rhoads	Rizzo	Roden	Rone	Ross
Rowden	Rowland 155	Rowland 29	Runions	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Swan	Taylor 145	Walker	Webber	White
Wiemann	Wood	Zerr		

NOES: 021

Bahr	Berry	Brattin	Curtman	Green
Hill	Hurst	Justus	Kidd	Marshall
McDaniel	Moon	Morris	Nichols	Parkinson
Pietzman	Pogue	Roeber	Spencer	Taylor 139
Wilson				

PRESENT: 000

ABSENT WITH LEAVE: 018

Black	Ellington	Fitzpatrick	Flanigan	Gannon
Hicks	Hinson	Hough	Hummel	Kelley
McCreery	McDonald	McGee	Otto	Smith
Vescovo	Walton Gray	Mr. Speaker		

VACANCIES: 001

**SCS SB 1009**, relating to the designation of "Trooper James M. Bava Memorial Highway", was taken up by Representative Houghton.

On motion of Representative Houghton, **SCS SB 1009** was truly agreed to and finally passed by the following vote:

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AYES: 144

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Barnes
Basye	Beard	Bernskoetter	Berry	Bondon
Brattin	Brown 57	Brown 94	Burlison	Burns
Butler	Carpenter	Chipman	Cierpiot	Colona
Conway 10	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
English	Entlicher	Fitzwater 49	Fraker	Franklin
Frederick	Gardner	Green	Haahr	Haefner
Hansen	Harris	Higdon	Hill	Hoskins
Houghton	Hubbard	Hubrecht	Hurst	Johnson
Jones	Justus	Kelley	Kendrick	Kidd
King	Kirkton	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Marshall
Mathews	May	McCaherty	McCann Beatty	McDaniel
McGaugh	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Plocher	Pogue	Redmon	Reiboldt	Remole
Rhoads	Rizzo	Roden	Roeber	Rone
Ross	Rowden	Rowland 155	Rowland 29	Runions
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 139	Taylor 145
Vescovo	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Wood	Zerr	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Black	Ellington	Engler	Fitzpatrick	Fitzwater 144
Flanigan	Gannon	Hicks	Hinson	Hough
Hummel	Leara	McCreery	McDonald	McGee
Rehder	Smith	Mr. Speaker		

VACANCIES: 001

Representative Rhoads declared the bill passed.

**SB 915**, relating to memorial highway designations, was taken up by Representative Basye.

On motion of Representative Basye, **SB 915** was truly agreed to and finally passed by the following vote:

AYES: 142

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Butler

Carpenter	Chipman	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtis	Curtman	Davis	Dogan
Dohrman	Dugger	Dunn	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gardner
Green	Haahr	Haefner	Hansen	Harris
Higdon	Hill	Hoskins	Houghton	Hubbard
Hubrecht	Hurst	Johnson	Jones	Justus
Kelley	Kendrick	Kidd	King	Kirkton
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Marshall	Mathews	May
McCaherty	McCann Beatty	McDaniel	McGaugh	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Moon	Morgan	Morris	Muntzel	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pietzman	Pike
Plocher	Pogue	Redmon	Remole	Rhoads
Rizzo	Roden	Roeber	Ross	Rowden
Rowland 155	Rowland 29	Runions	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Vescovo	Walker
Walton Gray	Webber	White	Wiemann	Wilson
Wood	Zerr			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 020

Allen	Black	Ellington	Gannon	Hicks
Hinson	Hough	Hummel	Leara	McCreery
McDonald	McGee	Montecillo	Neely	Pierson
Rehder	Reiboldt	Rone	Smith	Mr. Speaker

VACANCIES: 001

Representative Rhoads declared the bill passed.

**HCS SB 625**, relating to the designation of highways, was taken up by Representative Pierson.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 625, Page 2, Section 227.432, Line 5, by inserting immediately after all of said line the following:

**"227.443. The portion of Interstate 49 from its intersection with State Highway 86 continuing north to Iris Road in Newton County shall be designated the "Special Agent Tom Crowell Memorial Highway". Costs for such designation shall be paid for by private donations.";** and

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

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

On motion of Representative Pierson, **HCS SB 625, as amended**, was adopted.

On motion of Representative Pierson, **HCS SB 625, as amended**, was read the third time and passed by the following vote:

AYES: 145

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bernskoetter	Berry	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Colona	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtis	Curtman	Davis	Dogan	Dohrman
Dugger	Dunn	Eggleston	Engler	English
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Frederick	Gannon	Gardner	Green
Haahr	Haefner	Hansen	Harris	Higdon
Hill	Hoskins	Houghton	Hubbard	Hubrecht
Hurst	Johnson	Jones	Justus	Kelley
Kendrick	Kidd	King	Kirkton	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Lavender	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	May
McCaherty	McCann Beatty	McGaugh	McGee	McNeil
Meredith	Messenger	Mims	Mitten	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pfautsch	Phillips	Pierson
Pike	Plocher	Redmon	Rehder	Reiboldt
Remole	Rhoads	Rizzo	Roden	Roeber
Rone	Ross	Rowden	Rowland 155	Rowland 29
Runions	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Walker	Walton Gray	Webber	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 002

McDaniel                      Pogue

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Black	Cierpiot	Ellington	Flanigan
Hicks	Hinson	Hough	Hummel	McCreery
McDonald	Miller	Pietzman	Smith	Vescovo

VACANCIES: 001

Representative Rhoads declared the bill passed.

Speaker Richardson resumed the Chair.



**VETOED HOUSE BILLS**

The Speaker read the following House Bill vetoed from the Second Regular Session: **SS HCS HB 1891**.

Representative Rehder moved that **SS HCS HB 1891**, relating to labor organizations, be passed, the objections of the Governor thereto notwithstanding.

Speaker Pro Tem Hoskins assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 114

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Haahr	Haefner	Hansen	Higdon	Hill
Hinson	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Kelley
Kidd	King	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McDaniel	McGaugh	Messenger	Miller	Moon
Morris	Muntzel	Neely	Parkinson	Pfautsch
Phillips	Pietzman	Pike	Plocher	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Roden	Roerber	Rone	Ross	Rowden
Rowland 155	Ruth	Shaul	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 040

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
English	Gardner	Green	Harris	Hubbard
Kendrick	Kirkton	Kratky	Lavender	May
McCann Beatty	McGee	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Rowland 29	Runions	Walton Gray	Webber

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ABSENT WITH LEAVE: 008

Black	Ellington	Hicks	Hummel	LaFaver
McCreery	McDonald	Smith		

VACANCIES: 001

Speaker Richardson resumed the Chair.

On motion of Representative Rehder, **SS HCS HB 1891** passed by the following vote, the objections of the Governor thereto notwithstanding:

AYES: 109

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtis
Curtman	Davis	Dogan	Dohrman	Dugger
Eggleston	Engler	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Haahr	Haefner	Hansen	Hicks	Hill
Hinson	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Kelley
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Parkinson	Pfausch	Phillips	Pietzman	Pike
Plocher	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowden	Rowland 155	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor 139	Taylor 145	Vescovo	Walker	White
Wiemann	Wilson	Wood	Mr. Speaker	

NOES: 047

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Dunn	English
Gannon	Gardner	Green	Harris	Higdon
Hubbard	Kendrick	Kidd	King	Kirkton
Kratky	LaFaver	Lavender	Marshall	May
McCann Beatty	McGee	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Rowland 29	Runions	Ruth	Walton Gray
Webber	Zerr			

PRESENT: 000

ABSENT WITH LEAVE: 006

Black	Ellington	Hummel	McCreery	McDonald
Smith				

VACANCIES: 001

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SCS SB 572, as amended.**

Senators: Schmitt, Schaefer, Dixon, Keaveny, and Holsman

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 635, as amended.**

Senators: Hegeman, Brown, Wasson, Schupp, and Sifton

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 650, as amended.**

Senators: Pearce, Schaaf, Onder, Nasheed, and Chappelle-Nadal

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 765, as amended.**

Senators: Schmitt, Cunningham, Dixon, Keaveny, and Walsh

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SCS SBs 865 & 866, as amended.**

Senators: Sater, Cunningham, Parson, Sifton, and Schupp

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 867, as amended.**

Senators: Sater, Schmitt, Riddle, Keaveny, and Curls

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 921, as amended.**

Senators: Riddle, Pearce, Munzlinger, Schupp, and Curls

On motion of Representative Cierpiot, the House recessed until 2:30 p.m.

### AFTERNOON SESSION

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

### THIRD READING OF SENATE BILLS

**HCS SCS SB 703, with House Committee Amendment No. 5**, relating to agriculture, was taken up by Representative Reiboldt.

Representative Allen moved that **House Committee Amendment No. 5** be adopted.

Which motion was defeated.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 41, Section 620.1954, Line 11, by deleting the number "**2018**" and inserting in lieu thereof the number "**2020**"; and

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

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

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

#### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 9, Section 143.121, Line 85, by deleting the number "**2015**" and inserting in lieu thereof the number "**2014**"; and

Further amend said bill, Pages 14-15, Section 261.130, Lines 1-59, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 24, Section 266.301, Lines 1-5, by deleting all of said section and lines from the bill;

Further amend said bill and page, Section 266.311, Lines 1-8, by deleting all of said section and lines from the bill;

Further amend said bill, Pages 24-25, Section 266.331, Lines 1-25, by deleting all of said section and lines from the bill;

Further amend said bill, Pages 25-28, Section 266.336, Lines 1-117, by deleting all of said section and lines from the bill;

Further amend said bill, Pages 28-29, Section 266.343, Lines 1-28, by deleting all of said section and lines from the bill;

Further amend said bill, Page 29, Section 266.347, Lines 1-21, by deleting all of said section and lines from the bill;

Further amend said bill, Page 30, Section 266.600, Lines 1-5 by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 30-31, Section 267.169, Lines 1-33, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 45-46, Section 266.341, Lines 1-52, by deleting all of said section and lines from the bill; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 37, Section 620.1951, Line 26, by deleting all of said line and inserting in lieu thereof the following:

"(8) **"Operating company", any company except for a**"; and

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

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

Representative Fitzwater (144) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 34, Section 277.020, Line 17, by inserting after all of said section and line the following:

"301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

(14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

(15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

(16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

(17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

(18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

(19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

(21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

(22) "Junk vehicle", a vehicle which:

(a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or

(b) Has been designated as junk or a substantially equivalent designation by this state or any other state;

(23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

(24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

(25) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

(26) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated [solely] at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and

when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code **or outside the one-hundred-mile radius from such site with an extended distance local log truck permit**, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(27) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated [solely] at a forested site and in an area extending not more than a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code **or outside the one-hundred-mile radius from such site with an extended distance local log truck permit**, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(31) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(34) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(35) "Motorcycle", a motor vehicle operated on two wheels;

(36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(38) "Municipality", any city, town or village, whether incorporated or not;

(39) "Nonresident", a resident of a state or country other than the state of Missouri;

(40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(41) "Operator", any person who operates or drives a motor vehicle;

(42) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

(43) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(45) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(46) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

(48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(49) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

(50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(52) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(53) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

(54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;



(55) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(56) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(58) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

(60) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010;

(61) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(63) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(64) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

(65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than sixty-seven inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(66) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(69) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.062. 1. The annual registration fee for a local log truck, registered pursuant to this chapter, is three hundred dollars.

2. **A local log truck may receive an extended distance local log truck permit for an additional fee of two hundred dollars. A local log truck with an extended distance local log truck permit shall be allowed to transport harvested or processed forest products outside of the one-hundred-mile radius from the forested site at the weight limits for commercial vehicles specified in 304.180.**"; and

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

Representative Ross offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1  
to  
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 1, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"Page 1, Section A, Line 7, by inserting after all of said section and line the following:

**"60.700. For purposes of sections 60.700 to 60.708, the following terms shall mean:**

- (1) "Accretion", the slow and imperceptible building up of riparian land by contiguous waters;
- (2) "Avulsion", the sudden, perceptible change of a riverbed location, dividing a tract into two parts;
- (3) "Low water mark", the water's edge, that being the only line continuously touched by the water and being the only way the riparian owner will have continuous access to the water;
- (4) "Natural watercourse", a stream or body of water flowing in a definite channel with beds, sides, and banks that normally discharges into a larger stream or body of water. A natural watercourse provides more than mere surface drainage. The term does not include hollows, ravines, or sloughs. The existence of a channel is not, of itself, sufficient to establish the existence of a natural watercourse. The term shall not include surface water;
- (5) "Navigable watercourse of the state", a natural watercourse that has been deemed navigable by a Missouri court;
- (6) "Nonnavigable watercourse of the state", a natural watercourse that has not been deemed navigable by a Missouri court;
- (7) "Public navigable watercourse", a natural watercourse that is or may be used for interstate commerce;
- (8) "Reliction", the slow and imperceptible withdrawal or recession of waters, exposing as dray land that which was previously covered by water;
- (9) "Riparian owner", the owner of land which is bounded or traversed by a natural watercourse, inclusive of the owner of the land on the shores of a lake;
- (10) "Thalweg", the line of a watercourse that constitutes the lowest or deepest part of the channel;
- (11) "Thread", the midpoint of a watercourse between the low water marks.

**60.701. Nothing in sections 60.700 to 60.708 shall be construed to limit or expand any public easement for navigational or recreational purposes if such a right exists on a watercourse.**

**60.702. 1. A riparian owner has the right to the natural flow of the natural watercourse including its volume and purity, except as affected by the reasonable use by other riparian owners. The factors for determining the reasonableness of a particular use are:**

- (1) The purpose of the use;
- (2) The suitability of the use to the natural watercourse;

- (3) The economic value of the use;
  - (4) The social value of the use;
  - (5) The extent and amount of harm the use causes;
  - (6) The practicality of avoiding the harm by adjusting the use or method of use of one riparian owner or the other;
  - (7) The practicality of adjusting the quantity of water used by each riparian owner;
  - (8) The protection of existing values or water uses, lands, investments, and enterprises; and
  - (9) The justice of requiring the user causing the harm to bear the loss.
2. A riparian owner has title in fee to the low water mark of a navigable watercourse of the state or a public navigable watercourse and to the thread of a nonnavigable watercourse.
  3. A riparian owner has the right of access to the water from the riparian owner's frontage including the right to wharf out, provided the riparian owner does not interfere with the public's right of navigation and floatage.
  4. Riparian rights or regulations shall not attach to artificial watercourses such as farm ponds or dug drains. Riparian rights shall attach to artificially enlarged watercourses such as reservoirs in streams or rivers.

**60.704. 1.** If a watercourse is navigable, the bed of the watercourse below the low water mark belongs to the state. A riparian owner along a navigable watercourse of the state or a public navigable watercourse shall not own to the middle thereof, but only to the water's edge at its low water mark.

**2.** If a watercourse is nonnavigable, the bed of the watercourse belongs to the riparian owner of the land if the watercourse is bounded on both sides by the same riparian owner's land. Absent a showing of contrary intent, if a watercourse is nonnavigable and is the dividing line between landowners, the owner of each side owns to the thread of the watercourse. A contrary intent may be found if the deed makes a specific reference other than to the nonnavigable watercourse.

**3.** No adjoining parts of a watercourse shall be considered navigable unless they are deemed navigable by a Missouri court.

**60.706. 1.** Accretions along a watercourse or island belong to the riparian owner against whose property the accretions were deposited. The riparian owner becomes the owner of the property formed at the time of the accretion.

**2.** Accretion caused by dikes, by filling or dumping along the shore, or by other artificial means shall be subject to the same ownership rights as if caused naturally. However, no riparian owner shall claim title to any land added by accretion caused by an artificial condition he or she created.

**3.** If all or a part of the bank or island is washed away by a navigable watercourse of the state or a public navigable watercourse, the riparian owner's title to the part washing away ceases and vests in the state as successor. If the space washed away afterward becomes dry land and only part was washed away, the riparian owner may reacquire title by accretion. If all was washed away, the riparian owner cannot acquire title by accretion. Washing away obliterates lines in a watercourse, and new accretion shall be measured as though the old lines never existed.

**60.708. 1.** The line between counties divided by a navigable watercourse of the state or a public navigable watercourse shall be the thread of the watercourse. A slow, imperceptible, and gradual change of the watercourse due to accretion or reliction shall change the county line, but a sudden change by avulsion shall not.

**2.** If a watercourse forms the boundary between adjoining property owners, a slow, imperceptible, and gradual change of the watercourse due to accretion or reliction shall change the boundary, but a sudden change by avulsion shall not."; and

Further amend said bill, Page 34, Section 277.020, Line 17, by inserting after all of said section and line the following:"; and

Further amend said amendment, Page 7, Line 14, by inserting after all of said line the following:

"Further amend said bill, Page 36, Section 414.082, Line 27, by inserting after all of said section and line the following:

**"444.1000. 1. There is hereby created the "Land Reclamation Legal Settlement Commission", which shall be composed of four members, with one being the chair of the Southeast Missouri Regional Planning Commission, one being the vice chair of the Southeast Missouri Regional Planning Commission, one being the chair of the Ozark Foothills Regional Planning Commission, and one being the chair of the Meramec Regional Planning Commission. The purpose of the commission shall be to develop and implement a plan for primary restoration projects for areas affected by lead mining in southeast Missouri which lead to the legal settlement between ASARCO, L.L.C., the United States, the state of Missouri, and the Doe Run Company in 2008. Such plan shall be submitted to the chair of the Missouri house of representatives select committee on budget and the chair of the Missouri senate appropriations committee by February 2, 2017. Moneys from the land reclamation legal settlement fund created in subsection 2 of this section shall be used to implement the commission's plan for primary restoration projects for areas affected by lead mining in southeast Missouri.**

**2. There is hereby created in the state treasury the "Land Reclamation Legal Settlement Fund", which shall consist of moneys derived from the department of natural resources' sale of land located in any county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely for the purpose of implementing the commission's plan for primary restoration projects for areas affected by lead mining in southeast Missouri. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund."; and**

Further amend said bill, Page 45, Section 620.1958, Line 17, by inserting after all of said section and line the following:

**"640.780. 1. The department of natural resources and all other state departments, agencies, or entities shall sell at public auction, provided that such requirement to sell at public auction does not conflict with any other provision of law, any and all property interest to land situated in a county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat purchased on or before August 28, 2016, through legal settlement funds administered in whole or in part by the department of natural resources. If there is no purchaser, the property shall revert to the ownership of the county government.**

**2. Any agreement, condition, restriction, dedication, covenant, or other encumbrance included in the conveyance of land required in subsection 1 of this section shall be considered null, void, and unenforceable upon the effective date of this section.**

**3. As a condition of the sale of this property, the purchaser shall agree to the following covenant appurtenant, which shall be included in the conveyance following the property description and shall remain in effect on this property for a specifically limited amount of time as any agency of the state of Missouri exists to permit, restrict, regulate, and otherwise harass Missouri citizens and businesses, for the purported purpose of environmental restoration, preservation, and protection:**

**"Provided that this property shall never be sold to, leased, or otherwise controlled by a state or federal agency."**

**4. After August 28, 2016, the department of natural resources and all other state departments, agencies, or entities shall not purchase any property interest in a county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat through legal settlement funds administered in whole or in part by the department of natural resources.**

**5. Any taxpayer of the state shall have standing to enforce the provisions of this section and, in addition to specific performance, shall be entitled to reasonable attorney's fees.**

6. The provisions of this section shall be construed to include any leasehold, option contracts, or easement rights acquired by any state department, agency, or entity.

7. The provisions of this section are severable. If any part of this section is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of this section shall remain and be in full force and effect.

8. The provisions of this section shall expire on August 28, 2017."; and

640.800. 1. The department of natural resources shall not implement or enforce any portion of a federal proposed rule finalized after January 1, 2015, to revise or provide guidance on the regulatory definition of "waters of the United States" or "navigable waters" under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq., without the approval of the general assembly.

2. For the purposes of establishing regulations, conditions, or permit requirements, no federal agency shall make a determination or designate any watercourse within the state of Missouri as navigable."; and

Further amend said bill, Page 46, Section 266.341, Line 52, by inserting after all of said section and line the following:

"Section B. Because of the timely nature of the state seeking to recover assets to reallocate for environmental remediation, sections 444.1000 and 640.780 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 sections 444.1000 and 640.780 of section A of this act shall be in full force and effect upon its passage and approval."; and"; and

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

Representative Lavender raised a point of order that **House Amendment No. 1 to House Amendment No. 4** is not germane to the underlying amendment.

The Chair ruled the point of order not timely.

Speaker Richardson resumed the Chair.

**House Amendment No. 1 to House Amendment No. 4** was withdrawn.

On motion of Representative Fitzwater (144), **House Amendment No. 4** was adopted.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 15, Section 261.130, Line 59, by inserting after all of said section and line the following:

"261.380. 1. The department of agriculture may establish a biomass energy development program designed to identify feasible technology to convert processed solid biomass engineered fiber fuel, as defined in section 393.1055, to energy that may be reasonably implemented in Missouri and provide additional value to Missouri agricultural production.

2. An electric utility, as defined in section 393.1055, may submit a proposal to the department of agriculture for a biomass energy development pilot project. The department may establish by rule specifications and requirements for biomass energy development pilot projects. The department may authorize a biomass energy pilot project by notifying the public service commission and the electric utility.

3. The department of agriculture shall prepare a report annually evaluating biomass energy development pilot projects that have been authorized under this section.

**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, 2016, shall be invalid and void.";** and

Further amend said bill, Page 35, Section 348.407, Line 63, by inserting after all of said section and line the following:

**"393.1055. 1. As used in this section, the following terms shall mean:**

**(1) "Electric utility", any electrical corporation as defined in section 386.020;**

**(2) "Processed solid biomass engineered fiber fuel", any fuel derived from raw biomass feedstock produced from local based products that are changed from their original form and combined in a manufacturing process that can accommodate two or more independent raw biomass feedstocks and resulting in a solid fuel product with a heat value of at least eight thousand five hundred British Thermal Units per pound on a dry matter basis. Processed solid biomass engineered fiber fuel shall not include any solid biomass fuel that is produced solely from a densification of a single raw biomass feedstock.**

**2. No electric utility shall recover costs under this section until the department of agriculture has notified the public service commission of a specific biomass energy development pilot project under section 261.380.**

**3. Any electric utility that incurs costs to modify such electric utility's owned fossil-fired generating plant to accommodate the test burn of a processed solid biomass engineered fiber fuel may be allowed to timely recover such modification costs in rates.**

**4. Any electric utility that elects to test burn a processed solid biomass engineered fiber fuel in such electric utility's owned fossil-fired generating plant may be allowed to timely recover the cost of the processed solid biomass engineered fiber fuel in rates.";** and

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

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

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 15, Section 261.130, Line 59, by inserting after all of said section and line the following:

"262.823. The purpose of the board shall be to further the growth and development of the grape growing industry in the state of Missouri. The board shall have a correlate purpose of fostering the expansion of the grape market for Missouri grapes. To effectuate these goals, the board may:

(1) Participate in cooperation with state, regional, national, or international activities, groups, and organizations whose objectives are that of developing new and better grape varieties to determine their suitability for growing in Missouri;

(2) Participate in and develop research projects on improved wine-making methods utilizing the new grape varieties to be grown in Missouri;

(3) Utilize the individual and collective expertise of the board members as well as experts in the fields of enology and viticulture selected by the board, to update and improve the quality of grapes grown in Missouri and advanced methods of producing wines from these Missouri grapes;

(4) Furnish current information and associated data on research conducted by and for the board to grape growers and vintners in Missouri as well as to interested persons considering entering these fields within the state; and

(5) Participate in subsequent studies, programs, research, and information and data dissemination in the areas of sales, promotions, and effective distribution of Missouri wines, **and to oversee and provide any professional or legal services to promote such marketing goals.";** and

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

Representative Barnes assumed the Chair.

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

Representative Morris offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 703, Page 14, Section 144.010, Line 125, by inserting after all of said section and line the following:

"208.285. 1. The department of health and senior services shall apply for a grant under the United States Department of Agriculture Senior Farmers' Market Nutrition Program to provide low-income seniors with vouchers that may be exchanged for eligible foods at farmers' markets, roadside stands, and community-supported agriculture (CSA) programs.

2. There is hereby established the "Missouri Senior Farmers' Market Nutrition Program" within the department of health and senior services. Upon receipt of any grant moneys under subsection 1 of this section, the program shall supply Missouri-grown fresh produce to senior participants through the distribution of vouchers that are redeemable only at designated Missouri farmers' markets, roadside stands, and CSA programs. The program is designed to provide a supplemental source of fresh produce for the dietary needs of low-income seniors; to stimulate an increased demand for Missouri-grown produce at farmers' markets, roadside stands, and CSA programs; and to develop new and additional farmers' markets, roadside stands, and CSA programs.

3. Eligible seniors shall receive senior farmers' market nutrition program vouchers from designated distribution sites in their county of residence. Upon issuance of vouchers, participants shall be provided with a list of participating farmers, farmers' markets, roadside stands, and CSA programs. The department shall provide distribution site information at all county area agencies on aging.

4. For purposes of this section, "senior participant" means a person who is at least sixty years of age or older by December thirty-first of the program year and who meets the income eligibility criteria based on guidelines published annually by the United States Department of Agriculture.

5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void."; and

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

On motion of Representative Morris, **House Amendment No. 7** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Cookson	Corlew

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Crawford	Cross	Curtman	Davis	Dogan
Dohrman	Dugger	Eggleston	Engler	English
Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker
Franklin	Frederick	Gannon	Haahr	Hansen
Hicks	Higdon	Hill	Hough	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Love	Lynch	Marshall	Mathews	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfausch	Phillips
Pike	Plocher	Pogue	Redmon	Reiboldt
Remole	Rhoads	Roeber	Rone	Ross
Rowden	Rowland 155	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor 139	Taylor 145	Walker	White	Wiemann
Wood				

NOES: 041

Adams	Anders	Arthur	Burns	Butler
Colona	Conway 10	Curtis	Dunn	Gardner
Green	Harris	Hubbard	Kendrick	Kirkton
Kratky	LaFaver	Lavender	May	McCann Beatty
McCreery	McDonald	McGee	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Rowland 29	Runions	Walton Gray
Webber				

PRESENT: 001

Roden

ABSENT WITH LEAVE: 019

Black	Carpenter	Conway 104	Cornejo	Ellington
Flanigan	Haefner	Hinson	Hoskins	Hummel
Lichtenegger	McCaherty	Pietzman	Rehder	Smith
Vescovo	Wilson	Zerr	Mr. Speaker	

VACANCIES: 001

On motion of Representative Reiboldt, **HCS SCS SB 703, as amended**, was adopted.

On motion of Representative Reiboldt, **HCS SCS SB 703, as amended**, was read the third time and passed by the following vote:

AYES: 089

Alferman	Anderson	Andrews	Austin	Basye
Bernskoetter	Bondon	Brown 57	Brown 94	Burns
Chipman	Cierpiot	Colona	Conway 10	Cookson
Corlew	Crawford	Cross	Curtis	Davis
Dohrman	Dugger	Eggleston	Engler	Entlicher
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Franklin
Gannon	Haahr	Hansen	Harris	Hicks



Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hubrecht	Jones	Justus	Kelley
King	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Love	Lynch	McDonald
McGaugh	Messenger	Miller	Mims	Morris
Muntzel	Neely	Pfautsch	Phillips	Pierson
Pike	Plocher	Redmon	Reiboldt	Remole
Rhoads	Roden	Rone	Rowden	Rowland 155
Ruth	Shaul	Shull	Shumake	Sommer
Spencer	Swan	Taylor 145	Walker	Webber
Wiemann	Wood	Zerr	Mr. Speaker	

NOES: 056

Adams	Allen	Anders	Arthur	Bahr
Barnes	Beard	Brattin	Burlison	Butler
Conway 104	Curtman	Dogan	Dunn	English
Green	Haefner	Hill	Hurst	Johnson
Kendrick	Kidd	Kirkton	Koenig	Kratky
LaFaver	Lavender	Leara	Marshall	Mathews
May	McCann Beatty	McCreery	McDaniel	McGee
McNeil	Mitten	Montecillo	Moon	Morgan
Newman	Nichols	Norr	Otto	Parkinson
Peters	Pogue	Rizzo	Roeber	Ross
Rowland 29	Runions	Solon	Taylor 139	Walton Gray
White				

PRESENT: 004

Berry	Frederick	Gardner	Pace
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ABSENT WITH LEAVE: 013

Black	Carpenter	Cornejo	Ellington	Flanigan
Hummel	McCaherty	Meredith	Pietzman	Rehder
Smith	Vescovo	Wilson		

VACANCIES: 001

Representative Barnes declared the bill passed.

Speaker Richardson resumed the Chair.

**SB 852**, relating to the “Trooper Gary Snodgrass Memorial Bridge”, was taken up by Representative Chipman.

Representative Fitzwater (49) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND Senate Bill No. 852, Page 1, In the Title, Lines 2 and 3, by deleting the words "the Trooper Gary Snodgrass Memorial Bridge" and inserting in lieu thereof the word "transportation"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"227.432. The portion of Interstate 470 at the interchange with Woods Chapel Road continuing to Lakewood Boulevard in Jackson County shall be designated as the "Judge Vincent E. Baker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.";** and

Further amend said bill and page, Section 227.435, Line 5, by inserting after all of said section and line the following:

**"227.446. The portion of U.S. Highway 50 from County Line Road continuing west to Mockingbird Road in Moniteau County shall be designated as the "Phyllis D. Shelley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs to be paid for by private donation.**

311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card or **nondriver's license** as provided for under section 302.181, **or a valid and unexpired nondriver's license issued under the laws of any state or territory of the United States to residents of those states or territories**, or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport shall be presented by the holder thereof upon request of any agent of the division of alcohol and tobacco control or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the courts are satisfied that the licensee acted in good faith.

3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment."; and

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

On motion of Representative Fitzwater (49), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND Senate Bill No. 852, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words "designation of roadways."; and

Further amend said bill and page, Section 227.435, Line 5, by inserting immediately after all of said line the following:

**"227.443. The portion of Interstate 49 from its intersection with State Highway 86 continuing north to Iris Road in Newton County shall be designated the "Special Agent Tom Crowell Memorial Highway". Costs for such designation shall be paid for by private donations.**

**227.445. The portion of State Highway 32 from Stockton Dam Road continuing west to State Highway 39/County Road 1401 within the city limits of Stockton in Cedar County shall be designated as the**

**"Deputy Sheriff Matthew S. Chism Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with costs for such designation to be paid for by private donation.";** and

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

Representative Davis 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 Senate Bill No. 852, Page 1, Line 14, by deleting all of said line and inserting in lieu thereof the following:

**"such designation to be paid for by private donation.**

**227.522. The portion of Interstate 49 from the city of Pineville in McDonald County north to the intersection of Interstate 435 in Jackson County, except for those portions of Interstate 49 previously designated as of August 28, 2016, shall be designated the "Purple Heart Trail". Costs for such designation shall be paid by private donations.";** and"; and

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

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

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

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

*House Amendment No. 3*

AMEND Senate Bill No. 852, Page 1, In the Title, Lines 2 and 3, by deleting the phrase "the Trooper Gary Snodgrass Memorial Bridge" and inserting in lieu thereof the phrase "memorial highways"; and

Further amend said bill, Page 1, Section 227.435, Line 5, by inserting after all of said section and line the following:

**"227.531. The portion of Interstate 270 from the city of Hazelwood in St. Louis County east to the intersection of Florissant Road in Florissant in St. Louis County, except for those portions previously designated as of August 28, 2016, shall be designated the "Rosemary Straub Davison Highway". Costs for such designation shall be paid for by private donations.";** and

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

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

On motion of Representative Chipman, **SB 852, as amended,** was read the third time and passed by the following vote:

AYES: 136

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Barnes	Basye	Beard
Bernskoetter	Berry	Bondon	Brattin	Brown 57
Brown 94	Burlison	Burns	Butler	Carpenter
Chipman	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Crawford	Cross	Curtis	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Franklin	Frederick	Gannon
Gardner	Green	Haahr	Haefner	Hansen
Harris	Hicks	Higdon	Hill	Hinson
Hough	Houghton	Hubbard	Hubrecht	Johnson
Jones	Justus	Kelley	Kendrick	King
Kirkton	Koenig	Kolkmeier	Korman	Kratky
Lair	Lant	Lauer	Lavender	Lichtenegger
Love	Lynch	Mathews	McCann Beatty	McCreery
McDonald	McGaugh	McGee	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfautsch	Phillips	Pierson	Pike
Plocher	Reiboldt	Remole	Rhoads	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland 155	Rowland 29	Runions	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Walker	Walton Gray
Webber	White	Wiemann	Wood	Zerr
Mr. Speaker				

NOES: 007

Bahr	Hurst	Kidd	Marshall	May
Moon	Pogue			

PRESENT: 000

ABSENT WITH LEAVE: 019

Allen	Black	Colona	Cornejo	Dunn
Ellington	Flanigan	Hoskins	Hummel	LaFaver
Leara	McCaherty	McDaniel	Pietzman	Redmon
Rehder	Smith	Vescovo	Wilson	

VACANCIES: 001

Speaker Richardson declared the bill passed.

## COMMITTEE REPORTS

**Committee on Fiscal Review**, Chairman Allen reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS#2 SCS HB 1631, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 800**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 861**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 996**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 997**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### HOUSE BILLS WITH SENATE AMENDMENTS

**SS#2 SCS HB 1631, as amended**, relating to elections, was taken up by Representative Alferman.

Representative White assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Basye	Beard	Bernskoetter	Berry
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Haahr	Hansen	Hill	Hinson	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Kidd	King	Koenig	Kolkmeyer	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mathews	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pike	Plocher	Pogue	Rehder	Reiboldt
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowden	Rowland 155	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Walker	White
Wiemann	Wilson	Wood		

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NOES: 040

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Gardner	Green	Harris	Hubbard	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McGee	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Rowland 29	Runions	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 019

Barnes	Black	Ellington	Haefner	Hicks
Higdon	Hoskins	Hough	Hummel	Kelley
Korman	McDonald	Mims	Pietzman	Redmon
Smith	Vescovo	Zerr	Mr. Speaker	

VACANCIES: 001

On motion of Representative Alferman, **SS#2 SCS HB 1631, as amended**, was adopted by the following vote:

AYES: 112

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Haahr	Haefner	Hansen	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Plocher	Pogue
Rehder	Reiboldt	Remole	Rhoads	Roden
Roeber	Rone	Ross	Rowden	Rowland 155
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 139	Taylor 145
Walker	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 040

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Gardner	Green	Harris	Hubbard	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May

McCann Beatty	McCreery	McGee	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Rowland 29	Runions	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 010

Black	Ellington	Hicks	Hummel	McDonald
Mims	Pietzman	Redmon	Smith	Vescovo

VACANCIES: 001

On motion of Representative Alferman, **SS#2 SCS HB 1631, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 112

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzpatrick	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Haahr	Haefner	Hansen	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Kelley	Kidd	King	Koenig	Kolkmeier
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Plocher	Pogue
Rehder	Reiboldt	Remole	Rhoads	Roden
Roeber	Rone	Ross	Rowden	Rowland 155
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 139	Taylor 145
Walker	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 038

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Gardner	Green	Harris	Hubbard	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCreery	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Rowland 29
Runions	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 012

Black	Ellington	Hicks	Hummel	McCann Beatty
McDonald	McGee	Mims	Pietzman	Redmon
Smith	Vescovo			

VACANCIES: 001

Representative White declared the bill passed.

Speaker Richardson resumed the Chair.

Representative Cierpiot moved that the House stand in recess until 7:00 p.m.

Which motion was defeated.

### THIRD READING OF SENATE BILLS

**SCS SB 638**, relating to civics education, was taken up by Representative Swan.

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

#### *House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

**"167.903. 1. Each student prior to his or her ninth grade year at a public school, including a charter school, may develop with help from the school's guidance counselors a personal plan of study, which shall be reviewed regularly, as needed by school personnel and the student's parent or guardian and updated based upon the needs of the student. Each plan shall present a sequence of courses and experiences that conclude with the student reaching his or her postsecondary goals, with implementation of the plan of study transferring to the program of postsecondary education or training upon the student's high school graduation. The plan shall include, but not be limited to:**

- (1) Requirements for graduation from the school district or charter school;**
- (2) Career or postsecondary goals;**
- (3) Coursework or program of study related to career and postsecondary goals, which shall include, if relevant, opportunities that the district or school may not directly offer;**
- (4) Grade-appropriate and career-related experiences, as outlined in the grade-level expectations of the Missouri comprehensive guidance program; and**
- (5) Student assessments, interest inventories, or academic results needed to develop, review, and revise the personal plan of study, which shall include, if relevant, assessments, inventories, or academic results that the school district or charter school may not offer.**

**2. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.**

**167.905. 1. By July 1, 2018, each school district shall develop a policy and implement a measurable system for identifying students in their ninth grade year, or students who transfer into the school subsequent to their ninth grade year, who are at risk of not being ready for college-level work or for entry-level career positions. Districts shall include, but are not limited to, the following sources of information:**



(1) A student's performance on the Missouri assessment program test in eighth grade in English language arts and mathematics;

(2) A student's comparable statewide assessment performance if such student transferred from another state;

(3) The district's overall reported remediation rate under section 173.750; and

(4) A student's attendance rate.

2. The district policy shall require academic and career counseling to take place prior to graduation so that the school may attempt to provide sufficient opportunities to the student to graduate college-ready or career-ready and on time.

3. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

167.950. 1. (1) By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the Department of Elementary and Secondary Education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the Department of Elementary and Secondary Education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall include two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

(1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;

(2) "Dyslexia screening", a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders. 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, 2016, shall be invalid and void.

**5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.";** and

Further amend said bill, Page 3, Section 170.345, Line 14, by deleting the word "**institution**" and inserting in lieu thereof the word "**institutions**"; and

Further amend said bill, Page 4, Section 170.350, Line 14, by inserting immediately after said line the following:

"173.750. 1. By July 1, 1995, the coordinating board for higher education, within existing resources provided to the department of higher education and by rule and regulation, shall have established and implemented a procedure for annually reporting the performance of graduates of public high schools in the state during the student's initial year in the public colleges and universities of the state. The purpose of such reports shall be to assist in determining how high schools are preparing students for successful college and university performance. The report produced pursuant to this subsection shall annually be furnished to the state board of education for reporting pursuant to subsection 4 of section 161.610 and shall not be used for any other purpose **until such time that a standard process and consistent, specific criteria for determining a student's need for remedial coursework is agreed upon by the coordinating board for higher education, higher education institutions, and the state board of education.**

2. The procedures shall be designed so that the reporting is made by the name of each high school in the state, with individual student data to be grouped according to the high school from which the students graduated. The data in the reports shall be disaggregated by race and sex. The procedures shall not be designed so that the reporting contains the name of any student. No grade point average shall be disclosed under subsection 3 of this section in any case where three or fewer students from a particular high school attend a particular college or university.

3. The data reported shall include grade point averages after the initial college year, calculated on, or adjusted to, a four point grade scale; the percentage of students returning to college after the first and second half of the initial college year, or after each trimester of the initial college year; the percentage of students taking noncollege level classes in basic academic courses during the first college year, or remedial courses in basic academic subjects of English, mathematics, or reading; and other such data as determined by rule and regulation of the coordinating board for higher education.

**4. The department of elementary and secondary education shall conduct a review of its policies and procedures relating to remedial education in light of the best practices in remediation identified as required by subdivision (6) of subsection 2 of section 173.005 to ensure that school districts are informed about best practices to reduce the need for remediation. The department shall present its results to the joint committee on education by October 31, 2017.";** and

Further amend said bill, Pages 4-7, Section 633.420, Lines 1-110, by deleting all of said section and lines and inserting in lieu thereof the following:

"633.420. 1. For the purposes of this section, the term "**dyslexia**" means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Unless required by federal law, nothing in this definition shall require a student with dyslexia to be automatically determined eligible as a student with a disability.

2. There is hereby created the "**Legislative Task Force on Dyslexia**". The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.

3. The task force shall be comprised of twenty members consisting of the following:

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association; and

(18) A pediatrician with knowledge of dyslexia.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, including the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and joint committee on education and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.

6. The recommendations and resource materials developed by the task force shall:

(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;

(2) Recommend an evidence-based reading instruction, with consideration of the National Reading Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;

(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018."; and

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

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

**SCS SB 638, as amended**, was laid over.

### 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 **SCS HCS HB 2017**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2016 and ending June 30, 2017.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2018**, entitled:

An act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2016 and ending June 30, 2017.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **Senate Committee Substitute for Senate Bill Nos. 586 and 651**, the objections of the Governor thereto notwithstanding.

Also, the attached is a certified copy of the Roll Call on **Senate Committee Substitute for Senate Bill Nos. 586 & 651**.

In which the concurrence of the House is respectfully requested.

AYES: 025

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery
Hegeman	Kehoe	Kraus	Libla	Munzlinger
Onder	Parson	Pearce	Richard	Riddle
Romine	Sater	Schaaf	Schaefer	Schatz
Schmitt	Silvey	Wallingford	Wasson	Wieland

NOES: 007

Curls	Holsman	Keaveny	Nasheed	Schupp
Sifton	Walsh			

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1480**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1530**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1559**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1681**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2428**.

On motion of Representative Cierpiot, the House recessed until 7:00 p.m.

### EVENING SESSION

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

### THIRD READING OF SENATE BILLS

**SCS SB 638, as amended**, relating to civics education, was again taken up by Representative Swan.

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

#### *House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 2, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

"167.777. 1. There is hereby established a committee of the house of representatives to be known as the "Missouri State High School Activities Association Interim Committee", which shall be composed of members of the house of representatives appointed by the speaker of the house of representatives. The speaker of the house of representatives shall choose the number of members who shall make up the committee.

2. The committee shall meet at least one time during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January.

3. The committee shall review issues pertaining to the Missouri State High School Activities Association."; and

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

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

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

*House Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by removing the word "civics" and inserting in lieu thereof the words "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

"162.531. The secretary of the board of each urban district shall keep a record of the proceedings of the board; he shall also keep a record of all warrants drawn upon the treasurer, showing the date and amount of each, in whose favor and upon what account it was drawn, and shall also keep a register of the bonded indebtedness of the school district; he shall also perform other duties required of him by the board, and shall safely keep all bonds or other papers entrusted to his care. He shall, before entering upon his duties, execute a bond to the school district in the penal sum of not less than five thousand dollars, the amount thereof to be fixed by the board, with at least [two sureties] **one surety**, to be approved by the board.

162.541. The treasurer of each urban district, before entering upon the discharge of his duties as such, shall enter into a bond to the state of Missouri with [two] **one** or more sureties, approved by the board, conditioned that he will render a faithful and just account of all moneys that come into his hands as treasurer, and otherwise perform the duties of his office according to law and shall file the bond with the secretary of the board. On breach of any of the conditions of the bond, the board, or the president or the secretary thereof, or any resident of the school district, may cause suit to be brought thereon, in the name of the state of Missouri, at the relation and to the use of the school district."; and

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

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

Representative Andrews offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, Section 170.011, Line 4, by deleting said line and inserting in lieu thereof the following:

"Missouri, except [privately operated trade] **proprietary** schools, and shall begin not later than"; and

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

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

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

*House Amendment No. 5*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

**"161.026. 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent of the senate, appoint a teacher representative to the state board of education, who shall attend all meetings and participate in all deliberations of the board. Such teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.**

**2. Such teacher representative shall be an active classroom teacher. For purposes of this section, "active classroom teacher" means a resident of the state of Missouri who is a full-time teacher with at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. Such teacher representative shall have the written support of the local school board prior to accepting the appointment.**

**3. The term of the teacher representative shall be four years and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.**

**4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth in subsection 2 of this section, and shall serve until his or her successor is appointed and qualified. If the general assembly is not in session at the time for making an appointment, the governor shall make a temporary appointment until the next session of the general assembly, when the governor shall nominate a person to fill the position of teacher representative.**

**5. If the teacher representative ceases to be an active classroom teacher, as defined in subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.**

**6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.**

**7. At no time shall more than one non-voting member serve on the state board of education.**

**8. The provisions of this section shall expire on August 28, 2025.**

161.072. **1.** The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

**2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.**

162.073. For the purposes of sections 162.071, 162.073, 162.152, 162.171, 162.181, 162.191, 162.201, 162.241, [162.261,] 162.301, 162.311, 162.821 and 167.121, in those counties without a county commission, the following words shall have the following meaning:

- (1) "County clerk" shall mean the vice-chairman of the county legislature or county council;
- (2) "County commission" shall mean the county legislature or county council;
- (3) "Presiding commissioner of the county commission" shall mean the chairman of the county legislature or county council.

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. **If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment.** The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes.

3. The provisions of article VII, section 6 of the Missouri Constitution apply to school districts."; and

Further amend said bill, Page 3, Section 170.345, Line 14, by deleting the word "**institution**" and inserting in lieu thereof the word "**institutions**"; and

Further amend said bill, Page 4, Section 633.420, Line 20, by inserting immediately after the word "**dyslexia**" a comma ","; and

Further amend said bill and section, Page 5, Line 49, by inserting immediately after the word "**the**" the word "**president**"; and

Further amend said bill, page and section, Line 61, by deleting the word "**that**" and inserting in lieu thereof the word "**who**"; and

Further amend said bill and section, Page 6, Line 73, by inserting immediately after the word "**dyslexia**" a comma ","; and

Further amend said bill, page and section, Line 86, by inserting immediately after the word "**system**" a comma ","; and

Further amend said bill, page and section, Line 88, by deleting the comma immediately after the word "**support**"; and

Further amend said bill and section, Page 7, Lines 108-110, by deleting all of said lines and inserting in lieu thereof the following:

**"8. The task force authorized under this section shall expire on August 31, 2018."**; and

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



Representative Roden 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 Senate Committee Substitute for Senate Bill No. 638, Page 2, Line 43, by inserting immediately after said line the following:

"Further amend said bill, Page 3, Section 170.011, Line 59, by inserting immediately after said line the following:

"170.310. 1. **For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.**

2. **Beginning in school year 2017-18**, any public school or charter school serving grades nine through twelve [may] shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. [Instruction may be embedded in any health education course] **Instruction shall be included in the district's existing health or physical education curriculum.** Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

[2.] 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

[3.] 4. The department of elementary and secondary education may promulgate rules to implement 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, 2012, shall be invalid and void."; and"; and

Further amend said amendment and page, Line 46, by inserting immediately after said line the following:

"Further amend said bill, Page 4, Section 170.350, Line 14 by inserting immediately after said line the following:

"171.021. 1. Every school in this state which is supported in whole or in part by public moneys, during the hours while school is in session, shall display in some prominent place either upon the outside of the school building or upon a pole erected in the school yard the flag of the United States of America.

2. Every school in this state which is supported in whole or in part by public moneys shall ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one scheduled class of every pupil enrolled in that school no less often than once per [week] **school day. Flags for display in individual classrooms may be provided by voluntary donation by any person.** No student shall be required to recite the Pledge of Allegiance."; and"; and

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

On motion of Representative Roden, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Ruth, **House Amendment No. 5, as amended**, was adopted.

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

*House Amendment No. 6*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

- "160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
  - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
  - (3) In a school district that has been [declared] **classified as unaccredited by the state board of education**;
  - (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:
    - (a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and
    - (b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or
  - (5) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.
3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:
- (1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special administrative board of a metropolitan school district during any time in which powers granted to the district's board of education are vested in a special administrative board, or if the state board of education appoints a special administrative board to retain the authority granted to the board of education of an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the special administrative board of such school district;
  - (2) A public four-year college or university with an approved teacher education program that meets regional or national standards of accreditation;
  - (3) A community college, the service area of which encompasses some portion of the district;
  - (4) Any private four-year college or university with an enrollment of at least one thousand students, with its primary campus in Missouri, and with an approved teacher preparation program;

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, [which is a member of the North Central Association] and accredited by the Higher Learning Commission, with its primary campus in Missouri; [or]

(6) The Missouri charter public school commission created in section 160.425.

4. Changes in a school district's accreditation status that affect charter schools shall be addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection 2 of this section:

(1) As a district transitions from unaccredited to provisionally accredited, the district shall continue to fall under the requirements for an unaccredited district until it achieves three consecutive full school years of provisional accreditation;

(2) As a district transitions from provisionally accredited to full accreditation, the district shall continue to fall under the requirements for a provisionally accredited district until it achieves three consecutive full school years of full accreditation;

(3) In any school district classified as unaccredited or provisionally accredited where a charter school is operating and is sponsored by an entity other than the local school board, when the school district becomes classified as accredited without provisions, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accredited without provisions and shall not be limited to the local school board as a sponsor.

A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.

6. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

7. The charter school shall be organized as a Missouri nonprofit corporation incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall select the method for election of officers pursuant to section 355.326 based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030.

9. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

10. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 3 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. A university, college or community college may not charge or accept a fee for affiliation status.

11. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school it sponsors, including appropriate demonstration of the following:

(1) Expends no less than ninety percent of its charter school sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools;

(2) Maintains a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school;

(3) Negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences **based on the annual performance report**, and other material terms;

(4) Conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law; and

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based renewal decisions.

12. Sponsors receiving funds under subsection 11 of this section shall be required to submit annual reports to the joint committee on education demonstrating they are in compliance with subsection 17 of this section.

13. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and family care **safety** registry check are conducted for each member of the governing board of the charter school.

15. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

16. A sponsor shall develop the policies and procedures for:

(1) The review of a charter school proposal including an application that provides sufficient information for rigorous evaluation of the proposed charter and provides clear documentation that the education program and academic program are aligned with the state standards and grade-level expectations, and provides clear documentation of effective governance and management structures, and a sustainable operational plan;

(2) The granting of a charter;

(3) The performance [framework] **contract** that the sponsor will use to evaluate the performance of charter schools. **Charter schools shall meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract;**

(4) The sponsor's intervention, renewal, and revocation policies, including the conditions under which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term, consistent with subsections 8 and 9 of section 160.405;

(5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

(6) Procedures to be implemented if a charter school should close, consistent with the provisions of subdivision (15) of subsection 1 of section 160.405.

The department shall provide guidance to sponsors in developing such policies and procedures.

17. (1) A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and

thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

(3) The charter sponsor may, within thirty days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken. Final determination of corrective action shall be determined by the state board of education based upon a review of the documentation submitted to the department and the charter sponsor.

(4) If the state board removes the authority to sponsor a currently operating charter school under any provision of law, the Missouri charter public school commission shall become the sponsor of the school.

**18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405, the department of elementary and secondary education shall exercise its financial withholding authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.**

160.403. 1. The department of elementary and secondary education shall establish an annual application and approval process for all entities eligible to sponsor charters as set forth in section 160.400 which are not sponsoring a charter school as of August 28, 2012, **except that the Missouri charter public school commission shall not be required to undergo the application and approval process.** No later than November 1, 2012, the department shall make available information and guidelines for all eligible sponsors concerning the opportunity to apply for sponsoring authority under this section.

2. The application process for sponsorship shall require each interested eligible sponsor, **except for the Missouri charter public school commission**, to submit an application by February first that includes the following:

- (1) Written notification of intent to serve as a charter school sponsor in accordance with sections 160.400 to 160.425 and section 167.349;
- (2) Evidence of the applicant sponsor's budget and personnel capacity;
- (3) An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425 **and section 167.349**;
- (4) The performance [framework] **contract** that the applicant sponsor would, if approved as a charter sponsor, use to [guide the establishment of a charter contract and for ongoing oversight and a description of how it would] evaluate the charter schools it sponsors; and
- (5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.

3. By April first of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant [charter's] **sponsor's** compliance with sections 160.400 to 160.425 **and section 167.349** and properly promulgated rules of the department.

4. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be six years and renewable. [No eligible sponsor which is not currently sponsoring a charter school as of August 28, 2012, shall commence charter sponsorship without approval from the state board of education and a sponsor contract with the state board of education in effect.]

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall [be] **include** a legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include] **address the following**:

- (1) A mission and vision statement for the charter school;
- (2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, financial management, and operational decisions of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

- (3) A financial plan for the first three years of operation of the charter school including provisions for annual audits;
- (4) A description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan;
- (5) A description of the grades or ages of students being served;
- (6) The school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011;
- (7) A description of the charter school's pupil performance standards and academic program performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this section. The charter school program shall be designed to enable each pupil to achieve such standards and shall contain a complete set of indicators, measures, metrics, and targets for academic program performance, including specific goals on graduation rates and standardized test performance and academic growth;
- (8) A description of the charter school's educational program and curriculum;
- (9) The term of the charter, which shall be five years and [shall] **may** be [renewable] **renewed**;
- (10) Procedures, consistent with the Missouri financial accounting manual, for monitoring the financial accountability of the charter, which shall meet the requirements of subdivision (4) of subsection 4 of this section;
- (11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;
- (12) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;
- (13) A description of the charter school's grievance procedure for parents or guardians;
- (14) A description of the agreement **and time frame for implementation** between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;
- (15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:
  - (a) Orderly transition of student records to new schools and archival of student records;
  - (b) Archival of business operation and transfer or repository of personnel records;
  - (c) Submission of final financial reports;
  - (d) Resolution of any remaining financial obligations; [and]
  - (e) Disposition of the charter school's assets upon closure; **and**
  - (f) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education within thirty days of the decision to close;
- (16) A description of the special education and related services that shall be available to meet the needs of students with disabilities; and
- (17) For all new or revised charters, procedures to be used upon closure of the charter school requiring that unobligated assets of the charter school be returned to the department of elementary and secondary education for their disposition, which upon receipt of such assets shall return them to the local school district in which the school was located, the state, or any other entity to which they would belong.

Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the requirements of this subsection.

2. Proposed charters shall be subject to the following requirements:

- (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board of education by [December first of the year] **January thirty-first** prior to **the school year** of the proposed opening date of the charter school;
- (2) A charter may be approved when the sponsor determines that the requirements of this section are met, determines that the applicant is sufficiently qualified to operate a charter school, and that the proposed charter is consistent with the sponsor's charter sponsorship goals and capacity. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;
- (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding **by the sponsor** that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the charter sponsor shall evaluate the academic performance, **including annual performance reports**, of students enrolled in the charter school. The state board of education [may, within sixty days, disapprove the granting of the charter] **shall approve or deny a charter application within sixty days of receipt of the application**. The state board of education may [disapprove] **deny** a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor. **Any denial of a charter application made by the state board of education shall be in writing and shall identify the specific failures of the application to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall be provided within ten business days to the sponsor.**

4. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, the minimum [number of school days and hours] **amount of school time** required under section [160.041] **171.031**, and the employee criminal history background check and the family care safety registry check under section 168.133;

(3) Except as provided in sections 160.400 to 160.425 **and as specifically provided in other sections**, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, provided that the annual financial report may be published on the department of elementary and secondary education's internet website in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies and comply with all federal audit requirements for charters with local [education] **educational** agency status. For purposes of an audit by petition under section

29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from [kindergarten] **early childhood** through grade twelve, [which may include early childhood education if funding for such programs is established by statute,] as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance, and to the extent applicable based upon grade levels offered by the charter school, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, **and** report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof[, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410]. No charter school shall be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed [high risk] **high-risk** or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a [high risk] **high-risk** or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this subdivision shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;

(7) Comply with all applicable federal and state laws and regulations regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or [disapproval] **denial** by the sponsor, specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

5. (1) Proposed or existing high-risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations during the first year of operation and then



every other year after the most recent review or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. Sponsors shall annually review the charter school's compliance with statutory standards including:

(1) Participation in the statewide system of assessments, as designated by the state board of education under section 160.518;

(2) Assurances for the completion and distribution of an annual report card as prescribed in section 160.522;

(3) The collection of baseline data during the first three years of operation to determine the longitudinal success of the charter school;

(4) A method to measure pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and

(5) Publication of each charter school's annual performance report.

8. (1) (a) A sponsor's [intervention] policies shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and mandate intervention based upon findings of the state board of education of the following:

a. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent in three of the last four school years unless the school has dropout recovery as its mission;

b. The charter school's annual performance report results are below the district's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years; and

c. The charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

a. Clear evidence of underperformance as demonstrated in the charter school's annual performance report in three of the last four school years; or

b. A violation of the law or the public trust that imperils students or public funds.

(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status for no more than [twelve] **twenty-four** months, provided that no more than one designation of probationary status shall be allowed for the duration of the charter contract, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet the performance contract as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an appeal to the state board of education, which shall determine whether the charter shall be revoked.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its sponsor.

(2) The sponsor's renewal process of the charter school shall be based on the thorough analysis of a comprehensive body of objective evidence and consider if:

(a) The charter school has maintained results on its annual performance report that meet or exceed the district in which the charter school is located based on the performance standards that are applicable to the grade-level configuration of both the charter school and the district in which the charter school is located in three of the last four school years;

(b) The charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

a. A negative balance in its operating funds;

b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or

c. Expenditures that exceed receipts for the most recently completed fiscal year;

(c) The charter is in compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; **and**

**(d) The charter school has an annual performance report consistent with a classification of accredited for three of the last four years and is fiscally viable as described in paragraph (b) of this subdivision. If such is the case, the charter school may have an expedited renewal process as defined by rule of the department of elementary and secondary education.**

(3) (a) Beginning August first during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state law as provided in sections 160.400 to 160.425 and section 167.349 and the school's performance contract including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

10. A school district may enter into a lease with a charter school for physical facilities.

11. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

12. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756.

13. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035.

14. The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

15. The department of elementary and secondary education shall calculate an annual performance report for each charter school and shall publish it in the same manner as annual performance reports are calculated and published for districts and attendance centers.

16. The joint committee on education shall create a committee to investigate facility access and affordability for charter schools. The committee shall be comprised of equal numbers of the charter school sector and the public school sector and shall report its findings to the general assembly by December 31, 2016.

160.408. 1. For purposes of this section, “high-quality charter school” means a charter school operating in the state of Missouri that meets the following requirements:

(1) Receives eighty-five percent or more of the total points on the annual performance report for three out of the last four school years by comparing points earned to the points possible on the annual performance report for three of the last four school years;

(2) Maintains a graduation rate of at least eighty percent for three of the last four school years, if the charter school provides a high school program;

(3) Is in material compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; and

(4) Is organizationally and fiscally viable as described in paragraph (b) of subdivision (2) of subsection 9 of section 160.405.

2. Notwithstanding any other provision of law, high-quality charter schools shall be provided expedited opportunities to replicate and expand into unaccredited districts, a metropolitan district, or an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Such replication and expansion shall be subject to the following:

(1) The school seeking to replicate or expand shall submit its proposed charter to a proposed sponsor. The charter shall include a legally binding performance contract that meets the requirements of sections 160.400 to 160.425 and section 167.349;

(2) The sponsor's decision to approve or deny shall be made within sixty days of the filing of the proposed charter with the proposed sponsor;

(3) If a charter is approved by a sponsor, the charter application shall be filed with the state board of education with a statement of finding from the sponsor that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the sponsor shall evaluate the academic performance of students enrolled in the charter school. Such filing shall be made by January thirty-first prior to the school year in which the charter school intends to begin operations.

3. The term of the charter for schools operating under this section shall be five years, and the charter may be renewed for terms of up to ten years. Renewal shall be subject to the provisions of paragraphs (a) to (d) of subdivision (3) of subsection 9 of section 160.405.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) **Nonresident pupils who transfer from an unaccredited district under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;**

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

~~[(4)]~~ (5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission **and does not discriminate based on parents' ability to pay fees or tuition** except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school [that are present for the January membership count as defined in section 163.011] **who have been enrolled for a full academic year** shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. **For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.**

[4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

- (1) Missouri assessment program test performance and aggregate growth over several years;
- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and
- (5) Performance of students enrolled in the same public school for three or more consecutive years.

The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.]

[5.] **4.** A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522;
- (3) The results of background checks on the charter school's board members; and
- (4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

[6.] 5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[7.] 6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[8.] 7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced **price** lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced **price** lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local [education] **educational** agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by

the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services[,] or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the [educational] **education** service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition[, nor may it] or impose fees that a school district is prohibited from **charging or imposing except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section 167.131, from an unaccredited district.**

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. **Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405.**

The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each charter school shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. The department of elementary and secondary education shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house of representatives, and president pro tempore of the senate by the department of elementary and secondary education.

2. For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:

(1) At the end of its most recently completed fiscal year:

(a) Has a negative balance in its operating funds; or

(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year; [or]

(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its funds because of recurring costs; **or**

**(3) Due to insufficient fund balances or reserves, incurred debt after January thirty-first and before July first during the most recently completed fiscal year in order to meet expenditures of the charter school.**

3. The sponsor shall notify by November first the governing board of the charter school identified as experiencing financial stress. Upon receiving the notification, the governing board shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan shall:

(1) Give assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that the charter school can provide the minimum [number of school days and hours] **amount of school time** required by section [160.041] **171.031**;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

4. Upon receipt and following review of any budget and education plan, the sponsor may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section 167.349 shall exempt a charter school from submitting a budget and education plan to the sponsor according to the provisions of this section following each such notification that a charter school has been identified as experiencing financial stress, except that the sponsor may permit a charter school's governing board to make amendments to or update a budget and education plan previously submitted to the sponsor.

5. The department may withhold any payment of financial aid otherwise due to the charter school until such time as the sponsor and the charter school have fully complied with this section.

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 [three] **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, 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.

167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay the tuition of and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county **or who attends an approved charter school in the same or an adjoining county**.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. **The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district**, the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. **For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.** The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

**3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.**

167.241. Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence; however, in the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to **approved charter schools**, school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence."; and



Further amend said bill, Page 7, Section 633.420, Line 110, by inserting after all of said section and line the following:

"Section B. Because of the importance of funding early childhood education programs, section 163.018 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 section 163.018 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 Wood, **House Amendment No. 6** was adopted.

Representative Pfautsch offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

**"161.217. 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.**

**2. Participation in the early learning quality assurance report pilot program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.**

**3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.**

**4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.**

**5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration 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, 2016, shall be invalid and void.**

**6. Under section 23.253 of the Missouri sunset act:**

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

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

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

162.720. 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

**3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of "gifted children" as provided in section 162.675.**

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of [this] section **163.031 as such section existed on July 1, 2008**, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of [this] section **163.031 as such section existed on July 1, 2008**, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

5. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1 and 2 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

6. (1) If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced **price** lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced **price** lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

**(2) In the 2017-18 school year and in each subsequent school year, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount. The provisions of this subdivision shall apply to districts entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not apply to any school district with an average daily attendance of three hundred fifty or less.**

7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations."; and

Further amend said bill, Page 7, Section 633.420, Line 110, by inserting after all of said section and line the following:

"[161.216. 1. No public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds shall operate, establish, or maintain, offer incentives to participate in, or mandate participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education, unless the authority to operate, establish, or maintain such a system is enacted into law through:

(1) A bill as prescribed by Article III of the Missouri Constitution;

(2) An initiative petition as prescribed by Section 50 of Article III of the Missouri Constitution; or

(3) A referendum as prescribed by Section 52(a) of Article III of the Missouri Constitution.

2. No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless such public institution of higher education, political subdivision,

governmental entity or quasi-governmental entity receiving state funds has received statutory authority to do so in a manner consistent with subsection 1 of this section.

3. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against any public institution of higher education, political subdivision, governmental entity or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing requirement that may be established for an individual child care provider.

5. For purposes of this section:

(1) "Early childhood education" shall mean education programs that are both centered and home-based and providing services for children from birth to kindergarten;

(2) "Quality rating system" or "training quality assurance system" shall include the model from the Missouri quality rating system pilots developed by the University of Missouri center for family policy and research, any successor model, or substantially similar model. "Quality rating system" or "training quality assurance system" shall also include but not be limited to a tiered rating system that provides a number of tiers or levels to set benchmarks for quality that build upon each other, leading to a top tier that includes program accreditation. "Quality rating system" or "training quality assurance system" may also include a tiered reimbursement system that may be tied to a tiered rating system;

(3) "Tiered reimbursement system" or "training quality assurance system" shall include but not be limited to a system that links funding to a quality rating system, a system to award higher child care subsidy payments to programs that attain higher quality levels, or a system that offers other incentives through tax policy or professional development opportunities for child care providers.]; and

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

On motion of Representative Pfautsch, **House Amendment No. 7** was adopted.

Representative Alferman offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and
- (4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and
- (5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

**3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.**

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

[4.] 5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

[5.] 6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

[6.] 7. For any school year, grants authorized by subsections 1, 2, and [4] 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection [7] 8 of this section.

[7.] 8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the

limits established in subsection [9] 10 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a [public] high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

[8.] 9. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

[9.] 10. For a two-year private vocational or technical school to obtain reimbursements under subsection [7] 8 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution."; and

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

Representative Cornejo assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Bernskoetter	Berry
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Haahr
Haefner	Hansen	Hill	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Justus
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McDaniel	McGaugh	Messenger	Miller	Moon

Morris	Muntzel	Parkinson	Pfautsch	Phillips
Pike	Plocher	Pogue	Reiboldt	Remole
Rhoads	Roden	Roeber	Rone	Ross
Rowden	Rowland 155	Ruth	Shaul	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 038

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellington
Gardner	Green	Harris	Hubbard	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Peters	Pierson	Rizzo	Rowland 29
Runions	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 022

Beard	Black	Colona	Fitzwater 144	Hicks
Higdon	Hinson	Hummel	Jones	McCaherty
McDonald	McGee	Mims	Neely	Otto
Pietzman	Redmon	Rehder	Shull	Smith
Vescovo	Mr. Speaker			

VACANCIES: 001

On motion of Representative Alferman, **House Amendment No. 8** was adopted.

Representative Montecillo offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

**"161.1050. 1. There is hereby established within the department of elementary and secondary education the "Trauma-Informed Schools Initiative".**

**2. The department of elementary and secondary education shall consult the department of mental health and the department of social services for assistance in fulfilling the requirements of this section.**

**3. The department of elementary and secondary education shall:**

**(1) Provide information regarding the trauma-informed approach to all school districts;**  
**(2) Offer training on the trauma-informed approach to all school districts, which shall include information on how schools can become trauma-informed schools; and**

**(3) Develop a website about the trauma-informed schools initiative that includes information for schools and parents regarding the trauma-informed approach and a guide for schools on how to become trauma-informed schools.**

4. Each school district shall provide the address of the website described under subdivision (3) of subsection 3 of this section to all parents of the students in its district before October first of each school year.

5. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(2) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist re-traumatization.

161.1055. 1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".

2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

(1) One public school located in a metropolitan school district;

(2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

(3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

(5) One public school located in any one of the following counties:

(a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

(b) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(c) A county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants;

(d) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat;

(e) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat;

(f) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(g) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants as the county seat;

(h) A county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(i) A county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants; or

(j) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

4. The department of elementary and secondary education shall:



- (1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;
- (2) Provide the five schools with funds to implement the trauma-informed approach; and
- (3) Closely monitor the progress of the five schools in becoming trauma-informed schools and provide further assistance if necessary.

5. The department of elementary and secondary education shall terminate the trauma-informed schools pilot program on August 28, 2019. Before December 31, 2019, the department of elementary and secondary education shall submit a report to the general assembly that contains the results of the pilot program, including any benefits experienced by the five schools chosen for the program.

6. (1) There is hereby created in the state treasury the "Trauma-Informed Schools Pilot Program Fund". The fund shall consist of any appropriations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(2) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist re-traumatization.

8. The provisions of this section shall expire December 31, 2019."; and

Further amend said bill, Page 7, Section 633.420, Line 110, by inserting immediately after all of said line the following:

"Section B. Section 161.1050 of this act shall become effective July 1, 2017."; and

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

On motion of Representative Montecillo, **House Amendment No. 9** was adopted.

Representative Walton Gray offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words "relating to elementary and secondary education."; and

Further amend said bill, Page 3, Section 170.011, Line 59, by inserting after all of said section and line the following:

**"170.269. A school district or charter school that provides instruction in a grade or grades not lower than the third nor higher than the twelfth grade may incorporate water and swim safety information into the school district's or charter school's existing physical education curriculum for students in such grades. Instruction shall focus on educating students on becoming safer in and around the water and include discussion of statistics that show that drowning is a major public health problem worldwide.";** and

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

On motion of Representative Walton Gray, **House Amendment No. 10** was adopted.

On motion of Representative Swan, **SCS SB 638, as amended**, was read the third time and passed by the following vote:

AYES: 095

Alferman	Allen	Anders	Andrews	Austin
Barnes	Beard	Bernskoetter	Berry	Brown 57
Brown 94	Butler	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Davis	Dogan	Dohrman	Eggleston	Engler
English	Entlicher	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Frederick	Gannon	Haahr	Haefner
Hansen	Harris	Hill	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Johnson
Jones	Justus	Kelley	King	Kolkmeyer
Korman	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
McGaugh	Messenger	Montecillo	Morris	Muntzel
Neely	Pfausch	Phillips	Pike	Plocher
Rehder	Reiboldt	Remole	Rhoads	Roden
Rone	Ross	Rowden	Rowland 155	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Swan	Taylor 145	Walker	Walton Gray	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 056

Adams	Anderson	Arthur	Bahr	Basye
Bondon	Brattin	Burlison	Burns	Carpenter
Colona	Conway 10	Curtis	Curtman	Dugger
Dunn	Fitzpatrick	Franklin	Gardner	Green
Hurst	Kendrick	Kidd	Kirkton	Koenig
Kratky	LaFaver	Marshall	May	McCann Beatty
McCreery	McDaniel	McDonald	McGee	McNeil
Meredith	Miller	Mitten	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pierson	Pogue	Rizzo
Roeber	Rowland 29	Runions	Spencer	Taylor 139
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Ellington	Hicks	Higdon	Hummel
McCaherty	Mims	Pietzman	Redmon	Smith
Vescovo				

VACANCIES: 001

Representative Cornejo declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 085

Alferman	Allen	Andrews	Austin	Bahr
Barnes	Beard	Bernskoetter	Bondon	Brattin
Brown 57	Brown 94	Chipman	Cierpiot	Cookson
Corlew	Cornejo	Crawford	Cross	Davis
Dogan	Dohrman	Eggleston	English	Entlicher
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Haefner	Hansen	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Johnson	Jones	Justus	Kelley
King	Kolkmeier	Lair	Lant	Lauer
Leara	Love	Lynch	Mathews	McGaugh
Muntzel	Neely	Pfautsch	Phillips	Pike
Plocher	Rehder	Reiboldt	Remole	Rhoads
Roden	Rone	Ross	Rowden	Rowland 155
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 145	Walker
White	Wiemann	Wood	Zerr	Mr. Speaker

NOES: 065

Adams	Anders	Anderson	Arthur	Basye
Berry	Burlison	Burns	Butler	Carpenter
Conway 10	Conway 104	Curtis	Curtman	Dugger
Dunn	Ellington	Engler	Fitzpatrick	Gardner
Green	Harris	Hurst	Kendrick	Kidd
Kirkton	Koenig	Korman	Kratky	LaFaver
Lavender	Lichtenegger	Marshall	May	McCann Beatty
McCreery	McDaniel	McDonald	McGee	McNeil
Meredith	Messenger	Miller	Mitten	Montecillo
Moon	Morgan	Morris	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pierson	Pogue	Rizzo	Roeber	Rowland 29
Runions	Taylor 139	Walton Gray	Webber	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Black	Colona	Haahr	Hicks	Higdon
Hummel	McCaherty	Mims	Pietzman	Redmon
Smith	Vescovo			

VACANCIES: 001

**HCS SS SB 786**, relating to elections, was taken up by Representative Dugger.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 11, Section 115.960, Line 29, by inserting immediately after the phrase "**by that office.**" on said line the following:

**"The committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations.";** and

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

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

Representative Conway (10) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 10, Section 115.642, Line 13, by deleting the reference number "**115.641**" on said line and inserting in lieu thereof the reference number "**115.646**"; and

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

On motion of Representative Conway (10), **House Amendment No. 2** was adopted.

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present [during the hours of voting] **until all ballots are cast on the day of election**, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under this section.

115.107. 1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. **A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required under sections 115.447 to 115.491 are completed. A watcher may also remain present at each location at which absentee ballots are counted and may remain present while such ballots are being prepared for counting and counted.**

5. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher."; and

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

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

Representative Dogan offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

"115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

2. [Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the

election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district.] **The ten week filing deadline established under subsection 1 of this section is mandatory for all political subdivisions and special districts that are not specifically exempt from such deadline by law or charter, and no court shall order any individual or issue placed on a regular election day ballot for such political subdivisions or special districts if the deadline is violated. When such deadline is violated, a special election may be held at the request of a political subdivision or district; however, when a special election is called to fill a vacancy, or present a ballot measure of any type, that could have been submitted at a regular election day, but for a violation of the ten week notice requirement of subsection 1 of this section, then all costs of such special election called by a political subdivision or special district shall be paid in full by such political subdivision or special district.** No court shall have the authority to order an individual or issue be placed on the ballot less than six weeks before the date of the election, except as provided in sections 115.361 and 115.379."; and

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

Representative Curtis offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 2, Line 4, by inserting after all of said line the following:

"Further amend said bill, Page 16, Section 130.057, Line 60, by inserting after all of said section and line the following:

**"Section 1. Notwithstanding any other provision of law to the contrary, in any county election in any county with a charter form of government with more than nine hundred fifty thousand inhabitants, if no candidate achieves a majority vote of fifty percent or more, then there shall be a runoff election scheduled within three months as a special election and the county shall pay the costs of such special election to the local election authority. The winner of the runoff election shall assume office for the remainder of the term of office.";** and"; and

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

Representative Curtis moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated.

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 3, Section 115.361, Line 28, by inserting after all of said section and line the following:

"115.367. 1. In the event that the boundaries of a district have been altered, or a new district established for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the members of the various nominating committees for

that office, as provided in section 115.365 who reside within the altered or new district; provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130 shall be from the [old] districts **as they existed at the time of the decennial census**. The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor within the area to be represented at the last gubernatorial election.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party for such district or political subdivision.

The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 115.365.

**4. Notwithstanding any other provision of law, in the event that a candidate is to be selected for nomination or election to the office of representative in the United States Congress by the congressional district committee of a political party under section 115.365, then the members of the congressional district committee eligible to vote for the nomination of a candidate for such representative in Congress shall reside in the requisite United States congressional district. A county committee or other political party committee with members comprising a congressional district committee whose member is ineligible to vote under this section may replace any member by majority vote of the committee prior to the nomination vote. If no replacement member or members are selected, then those positions shall remain vacant during the nomination process.";** and

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

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

On motion of Representative Dugger, **HCS SS SB 786, as amended**, was adopted.

On motion of Representative Dugger, **HCS SS SB 786, as amended**, was read the third time and passed by the following vote:

AYES: 097

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Haefner	Hansen	Hill	Hoskins	Hough
Houghton	Hubrecht	Johnson	Jones	Justus
Kelley	King	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Parkinson	Pfausch	Phillips
Pike	Plocher	Rehder	Reiboldt	Remole

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Rhoads	Roden	Roeber	Rone	Ross
Rowden	Rowland 155	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor 139	Taylor 145	Walker	White	Wiemann
Wood	Zerr			

NOES: 045

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Dunn	Ellington	Gardner
Green	Harris	Hubbard	Hurst	Kendrick
Kidd	Kirkton	Kratky	LaFaver	Lavender
Marshall	May	McCann Beatty	McCreery	McDaniel
McGee	McNeil	Meredith	Mitten	Montecillo
Moon	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Pogue
Rizzo	Rowland 29	Runions	Walton Gray	Webber

PRESENT: 000

ABSENT WITH LEAVE: 020

Black	Colona	Corlew	Curtis	Haahr
Hicks	Higdon	Hinson	Hummel	Leara
Mathews	McCaherty	McDonald	Mims	Pietzman
Redmon	Smith	Vescovo	Wilson	Mr. Speaker

VACANCIES: 001

Representative Cornejo declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	Dogan	Dohrman
Dugger	Eggleston	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Haefner	Hansen	Harris
Hill	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Kelley
Kendrick	King	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Mathews
May	McCreery	McGaugh	McNeil	Messenger
Miller	Morris	Muntzel	Neely	Nichols
Pfautsch	Phillips	Pike	Plocher	Rehder
Reiboldt	Remole	Rhoads	Roden	Roeber
Rone	Ross	Rowden	Rowland 155	Runions
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 139	Taylor 145
Walker	White	Wiemann	Wood	Zerr
Mr. Speaker				



NOES: 034

Adams	Berry	Burns	Butler	Carpenter
Dunn	Ellington	Engler	Gardner	Green
Hubbard	Kidd	Kirkton	Marshall	McCann Beatty
McDaniel	McGee	Meredith	Mitten	Montecillo
Moon	Morgan	Newman	Norr	Otto
Pace	Parkinson	Peters	Pierson	Pogue
Rizzo	Rowland 29	Walton Gray	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 017

Black	Colona	Curtis	Haahr	Hicks
Higdon	Hinson	Hummel	Leara	McCaherty
McDonald	Mims	Pietzman	Redmon	Smith
Vescovo	Wilson			

VACANCIES: 001

**SB 702**, relating to unemployment compensation benefits, was taken up by Representative Brown (57).

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

*House Amendment No. 1*

AMEND Senate Bill No. 702, Page 1, In the Title, Line 3, by deleting the words "unemployment compensation benefits" and inserting in lieu thereof the words "employment security"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said section and line the following:

"288.032. 1. After December 31, 1977, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars or more except that for the purposes of this definition, wages paid for "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day); except that for the purposes of this definition, services performed in "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and in "domestic services" as defined in subdivisions (2) and (13) of subsection 12 of section 288.034 shall not be considered;

(3) Any governmental entity for which service in employment as defined in subsection 7 of section 288.034 is performed;

(4) Any employing unit for which service in employment as defined in subsection 8 of section 288.034 is performed during the current or preceding calendar year;

(5) Any employing unit for which service in employment as defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 is performed during the current or preceding calendar year;

(6) Any employing unit for which service in employment as defined in subsection 13 of section 288.034 is performed during the current or preceding calendar year;

(7) Any individual, type of organization or employing unit which has been determined to be a successor pursuant to section 288.110;

(8) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

(9) Any individual, type of organization or employing unit which, having become an employer, has not pursuant to section 288.080 ceased to be an employer;

(10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an employer pursuant to this law.

2. (1) Notwithstanding any other provisions of this law, any employer, individual, organization, partnership, corporation, other legal entity or employing unit that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, shall be liable for contributions on wages paid by the lessor employing unit to individuals performing services for client lessees of the lessor employing unit. Unless the lessor employing unit has timely complied with the provisions of subdivision (3) of this subsection, any employer, individual, organization, partnership, corporation, other legal entity or employing unit which is leasing individuals from any lessor employing unit shall be jointly and severally liable for any unpaid contributions, interest and penalties due pursuant to this law from any lessor employing unit attributable to wages for services performed for the client lessee entity by individuals leased to the client lessee entity, and the lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessee entities. Delinquent contributions, interest and penalties shall be collected in accordance with the provisions of this chapter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any governmental entity or nonprofit organization that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, and has elected to become liable for payments in lieu of contributions as provided in subsection 3 of section 288.090, shall pay the division payments in lieu of contributions, interest, penalties and surcharges in accordance with section 288.090 on benefits paid to individuals performing services for the client lessees of the lessor employing unit. If the lessor employing unit has not timely complied with the provisions of subdivision (3) of this subsection, any client lessees with services attributable to and performed for the client lessees shall be jointly and severally liable for any unpaid payments in lieu of contributions, interest, penalties and surcharges due pursuant to this law. The lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessees. Delinquent payments in lieu of contributions, interest, penalties and surcharges shall be collected in accordance with subsection 3 of section 288.090. The election to be liable for payments in lieu of contributions made by a governmental entity or nonprofit organization meeting the definition of "lessor employing unit" may be terminated by the division in accordance with subsection 3 of section 288.090.

(3) In order to relieve a client lessees from joint and several liability and the separate reporting requirements imposed pursuant to this subsection, any lessor employing unit may post and maintain a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the lessor employing unit was liable in the last calendar year in which he or she accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties and surcharges for which the lessor employing unit may be, or becomes, liable pursuant to this law. In lieu of a surety bond, the lessor employing unit may deposit in a depository designated by the director, securities with marketable value equivalent to the amount required for a surety bond. The securities so deposited shall include authorization to the director to sell any securities in an amount sufficient to pay any contributions or payments in lieu of contributions, interest, penalties and surcharges which the lessor employing unit fails to promptly pay when due. In lieu of a surety bond or securities as described in this subdivision, any lessor employing unit may provide the director with an irrevocable letter of credit, as defined in section 409.5-103, issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. In lieu of a surety bond, securities or an irrevocable letter of credit, a lessor employing unit may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. The certificate of deposit shall be pledged to the director until release by the director. As used in this subdivision, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

(4) Any lessor employing unit which is currently engaged in the business of leasing individuals to client lessees shall comply with the provisions of subdivision (3) of this subsection by September 28, 1992. Lessor employing units not currently engaged in the business of leasing individuals to client lessees shall comply with subdivision (3) of this subsection before entering into a written lease agreement with client lessees.

(5) As used in this subsection, the term "lessor employing unit" means an independently established business entity, governmental entity as defined in subsection 1 of section 288.030 or nonprofit organization as defined in subsection 3 of section 288.090 which, pursuant to a written lease agreement between the lessor employing unit and the client lessees, engages in the business of providing individuals to any other employer, individual, organization, partnership, corporation, other legal entity or employing unit referred to in this subsection as a client lessee.

(6) The provisions of this subsection shall not be applicable to private employment agencies who provide their employees to employers on a temporary help basis provided the private employment agencies are liable as employers for the payment of contributions on wages paid to temporary workers so employed.

3. After September 30, 1986, notwithstanding any provision of section 288.034, for the purpose of this law, in no event shall a for-hire motor carrier as regulated by the Missouri division of motor carrier and railroad safety or whose operations are confined to a commercial zone be determined to be the employer of a lessor as defined in 49 CFR Section 376.2(f), or of a driver receiving remuneration from a lessor as defined in 49 CFR Section 376.2(f), provided, however, the term "for-hire motor carrier" shall in no event include an organization described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

4. The owner or operator of a beauty salon or similar establishment shall not be determined to be the employer of a person who utilizes the facilities of the owner or operator but who receives neither salary, wages or other compensation from the owner or operator and who pays the owner or operator rent or other payments for the use of the facilities.

**5. For purposes of this chapter, a taxicab driver shall not be considered to be an employee of the company that leases the taxicab to the driver or that provides dispatching or similar rider referral services unless the driver is shown to be an employee of that company by application of the Internal Revenue Service twenty-factor right-to-control test.";** and

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

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

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

*House Amendment No. 2*

AMEND Senate Bill No. 702, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) The claimant has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) The claimant is able to work and is available for work. No person shall be deemed available for work unless such person has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, pursuant to this subdivision, solely because he or she is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible pursuant to this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved pursuant to Section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended);

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended not to exceed a total of sixteen weeks at the discretion of the director;

(3) The claimant has reported to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his or her own and has a definite recall date within eight weeks of his or her first day of unemployment; or

(c) The director of the division of employment security has determined that the claimant belongs to a group or class of workers whose opportunities for reemployment will not be enhanced by reporting, or is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist.

Ineligibility pursuant to this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report to the division's office;

(4) Prior to the first week of a period of total or partial unemployment for which the claimant claims benefits he or she has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. During calendar year 2008 and each calendar year thereafter, the one-week waiting period shall become compensable once his or her remaining balance on the claim is equal to or less than the compensable amount for the waiting period. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which the claimant claims benefits;

(5) The claimant has made a claim for benefits within fourteen days from the last day of the week being claimed. The fourteen-day period may, for good cause, be extended to twenty-eight days;

(6) The claimant has reported to an employment office to participate in a reemployment assessment and reemployment services as directed by the deputy or designated staff of an employment office, unless the deputy determines that good cause exists for the claimant's failure to participate in such reemployment assessment and reemployment services. For purposes of this section, "reemployment services" may include, but not be limited to, the following:

(a) Providing an orientation to employment office services;

(b) Providing job search assistance; and

(c) Providing labor market statistics or analysis;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to report for the reemployment assessment or reemployment services and shall end on the last day of the week preceding the week during which the claimant does report in person to the employment office for such reemployment assessment or reemployment services;

(7) The claimant is participating in reemployment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

(a) The individual has completed such reemployment services; or

(b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he or she is or has been suspended by his or her most recent employer for misconduct connected with his or her work. Suspensions of four weeks or more shall be treated as discharges.

3. (1) Benefits based on "service in employment", described in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, the claimant shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received pursuant to such federal law shall be deductible from the amount of benefits received pursuant to this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he or she has received or is seeking unemployment benefits pursuant to an unemployment insurance law of another state or the United States; provided, that if it be finally determined that the claimant is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that such claimant's total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which such claimant is or was last employed. In the event the claimant secures other employment from which he or she is separated during the existence of the labor dispute, the claimant must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate

departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

9. A claimant shall be ineligible for waiting week credit or benefits for any week such claimant has an outstanding penalty which was assessed based upon an overpayment of benefits, as provided for in subsection 9 of section 288.380.

10. The directors of the division of employment security and the division of workforce development shall submit to the governor, the speaker of the house of representatives, and the president pro tem of the senate no later than October 15, 2006, a report outlining their recommendations for how to improve work search verification and claimant reemployment activities. The recommendations shall include, but not limited to how to best utilize "greathires.org", and how to reduce the average duration of unemployment insurance claims. Each calendar year thereafter, the directors shall submit a report containing their recommendations on these issues by December thirty-first of each year.

11. For purposes of this section, a claimant may satisfy reporting requirements provided under this section by reporting by internet communication or any other means deemed acceptable by the division of employment security.

**12. For purposes of this section, an individual shall be eligible to receive unemployment benefits only after he or she has worked for the employer for a minimum of two hundred hours.**

**13. An individual may not file a claim against an employer more than once in a twelve-month period.";** and

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

**House Amendment No. 2** was withdrawn.

On motion of Representative Brown (57), **SB 702, as amended**, was read the third time and passed by the following vote:

AYES: 137

Alferman	Allen	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Barnes	Basye
Beard	Bernskoetter	Berry	Bondon	Brattin
Brown 57	Brown 94	Burlison	Burns	Butler
Carpenter	Chipman	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	Dogan	Dohrman	Dunn
Eggleston	Engler	English	Entlicher	Fitzpatrick
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Gardner	Green	Haahr
Haefner	Hansen	Harris	Hill	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Hurst
Johnson	Jones	Justus	Kelley	Kendrick
Kidd	King	Kirkton	Koenig	Kolkmeyer
Korman	Kratky	LaFaver	Lant	Lauer
Lavender	Leara	Lichtenegger	Love	Lynch
Mathews	May	McCann Beatty	McCreery	McGaugh
McNeil	Meredith	Messenger	Miller	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Plocher	Reiboldt	Remole	Rhoads	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland 155	Rowland 29	Runions	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Walker	Walton Gray
Webber	White	Wiemann	Wilson	Wood
Zerr	Mr. Speaker			

NOES: 005

Ellington	Hinson	Marshall	McDaniel	Pogue
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PRESENT: 000

ABSENT WITH LEAVE: 020

Adams	Black	Colona	Curtis	Dugger
Hicks	Higdon	Hummel	Lair	McCaherty
McDonald	McGee	Mims	Otto	Parkinson
Pietzman	Redmon	Rehder	Smith	Vescovo

VACANCIES: 001

Representative Cornejo declared the bill passed.

**HCS SCS SB 973**, relating to dispensing maintenance medication, was taken up by Representative Jones.

Representative Rowland (155) offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Line 3, by deleting the word "maintenance"; and

Further amend said bill and page, Section 338.202, Line 13, by inserting after all of said section and line the following:

"376.1237. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

5. The provisions of this section shall terminate on January 1, [2017] **2020**."; and

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

On motion of Representative Rowland (155), **House Amendment No. 1** was adopted.

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Line 3, by deleting the word "maintenance"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

"338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the prescribing and dispensing of self-administered oral hormonal contraceptives under section 338.660**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in



the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. 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.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration."; and

Further amend said bill and page, Section 338.202, Line 13, by inserting after all of said section and line the following:

**"338.660. 1. For purposes of this chapter, "self-administered oral hormonal contraceptive" shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.**

**2. A pharmacist may prescribe and dispense self-administered oral hormonal contraceptives to a person who is:**

**(1) Eighteen years of age or older, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a self-administered oral hormonal contraceptive; or**

**(2) Under eighteen years of age, if the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a self-administered oral hormonal contraceptive.**

**3. The board of pharmacy shall adopt rules, in consultation with the board of registration for the healing arts, board of nursing, and department of health and senior services, and in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, to establish standard procedures for the prescribing of self-administered oral hormonal contraceptives by pharmacists. The board of pharmacy shall adopt rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.**

**4. The rules adopted under this section shall require a pharmacist to:**

**(1) Complete a training program approved by the board of pharmacy that is related to prescribing self-administered oral hormonal contraceptives;**

**(2) Provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's prescribing the self-administered oral hormonal contraceptive;**

**(3) Refer the patient to the patient's primary care practitioner or women's health care practitioner upon prescribing and dispensing the self-administered oral hormonal contraceptive;**

**(4) Provide the patient with a written record of the self-administered oral hormonal contraceptive prescribed and dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and**

**(5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.**

**5. The rules adopted under this section shall prohibit a pharmacist from:**

**(1) Requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a self-administered oral hormonal contraceptive; and**

(2) Prescribing and dispensing a self-administered oral hormonal contraceptive to a patient who does not have evidence of a clinical visit for women's health within the three years immediately following the initial prescription and dispensation of a self-administered oral hormonal contraceptive by a pharmacist to the patient.

6. All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered oral hormonal contraceptives prescribed by a pharmacist under this section.

376.1240. 1. For purposes of this section, the terms "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350. The term "prescription contraceptive" shall mean a drug or device that requires a prescription and is approved by the Food and Drug Administration to prevent pregnancy.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2017, and that provides coverage for prescription contraceptives shall provide coverage to reimburse a health care provider or dispensing entity for a dispensation of a ninety-day supply of prescription contraceptives to an insured.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration."; and

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

Representative Solon moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2-3, by deleting the words "dispensing maintenance medication" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section 338.202, Line 13, by inserting after all of said section and line the following:

**"404.1100. Sections 404.1100 to 404.1110 shall be known and may be cited as the "Designated Health Care Decision-Maker Act".**

**404.1101. As used in sections 404.1100 to 404.1110, the following terms mean:**

(1) "Artificially supplied nutrition and hydration", any medical procedure whereby nutrition or hydration is supplied through a tube inserted into a person's nose, mouth, stomach, or intestines, or nutrients or fluids are administered into a person's bloodstream or provided subcutaneously;

(2) "Best interests":

(a) Promoting the incapacitated person's right to enjoy the highest attainable standard of health for that person;

(b) Advocating that the person who is incapacitated receive the same range, quality, and standard of health care, care, and comfort as is provided to a similarly situated individual who is not incapacitated; and

(c) Advocating against the discriminatory denial of health care, care, or comfort, or food or fluids on the basis that the person who is incapacitated is considered an individual with a disability;

(3) "Designated health care decision-maker", the person designated to make health care decisions for a patient under section 404.1104, not including a person acting as a guardian or an agent under a durable power of attorney for health care or any other person legally authorized to consent for the patient under any other law to make health care decisions for an incapacitated patient;

(4) "Disability" or "disabled" shall have the same meaning as defined in 42 U.S.C. Section 12102, the Americans with Disabilities Act of 1990, as amended; provided that the term "this chapter" in that definition shall be deemed to refer to the Missouri health care decision-maker act;

(5) "Health care", a procedure to diagnose or treat a human disease, ailment, defect, abnormality, or complaint, whether of physical or mental origin and includes:

(a) Assisted living services, or intermediate or skilled nursing care provided in a facility licensed under chapter 198;

(b) Services for the rehabilitation or treatment of injured, disabled, or sick persons; or

(c) Making arrangements for placement in or transfer to or from a health care facility or health care provider that provides such forms of care;

(6) "Health care facility", any hospital, hospice, inpatient facility, nursing facility, skilled nursing facility, residential care facility, intermediate care facility, dialysis treatment facility, assisted living facility, home health or hospice agency; any entity that provides home or community-based health care services; or any other facility that provides or contracts to provide health care, and which is licensed, certified, or otherwise authorized or permitted by law to provide health care;

(7) "Health care provider", any individual who provides health care to persons and who is licensed, certified, registered, or otherwise authorized or permitted by law to provide health care;

(8) "Incapacitated", a person who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks capacity to meet essential requirements for food, clothing, shelter, safety, or other care such that serious physical injury, illness, or disease is likely to occur;

(9) "Patient", any adult person or any person otherwise authorized to make health care decisions for himself or herself under Missouri law;

(10) "Physician", a treating, attending, or consulting physician licensed to practice medicine under Missouri law;

(11) "Reasonable medical judgment", a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the health care possibilities with respect to the medical conditions involved.

**404.1102.** The determination that a patient is incapacitated shall be made as set forth in section 404.825. A health care provider or health care facility may rely in the exercise of good faith and in accordance with reasonable medical judgment upon the health care decisions made for a patient by a designated health care decision-maker selected in accordance with section 404.1104, provided two licensed physicians determine, after reasonable inquiry and in accordance with reasonable medical judgment, that such patient is incapacitated and has neither a guardian with medical decision-making authority appointed in accordance with chapter 475, an attorney in fact appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, is not a child under the jurisdiction of the juvenile court under section 211.031, nor any other known person who has the legal authority to make health care decisions.

**404.1103.** Upon a determination that a patient is incapacitated, the physician or another health care provider acting at the direction of the physician shall make reasonable efforts to inform potential designated health care decision-makers set forth in section 404.1104 of whom the physician or physician's designee is aware, of the need to appoint a designated health care decision-maker. Reasonable efforts include, without limitation, identifying potential designated health care decision makers as set forth in subsection 1 of section 404.1104, a guardian with medical decision-making authority appointed in accordance with chapter 475, an attorney in fact appointed in a durable power of attorney for health care in accordance with sections 404.800 to 404.865, the juvenile court under section 211.031, or any other known person who has the legal authority to make health care decisions, by examining the patient's personal effects and medical records. If a family member, attorney in fact for health care or guardian with health care decision-making authority is identified, a documented attempt to contact that person by telephone, with all known telephone numbers and other contact information used, shall be made within twenty-four hours after a determination of incapacity is made as provided in section 404.1102.

**404.1104. 1.** If a patient is incapacitated under the circumstances described in section 404.1102 and is unable to provide consent regarding his or her own health care, and does not have a legally appointed guardian, an agent under a health care durable power of attorney, is not under the jurisdiction of the juvenile court, or does not have any other person who has legal authority to consent for the patient, decisions concerning the patient's health care may be made by the following competent persons in the following order of priority, with the exception of persons excluded under subsection 4 of section 404.1104:

- (1) The spouse of the patient, unless the spouse and patient are separated under one of the following:
  - (a) A current dissolution of marriage or separation action;
  - (b) A signed written property or marital settlement agreement;
  - (c) A permanent order of separate maintenance or support or a permanent order approving a property or marital settlement agreement between the parties;
- (2) An adult child of the patient;
- (3) A parent of the patient;
- (4) An adult sibling of the patient;
- (5) A person who is a member of the same community of persons as the patient who is bound by vows to a religious life and who conducts or assists in the conducting of religious services and actually and regularly engages in religious, benevolent, charitable, or educational ministry, or performance of health care services;
- (6) An adult who can demonstrate that he or she has a close personal relationship with the patient and is familiar with the patient's personal values; or
- (7) Any other person designated by the unanimous mutual agreement of the persons listed above who is involved in the patient's care.

**2.** If a person who is a member of the classes listed in subsection 1 of this section, regardless of priority, or a health care provider or a health care facility involved in the care of the patient, disagrees on whether certain health care should be provided to or withheld or withdrawn from a patient, any such person, provider, or facility, or any other person interested in the welfare of the patient may petition the probate court for an order for the appointment of a temporary or permanent guardian in accordance with subsection 8 of this section to act in the best interest of the patient.

**3.** A person who is a member of the classes listed in subsection 1 of this section shall not be denied priority under this section based solely upon that person's support for, or direction to provide, withhold or withdraw health care to the patient, subject to the rights of other classes of potential designated decision-makers, a healthcare provider, or healthcare facility to petition the probate court for an order for the appointment of a temporary or permanent guardian under subsection 8 of this section to act in the best interests of the patient.

**4.** Priority under this section shall not be given to persons in any of the following circumstances:

- (1) If a report of abuse or neglect of the patient has been made under section 192.2475, 198.070, 208.912, 210.115, 565.188, 630.163 or any other mandatory reporting statutes, and if the health care provider knows of such a report of abuse or neglect, then unless the report has been determined to be unsubstantiated or unfounded, or a determination of abuse was finally reversed after administrative or judicial review, the person reported as the alleged perpetrator of the abuse or neglect shall not be given priority or authority to make health care decisions under subsection 1 of this section, provided that such a report shall not be based on the person's support for, or direction to provide, health care to the patient;
- (2) If the patient's physician or the physician's designee reasonably determines, after making a diligent effort to contact the designated health care decision-maker using known telephone numbers and other contact information and receiving no response, that such person is not reasonably available to make medical decisions as needed or is not willing to make health care decisions for the patient; or
- (3) If a probate court in a proceeding under subsection 8 of this section finds that the involvement of the person in decisions concerning the patient's health care is contrary to instructions that the patient had unambiguously, and without subsequent contradiction or change, expressed before he or she became incapacitated. Such a statement to the patient's physician or other health care provider contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider shall be deemed such an instruction, subject to the ability of a party to a proceeding under subsection 8 of this section to dispute its accuracy, weight, or interpretation.

5. (1) The designated health care decision-maker shall make reasonable efforts to obtain information regarding the patient's health care preferences from health care providers, family, friends, or others who may have credible information.

(2) The designated health care decision-maker, and the probate court in any proceeding under subsection 8 of this section, shall always make health care decisions in the patient's best interests, and if the patient's religious and moral beliefs and health care preferences are known, in accordance with those beliefs and preferences.

6. This section does not authorize the provision or withholding of health care services that the patient has unambiguously, without subsequent contradiction or change of instruction, expressed that he or she would or would not want at a time when such patient had capacity. Such a statement to the patient's physician or other health care provider, contemporaneously recorded in the patient's medical record and signed by the patient's physician or other health care provider, shall be deemed such evidence, subject to the ability of a party to a proceeding under subsection 8 of this section to dispute its accuracy, weight, or interpretation.

7. A designated health care decision-maker shall be deemed a personal representative for the purposes of access to and disclosure of private medical information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. Section 1320d and 45 CFR 160-164.

8. Nothing in sections 404.1100 to 404.1110 shall preclude any person interested in the welfare of a patient including, but not limited to, a designated health care decision-maker, a member of the classes listed in subsection 1 of this section regardless of priority, or a health care provider or health care facility involved in the care of the patient, from petitioning the probate court for the appointment of a temporary or permanent guardian for the patient including expedited adjudication under chapter 475.

9. Pending the final outcome of proceedings initiated under subsection 8 of this section, the designated health care decision-maker, health care provider, or health care facility shall not withhold or withdraw, or direct the withholding or withdrawal, of health care, nutrition, or hydration whose withholding or withdrawal, in reasonable medical judgment, would result in or hasten the death of the patient, would jeopardize the health or limb of the patient, or would result in disfigurement or impairment of the patient's faculties. If a health care provider or a health care facility objects to the provision of such health care, nutrition, or hydration on the basis of religious beliefs or sincerely held moral convictions, the provider or facility shall not impede the transfer of the patient to another health care provider or health care facility willing to provide it, and shall provide such health care, nutrition, or hydration to the patient pending the completion of the transfer. For purposes of this section, artificially supplied nutrition and hydration may be withheld or withdrawn during the pendency of the guardianship proceeding only if, based on reasonable medical judgment, the patient's physician and a second licensed physician certify that the patient meets the standard set forth in subdivision (2) of subsection 1 of section 404.1105. If tolerated by the patient and adequate to supply the patient's needs for nutrition or hydration, natural feeding should be the preferred method.

404.1105. 1. No designated health care decision-maker may, with the intent of hastening or causing the death of the patient, authorize the withdrawal or withholding of nutrition or hydration supplied through either natural or artificial means. A designated health care decision-maker may authorize the withdrawal or withholding of artificially supplied nutrition and hydration only when the physician and a second licensed physician certify in the patient's medical record based on reasonable medical judgment that:

(1) Artificially supplied nutrition or hydration are not necessary for comfort care or the relief of pain and would serve only to prolong artificially the dying process and where death will occur within a short period of time whether or not such artificially supplied nutrition or hydration is withheld or withdrawn; or

(2) Artificially supplied nutrition or hydration cannot be physiologically assimilated or tolerated by the patient.

2. When tolerated by the patient and adequate to supply the patient's need for nutrition or hydration, natural feeding should be the preferred method.

3. The provisions of this section shall not apply to subsection 3 of section 459.010.

404.1106. If any of the individuals specified in section 404.1104 or the designated health care decision-maker or physician believes the patient is no longer incapacitated, the patient's physician shall reexamine the patient and determine in accordance with reasonable medical judgment whether the patient is no longer incapacitated, shall certify the decision and the basis therefor in the patient's medical record, and shall notify the patient, the designated health care decision-maker, and the person who initiated the redetermination of capacity. Rights of the designated health care decision-maker shall end upon the physician's certification that the patient is no longer incapacitated.

**404.1107.** No health care provider or health care facility that makes good faith and reasonable attempts to identify, locate, and communicate with potential designated health care decision-makers in accordance with sections 404.1100 to 404.1110 shall be subject to civil or criminal liability or regulatory sanction for any act or omission related to his or her or its effort to identify, locate, and communicate with or act upon any decision by or for such actual or potential designated health care decision-makers.

**404.1108. 1.** A health care provider or a health care facility may decline to comply with the health care decision of a patient or a designated health care decision-maker if such decision is contrary to the religious beliefs or sincerely held moral convictions of a health care provider or health care facility.

**2.** If at any time, a health care facility or health care provider determines that any known or anticipated health care preferences expressed by the patient to the health care provider or health care facility, or as expressed through the patient's designated health care decision-maker, are contrary to the religious beliefs or sincerely held moral convictions of the health care provider or health care facility, such provider or facility shall promptly inform the patient or the patient's designated health care decision-maker.

**3.** If a health care provider declines to comply with such health care decision, no health care provider or health care facility shall impede the transfer of the patient to another health care provider or health care facility willing to comply with the health care decision.

**4.** Nothing in this section shall relieve or exonerate a health care provider or a health care facility from the duty to provide for the health care, care, and comfort of a patient pending transfer under this section. If withholding or withdrawing certain health care would, in reasonable medical judgment, result in or hasten the death of the patient, such health care shall be provided pending completion of the transfer. Notwithstanding any other provision of this section, no such health care shall be denied on the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill, or on the basis of the health care provider's or facility's disagreement with how the patient or individual authorized to act on the patient's behalf values the tradeoff between extending the length of the patient's life and the risk of disability.

**404.1109.** No health care decision-maker shall withhold or withdraw health care from a pregnant patient, consistent with existing law, as set forth in section 459.025.

**404.1110.** Nothing in sections 404.1100 to 404.1110 is intended to:

- (1) Be construed as condoning, authorizing, or approving euthanasia or mercy killing; or
- (2) Be construed as permitting any affirmative or deliberate act to end a person's life, except to permit natural death as provided by sections 404.1100 to 404.1110."; and

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

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

Representative Hoskins offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, Section 338.202, Line 13, by inserting immediately after all of said lines the following:

**"376.2029.** The legislature declares it a matter of public interest:

- (1) That patients be exempt from step therapy protocols if inappropriate or otherwise not in the best interest of the patient;
- (2) That patients, through their health care providers, have access to a fair, transparent, and independent process for requesting an exception to a step therapy protocol if the patient's health care provider deems such exception appropriate; and
- (3) That patients and health care providers receive a timely determination from health carriers and health benefit plans on requests for an exception to a step therapy protocol.

**376.2030.** As used in sections 376.2030 to 376.2036, the following terms mean:

- (1) "Emergency medical condition", the same meaning as such term is defined in section 376.1350;
- (2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;
- (3) "Health care provider", the same meaning as such term is defined in section 376.1350;
- (4) "Health carrier", the same meaning as such term is defined in section 376.1350;
- (5) "Step therapy override exception determination", a determination as to whether a step therapy protocol should apply in a particular situation, or whether the step therapy protocol should be overridden in favor of immediate coverage of the health care provider's preferred prescription drug. Such determination shall be based on a review of the patient's or health care provider's request for an override, along with supporting rationale and documentation;
- (6) "Step therapy override exception request", a written or electronic request from a patient's health care provider for the step therapy protocol to be overridden in favor of immediate coverage of the health care provider's preferred prescription drug. The manner and form of the request shall be disclosed to the patient and health care provider as provided under section 376.2034;
- (7) "Step therapy protocol", a protocol or program that establishes a specific sequence in which prescription drugs for a specified medical condition and medically appropriate for a particular patient are to be prescribed and covered by a health carrier or health benefit plan;
- (8) "Utilization review organization", an entity that conducts utilization review other than an insurer or health carrier performing utilization review for its own health benefit plans.

**376.2034. 1.** If coverage of a prescription drug for the treatment of any medical condition is restricted for use by a health carrier, health benefit plan, or utilization review organization via a step therapy protocol, a patient and his or her health care provider shall have access to a readily accessible process to request a step therapy override exception determination. A health carrier, health benefit plan, or utilization review organization may use its existing medical exceptions process to satisfy this requirement. The process shall be disclosed to the patient and health care provider, which shall include the necessary documentation needed to process such request and be made available on the health carrier plan or health benefit plan website.

**2.** A step therapy override exception request shall be expeditiously granted if:

- (1) The required prescription drug is contraindicated or will likely cause an adverse reaction by or physical or mental harm to the patient;
- (2) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;
- (3) The patient has tried the step therapy required prescription drug while under his or her current or previous health insurance or health benefit plan, and the use of such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;
- (4) The patient has tried a prescription drug in the same therapeutic class as the step therapy required prescription drug or with a similar mechanism of action that would generally possess a comparable potency. Pharmacy drug samples shall not be considered trial and failure of a preferred prescription drug in lieu of trying the step therapy required prescription drug; or
- (5) The step therapy required prescription drug is not in the best interest of the patient based on medical necessity.

**3.** The health carrier, health benefit plan, or utilization review organization may request relevant documentation from the health care provider to support the override exception request, including the results of any clinical evaluation or evidence that the patient has tried the step therapy required prescription drug and the use of such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event.

**4.** Upon granting a step therapy override exception request, the health carrier, health benefit plan, or utilization review organization shall authorize dispensation of and coverage for the prescription drug prescribed by the patient's treating health care provider, provided such drug is a covered drug under such policy or plan.

**5. (1)** The health carrier, health benefit plan, or utilization review organization shall:

- (a) Acknowledge receipt of a step therapy override exception request and indicate if relevant supporting documentation is needed within one business day of receipt of the request;
- (b) If supporting documentation is not needed, grant or deny the step therapy override exception request within three business days of receipt of the request; and



(c) If supporting documentation is needed, grant or deny the step therapy override exception request within three business days of receipt of the supporting documentation.

(2) If an emergency medical condition exists, a health carrier, health benefit plan, or utilization review organization shall:

(a) Acknowledge receipt of a step therapy override exception request and indicate if relevant supporting documentation is needed within one business day of receipt of the request;

(b) If supporting documentation is not needed, grant or deny the step therapy override exception request within one business day of receipt of the request; and

(c) If supporting documentation is needed, grant or deny the step therapy override exception request within one business day of receipt of the supporting documentation.

(3) If an insurer, health plan, or utilization review organization does not grant or deny the step therapy override exception request within the time allotted under this subsection, the step therapy override exception request shall be deemed granted.

(4) If an insurer, health plan, or utilization review organization denies a step therapy override exception request, the insurer, health benefit plan, or utilization review organization shall provide notification of the denial and a detailed explanation of the reason for the denial to the patient and health care provider. Such detailed explanation shall include the clinical rationale that supports the denial of the step therapy override exception request, if applicable. Upon denial of a step therapy override exception request, the requesting health care provider, on behalf of the patient, shall be given an opportunity to request a reconsideration of the denial as provided under section 376.1365.

6. This section shall not be construed to prevent:

(1) A health carrier, health benefit plan, or utilization review organization from requiring a patient to try an A/B rated generic equivalent or other branded prescription drug prior to providing coverage for the requested branded prescription drug; or

(2) A health care provider from prescribing a prescription drug he or she determines is medically appropriate.

376.2036. 1. The director of the department of insurance, financial institutions and professional registration shall grant a health carrier, health benefit plan, or utilization review organization a waiver from the provisions of sections 376.2030 to 376.2036 if the health carrier, health benefit plan, or utilization review organization demonstrates to the director by actual experience, which is certified by an independent member of the American Academy of Actuaries, over any consecutive twenty-four-month period that compliance with sections 376.2030 to 376.2036 has independently increased the cost of its health insurance policies or health benefit plans by an amount that results in an increase in premium costs to the health carrier, health benefit plan, or utilization review organization greater than the medical inflation rate for such twenty-four-month period. The data provided in support of the waiver and certified by the independent actuary shall demonstrate that the increased costs are attributable to the provisions of sections 376.2030 to 376.2036.

2. The provisions of sections 376.2030 to 376.2036 shall apply only to health insurance policies and health benefit plans delivered, issued for delivery, or renewed on or after January 1, 2018.

3. Notwithstanding any law to the contrary, the department of insurance, financial institutions and professional registration shall promulgate any regulations necessary to enforce sections 376.2030 to 376.2036. 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, 2016, shall be invalid and void."; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2-3, by deleting the words "dispensing maintenance medication"; and inserting the words "health care"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

- "191.1150. 1. This section shall be known as the "Caregiver, Advise, Record, and Enable (CARE) Act".**
- 2. As used in this section, the following terms shall mean:**
- (1) "After-care", assistance that is provided by a caregiver to a patient after the patient's discharge from a hospital that is related to the condition of the patient at the time of discharge, including assisting with activities of daily living, as defined in section 198.006; instrumental activities of daily living, as defined in section 198.006; or carrying out medical or nursing tasks as permitted by law;**
  - (2) "Admission", a patient's admission into a hospital as an in patient;**
  - (3) "Ambulatory surgical center", as defined in section 197.200;**
  - (4) "Caregiver", an individual who is eighteen years of age or older, is duly designated as a caregiver by a patient pursuant to this section, and who provides after-care assistance to such patient in the patient's residence;**
  - (5) "Discharge", a patient's release from a hospital or an ambulatory surgical center to the patient's residence following an admission;**
  - (6) "Hospital", as defined in section 197.020;**
  - (7) "Residence", a dwelling that the patient considers to be his or her home. "Residence" shall not include:**
    - (a) A facility, as defined in section 198.006;**
    - (b) A hospital, as defined in section 197.020;**
    - (c) A prison, jail, or other detention or correctional facility operated by the state or a political subdivision;**
    - (d) A residential facility, as defined in section 630.005;**
    - (e) A group home or developmental disability facility, as defined in section 633.005; or**
    - (f) Any other place of habitation provided by a public or private entity which bears legal or contractual responsibility for the care, control, or custody of the patient and which is compensated for doing so.**
- 3. A hospital or ambulatory surgical center shall provide each patient or, if applicable, the patient's legal guardian with an opportunity to designate a caregiver following the patient's admission into a hospital or entry into an ambulatory surgical center and prior to the patient's discharge. Such designation shall include a written consent of the patient or the patient's legal guardian to release otherwise confidential medical information to the designated caregiver if such medical record would be needed to enable the completion of after-care tasks. The written consent shall be in compliance with federal and state laws concerning the release of personal health information. Prior to discharge, a patient may elect to change his or her caregiver in the event that the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient. Designation of a caregiver by a patient or a patient's legal guardian does not obligate any person to arrange or perform any after-care tasks for the patient.**
- 4. The hospital or ambulatory surgical center shall document the patient's or the patient's legal guardian's designation of caregiver, the relationship of the caregiver to the patient, and the caregiver's available contact information.**
- 5. If the patient or the patient's legal guardian declines to designate a caregiver, the hospital or ambulatory surgical center shall document such information.**
- 6. The hospital or ambulatory surgical center shall notify a patient's caregiver of the patient's discharge or transfer to another facility as soon as practicable, which may be after the patient's physician issues a discharge order. In the event that the hospital or ambulatory surgical center is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care provided to the patient or an appropriate discharge of the patient. The hospital or ambulatory surgical center shall document the attempt to contact the caregiver.**

7. Prior to being discharged, if the hospital or ambulatory surgical center is able to contact the caregiver and caregiver is willing to assist, the hospital or ambulatory surgical center shall provide the caregiver with the patient's discharge plan, if such plan exists, or instructions for the after-care needs of the patient and give the caregiver the opportunity to ask questions about the after-care needs of the patient.

8. A hospital or ambulatory surgical center is not required nor obligated to determine the ability of a caregiver to understand or perform any of the after-care tasks outlined in this section.

9. Nothing in this section shall authorize or require compensation of a caregiver by a state agency or a health carrier, as defined in section 376.1350.

10. Nothing in this section shall require a hospital or ambulatory surgical center to take actions that are inconsistent with the standards of the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations or the standards of a national accrediting organization with deeming authority under Section 1865(a)(1) of the Social Security Act.

11. Nothing in this section shall create a private right of action against a hospital, ambulatory surgical center, a hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship.

12. A hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall not be liable in any way for an act or omission of the caregiver.

13. No act or omission under this section by a hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall give rise to a citation, sanction, or any other adverse action by any licensing authority to whom such individual or entity is subject.

14. Nothing in this section shall be construed to interfere with the rights of an attorney in fact under a durable power of health care pursuant to sections 404.800 to 404.872."; and

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

Representative Jones 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 Senate Committee Substitute for Senate Bill No. 973, Page 2, Line 39, by deleting said line and inserting in lieu thereof the following:

**"a durable power of health care pursuant to sections 404.800 to 404.872.**

197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge. **The provisions of this subsection shall not apply to hospitals operated by the state and licensed under chapter 197, except for department of mental health state-operated psychiatric hospitals.**

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually disabled.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of:

(1) Research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility; or

(2) **Equipment that is to be used by an academic health center operated by the state in furtherance of its research or teaching missions.**"; and"; and

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

On motion of Representative Jones, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative LaFaver, **House Amendment No. 5, as amended**, was adopted.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2 and 3, by deleting the words "dispensing maintenance medication" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

**"334.1200. PURPOSE**

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate physical therapy practice;
4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

**334.1203. DEFINITIONS**

As used in this compact, and except as otherwise provided, the following definitions shall apply:

1. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.
2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
3. "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.
4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.
5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
6. "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
9. "Home state" means the member state that is the licensee's primary state of residence.
10. "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

13. "Member state" means a state that has enacted the compact.

14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

16. "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

18. "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

22. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

#### 334.1206. STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

1. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

2. Have a mechanism in place for receiving and investigating complaints about licensees;

3. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

4. Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 334.1206.B.;

5. Comply with the rules of the commission;

6. Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

7. Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

#### 334.1209. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Hold a license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with section 334.1209D, G and H;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years;

5. Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

**B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the remote state.**

**C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.**

**D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.**

**E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:**

- 1. The home state license is no longer encumbered; and**
- 2. Two years have elapsed from the date of the adverse action.**

**F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.**

**G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:**

- 1. The specific period of time for which the compact privilege was removed has ended;**
- 2. All fines have been paid; and**
- 3. Two years have elapsed from the date of the adverse action.**

**H. Once the requirements of section 334.1209G have been met, the licensee must meet the requirements in section 334.1209A to obtain a compact privilege in a remote state.**

#### **334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

**A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:**

- A. Home of record;**
- B. Permanent change of station (PCS); or**
- C. State of current residence if it is different than the PCS state or home of record.**

#### **334.1215. ADVERSE ACTIONS**

**A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.**

**B. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.**

**C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.**

**D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.**

**E. A remote state shall have the authority to:**

- 1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact privilege in the state;**
- 2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and**

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

**F. Joint Investigations**

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

**334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION**

**A. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:**

1. The commission is an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

**B. Membership, Voting, and Meetings**

1. Each member state shall have and be limited to one delegate selected by that member state's licensing board.

2. The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the commission.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

**C. The commission shall have the following powers and duties:**

1. Establish the fiscal year of the commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

5. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

6. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;



13. Establish a budget and make expenditures;
14. Borrow money;
15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
16. Provide and receive information from, and cooperate with, law enforcement agencies;
17. Establish and elect an executive board; and
18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

**D. The Executive Board**

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

1. The executive board shall be comprised of nine members:
  - a. Seven voting members who are elected by the commission from the current membership of the commission;
  - b. One ex officio, nonvoting member from the recognized national physical therapy professional association; and
  - c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.
2. The ex officio members will be selected by their respective organizations.
3. The commission may remove any member of the executive board as provided in bylaws.
4. The executive board shall meet at least annually.
5. The executive board shall have the following duties and responsibilities:
  - a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;
  - b. Ensure compact administration services are appropriately provided, contractual or otherwise;
  - c. Prepare and recommend the budget;
  - d. Maintain financial records on behalf of the commission;
  - e. Monitor compact compliance of member states and provide compliance reports to the commission;
  - f. Establish additional committees as necessary; and
  - g. Other duties as provided in rules or bylaws.

**E. Meetings of the Commission**

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 334.1224.
2. The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:
  - a. Noncompliance of a member state with its obligations under the compact;
  - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
  - c. Current, threatened, or reasonably anticipated litigation;
  - d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
  - e. Accusing any person of a crime or formally censuring any person;
  - f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
  - g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
  - h. Disclosure of investigative records compiled for law enforcement purposes;
  - i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
  - j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

**F. Financing of the Commission**

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

**G. Qualified Immunity, Defense, and Indemnification**

1. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

**334.1221. DATA SYSTEM**

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or compact privilege;
4. Nonconfidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for such denial; and
6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

#### 334.1224. RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of commission or member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

### 334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

#### B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

**C. Dispute Resolution**

1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

**D. Enforcement**

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**334.1233. CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters."; and

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

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

Representative Hill offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2 and 3, by deleting the words "dispensing maintenance medication" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section 338.202, Line 13, by inserting after all of said section and line the following:

**"376.998 1. 1. As used in this section:**

**(1) "Excepted benefit plan" shall mean a policy or certificate of insurance extending the following coverages or any combination thereof:**

- (a) Coverage under short-term major medical policies;**
- (b) Coverage only for accident (including accidental death and dismemberment) insurance;**
- (c) Coverage only for disability income insurance;**
- (d) Credit-only insurance;**
- (e) Other similar insurance coverage under which benefits for medical care are supplemental to other insurance benefits;**

- (f) Coverage only for a specified disease or illness; or**
- (g) Hospital indemnity or other fixed indemnity insurance;**

**(2) "Health benefit plan" and "health care services", "health carrier" and "health care provider" shall have the same meaning as under section 376.1350.**

**(3) "Health insurance mandate" shall mean a requirement under state law for a health carrier to offer or provide coverage for:**

- (a) A treatment by a particular type of health care provider;**
- (b) A certain treatment or service including procedures, medical equipment or drugs that are used in connection with a treatment or service; or**
- (c) Screening, diagnosis, or treatment of a particular disease or condition.**

**(4) "Notice" shall mean a requirement under Missouri law to disclose information regarding the availability of certain benefits or services under a health benefit plan.**

**2. Excepted benefit plans shall be exempt from any health insurance mandate enacted on or after August 28, 2016, unless the statute enacting such mandate expressly declares that it is applicable to excepted benefit plans as defined in this section.**

**3. Notwithstanding the provisions of any other law to the contrary, the director may, by bulletin, exempt a type of excepted benefit plan from notice or disclosure requirements required by statute for specific services that by custom, are not covered by the particular type of excepted benefit plans being exempted.**

**4. This section shall apply to an excepted benefit plan to the extent the excepted benefit plan does not materially change coverage to provide for the reimbursement of health care services which extend beyond the types of health care services customarily provided by the specific type of excepted benefit plan or where the combination of coverages and benefits would otherwise meet the definition of a health benefit plan."; and**

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

Representative Hill moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Swan offered **House Amendment No. 8.**

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2 and 3, by deleting the words "dispensing maintenance medication" and inserting in lieu thereof the words "prescription medication"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

**"195.430. 1. There is hereby established in the state treasury the "Controlled Substance Abuse Prevention Fund", which shall consist of all fees collected by the department of health and senior services for the issuance of registrations to manufacture, distribute, or dispense controlled substances. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely for the operation, regulation, enforcement, and educational activities of the bureau of narcotics and dangerous drugs. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**2. All fees authorized to be charged by the department shall be transmitted to the department of revenue for deposit in the state treasury for credit to the fund, to be disbursed solely for the payment of operating expenses of the bureau of narcotics and dangerous drugs to conduct inspections, enforce controlled substances laws and regulations, provide education to health care professionals and the public, and to prevent abuse of controlled substances.**

**3. Any moneys appropriated or made available by gift, grant, bequest, contribution, or otherwise to carry out the purposes of this section shall be paid to and deposited in the controlled substances abuse prevention fund.**

**195.435. The bureau of narcotics and dangerous drugs shall employ no less than one investigator for every two thousand five hundred controlled substance registrants.";** and

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

On motion of Representative Swan, **House Amendment No. 8** was adopted.

Representative Bondon offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 1, In the Title, Lines 2-3, by deleting the words "dispensing maintenance medication" and inserting in lieu thereof the words "health care"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the following:

**"197.065. 1. The department of health and senior services shall promulgate regulations for the construction and renovation of hospitals that include life safety code standards for hospitals that exclusively reflect the life safety code standards imposed by the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations.**

2. The department shall not require a hospital to meet the standards contained in the Facility Guidelines Institute for the Design and Construction of Health Care Facilities but any hospital that complies with the 2010 or later version of such guidelines for the construction and renovation of hospitals shall not be required to comply with any regulation that is inconsistent or conflicts in any way with such guidelines.

3. The department may waive enforcement of the standards for licensed hospitals imposed by this section if the department determines that:

(1) Compliance with those specific standards would result in unreasonable hardship for the facility and if the health and safety of hospital patients would not be compromised by such waiver or waivers; or

(2) The hospital has used other standards that provide for equivalent design criteria.

4. Regulations promulgated by the department to establish and enforce hospital licensure regulations under this chapter that conflict with the standards established under subsections 1 and 3 of this section shall lapse on and after January 1, 2018.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this 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, 2016, shall be invalid and void."; and

Further amend said bill and page, Section 338.202, Line 13, by inserting immediately after all of said line the following:

"536.031. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published in a format and medium as prescribed and in writing upon request by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes upon request and a format and medium as prescribed by the secretary of state with an appropriate index, and revisions in the text and index may be made by the secretary of state as necessary and provided in written format upon request.

4. An agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state-recognized organization or association without publishing the material in full. The reference in the agency rules shall fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained, and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions; **except that, hospital licensure regulations governing life safety code standards promulgated under this chapter and chapter 197 to implement section 197.065 may incorporate, by reference, later additions or amendments to such rules, regulations, standards, or guidelines as needed to consistently apply current standards of safety and practice.** The agency adopting a rule, regulation, standard, or guideline under this section shall maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. The secretary of state may omit from the code of state regulations such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state regulations."; and

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



Representative Solon offered **House Amendment No. 1 to House Amendment No. 9.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 2, Line 34, by deleting all of said line and inserting in lieu thereof the following:

"code of state regulations.

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353; receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons twelve years of age or older as authorized by rule or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for a specific patient as authorized by rule; the participation in drug selection according to state law and participation in drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records thereof; consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices; **the prescribing and dispensing of self-administered oral hormonal contraceptives under section 338.660**; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy. No person shall engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance. This chapter shall also not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services. The written protocol and the prescription order for a medication therapeutic plan shall come from the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a supervision agreement under section 334.735.

3. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

4. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

5. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

6. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

7. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the referring

physician, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for prescription orders for medication therapy services and administration of viral influenza vaccines. 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.

8. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

9. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration."; and

Further amend said bill and page, Section 338.202, Line 13, by inserting after all of said section and line the following:

**"338.660. 1. For purposes of this chapter, "self-administered oral hormonal contraceptive" shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.**

**2. A pharmacist may prescribe and dispense self-administered oral hormonal contraceptives to a person who is:**

**(1) Eighteen years of age or older, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a self-administered oral hormonal contraceptive; or**

**(2) Under eighteen years of age, if the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a self-administered oral hormonal contraceptive.**

3. The board of pharmacy shall adopt rules, in consultation with the board of registration for the healing arts, board of nursing, and department of health and senior services, and in consideration of guidelines established by the American Congress of Obstetricians and Gynecologists, to establish standard procedures for the prescribing of self-administered oral hormonal contraceptives by pharmacists. The board of pharmacy shall adopt rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

4. The rules adopted under this section shall require a pharmacist to:

(1) Complete a training program approved by the board of pharmacy that is related to prescribing self-administered oral hormonal contraceptives;

(2) Provide a self-screening risk assessment tool that the patient shall use prior to the pharmacist's prescribing the self-administered oral hormonal contraceptive;

(3) Refer the patient to the patient's primary care practitioner or women's health care practitioner upon prescribing and dispensing the self-administered oral hormonal contraceptive;

(4) Provide the patient with a written record of the self-administered oral hormonal contraceptive prescribed and dispensed and advise the patient to consult with a primary care practitioner or women's health care practitioner; and

(5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as practicable after the pharmacist issues the prescription.

5. The rules adopted under this section shall prohibit a pharmacist from:

(1) Requiring a patient to schedule an appointment with the pharmacist for the prescribing or dispensing of a self-administered oral hormonal contraceptive; and

(2) Prescribing and dispensing a self-administered oral hormonal contraceptive to a patient who does not have evidence of a clinical visit for women's health within the three years immediately following the initial prescription and dispensation of a self-administered oral hormonal contraceptive by a pharmacist to the patient.

6. All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to self-administered oral hormonal contraceptives prescribed by a pharmacist under this section.

376.1240. 1. For purposes of this section, the terms "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350. The term "prescription contraceptive" shall mean a drug or device that requires a prescription and is approved by the Food and Drug Administration to prevent pregnancy.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2017, and that provides coverage for prescription contraceptives shall provide coverage to reimburse a health care provider or dispensing entity for a dispensation of a ninety-day supply of prescription contraceptives to an insured.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months' or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration."; and"; and

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

On motion of Representative Solon, **House Amendment No. 1 to House Amendment No. 9** was adopted by the following vote, the ayes and noes having been demanded by Representative Solon:

AYES: 080

Anders	Arthur	Austin	Berry	Bondon
Brattin	Brown 57	Brown 94	Burns	Butler
Carpenter	Conway 10	Conway 104	Cookson	Corlew
Dogan	Dunn	Eggleston	Ellington	Engler
English	Entlicher	Fitzwater 49	Fraker	Gannon
Gardner	Green	Haefner	Hansen	Harris
Hoskins	Houghton	Hubbard	Jones	Kendrick
Kidd	Kirkton	Koenig	Korman	Kratky
LaFaver	Lavender	Love	Lynch	May
McCann Beatty	McCreery	McGaugh	McGee	McNeil
Meredith	Messenger	Mitten	Morgan	Morris
Newman	Nichols	Norr	Pace	Peters
Pfautsch	Phillips	Pierson	Pike	Plocher
Rizzo	Rowden	Rowland 155	Rowland 29	Runions
Ruth	Shull	Shumake	Solon	Sommer
Walker	Walton Gray	Webber	Wood	Zerr

NOES: 045

Alferman	Anderson	Andrews	Bahr	Basye
Beard	Burlison	Chipman	Cornejo	Crawford
Cross	Curtman	Davis	Dohrman	Fitzpatrick
Fitzwater 144	Franklin	Hill	Hubrecht	Hurst
Johnson	Justus	Kelley	King	Lant
Lauer	Lichtenegger	Marshall	McDaniel	Miller
Neely	Parkinson	Pogue	Reiboldt	Remole
Rhoads	Roeber	Rone	Ross	Shaul
Spencer	Swan	Taylor 139	White	Wiemann

PRESENT: 000

ABSENT WITH LEAVE: 037

Adams	Allen	Barnes	Bernskoetter	Black
Cierpiot	Colona	Curtis	Dugger	Flanigan
Frederick	Haahr	Hicks	Higdon	Hinson
Hough	Hummel	Kolkmeier	Lair	Leara
Mathews	McCaherty	McDonald	Mims	Montecillo
Moon	Muntzel	Otto	Pietzman	Redmon
Rehder	Roden	Smith	Taylor 145	Vescovo
Wilson	Mr. Speaker			

VACANCIES: 001

On motion of Representative Bondon, **House Amendment No. 9, as amended**, was adopted by the following vote, the ayes and noes having been demanded by Representative Bondon:

AYES: 084

Allen	Anders	Arthur	Austin	Berry
Bondon	Brattin	Brown 57	Brown 94	Burns
Butler	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Davis	Dogan	Dunn
Eggleston	Engler	Entlicher	Fitzwater 49	Flanigan
Fraker	Gannon	Gardner	Green	Haefner
Hansen	Harris	Hoskins	Houghton	Hubbard
Jones	Kelley	Kendrick	Kidd	Kirkton
Koenig	Korman	Kratky	LaFaver	Lant
Lavender	Love	Lynch	May	McCann Beatty
McCreery	McGaugh	McGee	McNeil	Meredith
Messenger	Mitten	Morgan	Morris	Newman
Nichols	Norr	Pace	Peters	Pfautsch
Pierson	Pike	Plocher	Reiboldt	Rizzo
Rowden	Rowland 155	Rowland 29	Runions	Ruth
Shull	Shumake	Solon	Sommer	Walker
Webber	Wiemann	Wood	Zerr	

NOES: 044

Alferman	Anderson	Andrews	Bahr	Basye
Burlison	Chipman	Cornejo	Crawford	Cross
Curtman	Dohrman	Ellington	English	Fitzpatrick
Fitzwater 144	Franklin	Hill	Hubrecht	Hurst
Johnson	Justus	King	Lauer	Lichtenegger
Marshall	McDaniel	Miller	Moon	Neely
Parkinson	Phillips	Pogue	Remole	Rhoads
Roeber	Rone	Ross	Shaul	Spencer
Swan	Taylor 139	Walton Gray	White	

PRESENT: 000

ABSENT WITH LEAVE: 034

Adams	Barnes	Beard	Bernskoetter	Black
Colona	Curtis	Dugger	Frederick	Haahr
Hicks	Higdon	Hinson	Hough	Hummel
Kolkmeyer	Lair	Leara	Mathews	McCaherty
McDonald	Mims	Montecillo	Muntzel	Otto
Pietzman	Redmon	Rehder	Roden	Smith
Taylor 145	Vescovo	Wilson	Mr. Speaker	

VACANCIES: 001

On motion of Representative Jones, **HCS SCS SB 973, as amended**, was adopted.

On motion of Representative Jones, **HCS SCS SB 973, as amended**, was read the third time and passed by the following vote:

AYES: 083

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Bondon	Brattin	Brown 57	Brown 94
Burns	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Davis	Dogan	Dohrman	Eggleston	Engler

English	Entlicher	Fitzwater 49	Flanigan	Fraker
Gannon	Haahr	Haefner	Hansen	Hinson
Hoskins	Hough	Houghton	Johnson	Jones
Justus	Kelley	Kendrick	Kidd	Koenig
Kolkmeier	Korman	Kratky	LaFaver	Lant
Lauer	Leara	Love	Lynch	McGaugh
McNeil	Messenger	Morris	Norr	Pfausch
Phillips	Pike	Plocher	Reiboldt	Roden
Rone	Rowden	Rowland 155	Rowland 29	Runions
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Swan	Walker	Webber	Wiemann
Wood	Zerr	Mr. Speaker		

NOES: 058

Alferman	Anderson	Andrews	Arthur	Bahr
Basye	Beard	Burlison	Butler	Chipman
Curtman	Dunn	Ellington	Fitzpatrick	Fitzwater 144
Franklin	Frederick	Gardner	Green	Harris
Hill	Hubbard	Hubrecht	Hurst	King
Kirkton	Lavender	Lichtenegger	Marshall	Mathews
May	McCann Beatty	McCreery	McDaniel	McGee
Meredith	Miller	Mitten	Moon	Morgan
Neely	Newman	Nichols	Pace	Parkinson
Peters	Pierson	Pogue	Remole	Rhoads
Rizzo	Roeber	Ross	Spencer	Taylor 139
Walton Gray	White	Wilson		

PRESENT: 000

ABSENT WITH LEAVE: 021

Adams	Black	Colona	Curtis	Dugger
Hicks	Higdon	Hummel	Lair	McCaherty
McDonald	Mims	Montecillo	Muntzel	Otto
Pietzman	Redmon	Rehder	Smith	Taylor 145
Vescovo				

VACANCIES: 001

Representative Cornejo declared the bill passed.

### **REFERRAL OF HOUSE JOINT RESOLUTIONS**

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

**HCS HJR 98** - Fiscal Review

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SBs 588, 603 & 942** - Civil and Criminal Proceedings

**HCS SCS SB 618** - Fiscal Review

**HCS SB 711** - Fiscal Review

**HCS SS SB 799** - Fiscal Review

## COMMITTEE REPORTS

**Committee on Children and Families**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **SS SB 619**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

Mr. Speaker: Your Committee on Children and Families, to which was referred **SS SCS SB 801**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(12) be referred to the Select Committee on Social Services.

### *House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 801, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, the children's division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

2. As used in this section, the [term] **following terms shall mean:**

(1) **"Kin" or "Kinship", a person who is related to the child by blood or affinity beyond the third degree, or a person who is not so related to the child but has a close relationship with the child or the child's family including, but not limited to, godparents, neighbors, teachers, or close family friends; and**

(2) "Relative" [means], a grandparent or any other person related to another by blood or affinity within the third degree. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The following shall be the order of preference for placement of a child under this section:

(1) Grandparents and relatives;

(2) [A trusted adult that has a preexisting relationship with the child, such as a godparent, teacher, neighbor, or fellow parishioner] **Kin** who voluntarily [agrees] **agree** to care for the child; and

(3) Any foster parent who is currently licensed and capable of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent [or] , other relative, **or kin** may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the [grandparent's or relative's] home **of the grandparent, relative, or kin**. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests."; and

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

**Committee on Civil and Criminal Proceedings**, Chairman McGaugh reporting:

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SB 576**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **SS#2 SCS SB 590**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

*House Committee Amendment No. 1*

AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Pages 3-44, Sections 192.2260, 192.2405, 192.2410, 192.2475, 198.070, 211.059, 211.436, 217.151, 217.360, 217.670, 217.690, 217.722, 221.111, 301.559, 304.351, 311.310, 339.100, 400.9-501, 455.095, 541.033, 557.021, and 562.014, by deleting all of said sections from the bill; and

Further amend said bill, Pages 50-92, Sections 565.188, 565.225, 565.225, 568.040, 569.090, 569.140, 570.010, 570.030, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 577.001, 577.011, 577.037, 577.060, 577.685, 578.005, 578.007, 578.022, 578.040, 579.015, 589.800, 632.520, and 650.055, by deleting all of said sections from the bill; and

Further amend said bill, Page 92, Section B, Lines 1-4, by deleting all of said section and lines and inserting in lieu thereof the following:

"Section B. The repeal and reenactment of section 565.032 of this act shall become effective on January 1, 2017."; and

Further amend said bill and page, Section C, Lines 1-13, by deleting all of said section and lines and inserting in lieu thereof the following:

"Section B. Because of the need to adopt a punishment scheme for first degree murderers of a certain age after the United States Supreme Court declared as unconstitutional the only punishment available under Missouri law for such offenders, the repeal and reenactment of section 565.020, and the enactment of section 565.033 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 565.020, and the enactment of section 565.033 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.



**Committee on Corrections**, Chairman Fitzwater (144) reporting:

Mr. Speaker: Your Committee on Corrections, to which was referred **SS SCS SB 1057**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

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

Mr. Speaker: Your Committee on Employment Security, to which was referred **SCS SB 613**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(10) be referred to the Select Committee on Labor and Industrial Relations.

**Committee on Government Oversight and Accountability**, Chairman Barnes reporting:

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **SCR 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Government Oversight and Accountability, to which was referred **SB 1002**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Trade and Tourism**, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Trade and Tourism, to which was referred **SCR 42**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

Mr. Speaker: Your Committee on Trade and Tourism, to which was referred **SCR 50**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

Mr. Speaker: Your Committee on Trade and Tourism, to which was referred **SCR 65**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

**Committee on Transportation**, Chairman Kolkmeier reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 2721**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 623**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Bill No. 623, Pages 1-2, Section 142.803, Lines 17-19, by deleting all of said lines and inserting in lieu thereof the following:

"(4) Compressed natural gas fuel, [five] **ten and nine tenths** cents per gasoline gallon equivalent until December 31, 2019, [eleven] **sixteen and nine tenths** cents per gasoline gallon equivalent from January 1, 2020, until December 31, 2024, and then [seventeen] **twenty-two and nine tenths** cents per gasoline"; and

Further amend said bill and section, Page 2, Lines 30-32, by deleting all of said lines and inserting in lieu thereof the following:

"(5) Liquefied natural gas fuel, [five ] **ten and nine tenths** cents per diesel gallon equivalent until December 31, 2019, [eleven] **sixteen and nine tenths** cents per diesel gallon equivalent from January 1, 2020, until December 31, 2024, and then [seventeen] **twenty-two and nine tenths** cents per diesel gallon"; and

Further amend said bill, page and section, Line 52, by inserting immediately after all of said line the following:

"142.869. 1. The tax imposed by this chapter shall not apply to passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by alternative fuel, and for which a valid decal has been acquired as provided in this section, provided that sales made to alternative fueled vehicles powered by compressed natural gas or liquefied natural gas that do not meet the requirements of subsection 3 of this section shall be taxed exclusively pursuant to subdivisions (4) and (5) of subsection 1 of section 142.803, respectively. The owners or operators of such motor vehicles, **except plug-in electric hybrids**, shall, in lieu of the tax imposed by section 142.803, pay an annual alternative fuel decal fee as follows: [seventy-five] **one hundred** dollars on each passenger motor vehicle, school bus as defined in section 301.010, and commercial motor vehicle with a licensed gross vehicle weight of eighteen thousand pounds or less; one hundred **twenty-five** dollars on each motor vehicle with a licensed gross weight in excess of eighteen thousand pounds but not more than thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; one hundred [fifty] **seventy-five** dollars on each motor vehicle with a licensed gross vehicle weight in excess of eighteen thousand pounds but less than or equal to thirty-six thousand pounds, and each passenger-carrying motor vehicle subject to the registration fee provided in sections 301.059, 301.061 and 301.063; two hundred [fifty] **seventy-five** dollars on each motor vehicle with a licensed gross weight in excess of thirty-six thousand pounds used for farm or farming transportation operations and registered with a license plate designated with the letter "F"; and one thousand **twenty-five** dollars on each motor vehicle with a licensed gross vehicle weight in excess of thirty-six thousand pounds. **Owners or operators of plug-in electric hybrids shall pay one-half of the stated annual alternative fuel decal fee.** Notwithstanding provisions of this section to the contrary, motor vehicles licensed as historic under section 301.131 which are powered by alternative fuel shall be exempt from both the tax imposed by this chapter and the alternative fuel decal requirements of this section. **For the purposes of this section, a plug-in electric hybrid shall be any hybrid vehicle made by a manufacturer with a model year of 2017 or newer, that has not been modified from the original manufacturer specifications, with an internal combustion engine and batteries that can be recharged by connecting a plug to an electric power source.**

2. Except interstate fuel users and vehicles licensed under a reciprocity agreement as defined in section 142.617, the tax imposed by section 142.803 shall not apply to motor vehicles registered outside this state which are powered by alternative fuel other than compressed natural gas and liquefied natural gas, and for which a valid temporary alternative fuel decal has been acquired as provided in this section. The owners or operators of such motor vehicles shall, in lieu of the tax imposed by section 142.803, pay a temporary alternative fuel decal fee of eight dollars on each such vehicle. Such decals shall be valid for a period of fifteen days from the date of issuance and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued. Such decal and fee shall not be transferable. All proceeds from such decal fees shall be deposited as specified in section 142.345. Alternative fuel dealers selling such decals in accordance with rules and regulations prescribed by the director shall be allowed to retain fifty cents for each decal fee timely remitted to the director.

3. Owners or operators of passenger motor vehicles, buses as defined in section 301.010, or commercial motor vehicles registered in this state which are powered by compressed natural gas or liquefied natural gas who have installed a compressed natural gas fueling station or liquefied natural gas fueling station used solely to fuel the

motor vehicles they own or operate as of December 31, 2015, may continue to apply for and use the alternative fuel decal in lieu of paying the tax imposed under subdivisions (4) and (5) of subsection 1 of section 142.803. Owners or operators of compressed natural gas fueling stations or liquefied natural gas fueling stations whose vehicles bear an alternative fuel decal shall be prohibited from selling or providing compressed natural gas or liquefied natural gas to any motor vehicle they do not own or operate. Owners or operators of motor vehicles powered by compressed natural gas or liquefied natural gas bearing an alternative fuel decal after January 1, 2016, that decline to renew the alternative fuel decals for such motor vehicles shall no longer be eligible to apply for and use alternative fuel decals under this subsection. Any compressed natural gas or liquefied natural gas obtained at any fueling station not owned by the owner or operator of the motor vehicle bearing an alternative fuel decal shall be subject to the tax under subdivisions (4) and (5) of subsection 1 of section 142.803.

4. The director shall annually, on or before January thirty-first of each year, collect or cause to be collected from owners or operators of the motor vehicles specified in subsection 1 of this section the annual decal fee. Applications for such decals shall be supplied by the department of revenue. In the case of a motor vehicle which is not in operation by January thirty-first of any year, a decal may be purchased for a fractional period of such year, and the amount of the decal fee shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

5. Upon the payment of the fee required by subsection 1 of this section, the director shall issue a decal, which shall be valid for the current calendar year and shall be attached to the lower right-hand corner of the front windshield on the motor vehicle for which it was issued.

6. The decal fee paid pursuant to subsection 1 of this section for each motor vehicle shall be transferable upon a change of ownership of the motor vehicle and, if the LP gas or natural gas equipment is removed from a motor vehicle upon a change of ownership and is reinstalled in another motor vehicle, upon such reinstallation. Such transfers shall be accomplished in accordance with rules and regulations promulgated by the director.

7. It shall be unlawful for any person to operate a motor vehicle required to have an alternative fuel decal upon the highways of this state without a valid decal.

8. No person shall cause to be put, or put, LP gas into the fuel supply receptacle of a motor vehicle required to have an alternative fuel decal unless the motor vehicle has a valid decal attached to it. Sales of fuel placed in the supply receptacle of a motor vehicle displaying such decal shall be recorded upon an invoice, which invoice shall include the decal number, the motor vehicle license number and the number of gallons placed in such supply receptacle.

9. Any person violating any provision of this section is guilty of an infraction and shall, upon conviction thereof, be fined five hundred dollars.

10. Motor vehicles displaying a valid alternative fuel decal are exempt from the licensing and reporting requirements of this chapter."; and

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

*House Committee Amendment No. 2*

AMEND Senate Substitute for Senate Bill No. 623, Page 2, Section 142.803, Line 52, by inserting immediately after all of said line the following:

**"3. Notwithstanding any provision of law or rule to the contrary, effective January 1, 2025, all fuel and energy used to propel vehicles on the roads, bridges, highways and interstates of this state shall be considered motor fuel and shall be taxed equally and by the per gasoline gallon energy equivalent or by the diesel gallon energy equivalent whichever is the more appropriate comparison."; and**

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 659**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Substitute for Senate Bill No. 659, Page 1, In the Title, Line 3, by deleting the word "autocycles" and inserting in lieu thereof the phrase "motor vehicles"; and

Further amend said bill and page, Section 304.005, Line 15, by inserting immediately after said line the following:

"304.170 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both, **and such buses may exceed the forty-five feet length, but not have a length in excess of sixty feet, when such buses are articulated buses, having two or more sections connected by a flexible joint or other mechanism.** Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. **Notwithstanding the foregoing or anything otherwise provided in section 304.170, an articulated bus comprised of two sections may be up to sixty feet in length, not including safety bumpers which may extend one foot in the front and one foot in the rear.** The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 10 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the state highways and transportation commission may designate additional routes for such sixty-five foot combinations.

7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations, stinger-steered combination automobile transporters and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. The highways and transportation commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway, except the state highways and transportation commission may designate additional routes for use by sixty-five foot combinations, seventy-five foot stinger-steered combinations or seventy-five foot saddlemount combinations. Any vehicle or combination of vehicles transporting automobiles, boats or other motor vehicles may carry a load which extends no more than three feet beyond the front and four feet beyond the rear of the transporting vehicle or combination of vehicles.

12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; or to self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; or to implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

13. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

14. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The chief engineer of the state transportation department shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours."; and

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 899**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

*House Committee Amendment No. 1*

AMEND Senate Bill No. 899, Page 1, In the Title, Lines 2-3, by deleting the phrase "the designation of certain memorial"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

"226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of highways located on the interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended in areas zoned industrial, commercial or the like and in unzoned commercial and industrial areas as defined in this section, subject to the following regulations which are consistent with customary use in this state:

(1) Lighting:

(a) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri highways and transportation commission regulations;

(b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal;

(2) Size of signs:

(a) The maximum area for any one sign shall be eight hundred square feet with a maximum height of thirty feet and a maximum length of seventy-two feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured as established herein and in rules promulgated by the commission. In determining the size of a conforming or nonconforming sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be considered a substantial increase to the size of the permanent display; provided the actual square footage of such temporary cutouts or extensions may not exceed thirty-three percent of the permanent display area. Signs erected in accordance with the provisions of sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the requirements of this provision shall be deemed legally nonconforming as defined herein;

(b) The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but such sign structure shall be considered as one sign;

(c) After August 28, 1999, no new sign structure shall be erected in which two or more displays are stacked one above the other. Stacked structures existing on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall be deemed legally nonconforming and may be maintained in accordance with the provisions of sections 226.500 to 226.600. Structures displaying more than one display on a horizontal basis shall be allowed, provided that total display areas do not exceed the maximum allowed square footage for a sign structure pursuant to the provisions of paragraph (a) of this subdivision;

(3) Spacing of signs:

(a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System:

a. No sign structure shall be erected within one thousand four hundred feet of an existing sign on the same side of the highway;

b. Outside of incorporated municipalities, no structure may be located adjacent to or within five hundred feet of an interchange, intersection at grade, or safety rest area. Such five hundred feet shall be measured from the

beginning or ending of the pavement widening at the exit from or entrance to the main traveled way. For purpose of this subparagraph, the term "incorporated municipalities" shall include "urban areas", except that such "urban areas" shall not be considered "incorporated municipalities" if it is finally determined that such would have the effect of making Missouri be in noncompliance with the requirements of Title 23, United States Code, Section 131;

(b) The spacing between structure provisions of this subdivision do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

(c) No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic;

(d) The measurements in this section shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved;

(4) As used in this section, the words "unzoned commercial and industrial land" shall be defined as follows: that area not zoned by state or local law or ordinance and on which there is located one or more permanent structures used for a commercial business or industrial activity or on which a commercial or industrial activity is actually conducted together with the area along the highway extending outwardly seven hundred fifty feet from and beyond the edge of such activity. All measurements shall be from the outer edges of the regularly used improvements, buildings, parking lots, landscaped, storage or processing areas of the commercial or industrial activity and along and parallel to the edge of the pavement of the highway. **On nonfreeway primary highways where there is an unzoned commercial or industrial area on one side of the road in accordance with this section, the unzoned commercial or industrial area shall also include those lands opposite on the other side of the highway to the extent of the same dimensions.** Unzoned land shall not include:

(a) Land on the opposite side of the highway from an unzoned commercial or industrial area as defined in this section and located adjacent to highways located on the interstate **or primary freeway highways** [federal-aid primary system as it existed on June 1, 1991, or the national highway system as amended, unless the opposite side of the highway qualifies as a separate unzoned commercial or industrial area]; or

(b) Land zoned by a state or local law, regulation, or ordinance;

(5) "Commercial or industrial activities" as used in this section means those which are generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including seasonal roadside fresh produce stands;

(c) Transient or temporary activities;

(d) Activities more than six hundred sixty feet from the nearest edge of the right-of-way or not visible from the main traveled way;

(e) Activities conducted in a building principally used as a residence;

(f) Railroad tracks and minor sidings;

(6) The words "unzoned commercial or industrial land" shall also include all areas not specified in this section which constitute an "unzoned commercial or industrial area" within the meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may be amended. As used in this section, the words "zoned commercial or industrial area" shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the state, or by the state and which is within seven hundred fifty feet of one or more permanent commercial or industrial activities. Commercial or industrial activities as used in this section are limited to those activities:

(a) In which the primary use of the property is commercial or industrial in nature;

(b) Which are clearly visible from the highway and recognizable as a commercial business;

(c) Which are permanent as opposed to temporary or transitory and of a nature that would customarily be restricted to commercial or industrial zoning in areas comprehensively zoned; and

(d) In determining whether the primary use of the property is commercial or industrial pursuant to paragraph (a) of this subdivision, the state highways and transportation commission shall consider the following factors:

- a. The presence of a permanent and substantial building;
- b. The existence of utilities and local business licenses, if any, for the commercial activity;
- c. On-premise signs or other identification;
- d. The presence of an owner or employee on the premises for at least twenty hours per week;

(7) In zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of sections 226.500 to 226.600 and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of this section shall not apply to the erection of signs in such areas. Notwithstanding any other provisions of this section, after August 28, 1992, with respect to any outdoor advertising which is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527:

(a) No county or municipality shall issue a permit to allow a regulated sign to be newly erected without a permit issued by the state highways and transportation commission;

(b) A county or municipality may charge a reasonable one-time permit or inspection fee to assure compliance with local wind load and electrical requirements when the sign is first erected, but a county or municipality may not charge a permit or inspection fee for such sign after such initial fee. Changing the display face or performing routine maintenance shall not be considered as erecting a new sign;

(8) The state highways and transportation commission on behalf of the state of Missouri, may seek agreement with the Secretary of Transportation of the United States under Section 131 of Title 23, United States Code, as amended, that sections 226.500 to 226.600 are in conformance with that Section 131 and provides effective control of outdoor advertising signs as set forth therein. If such agreement cannot be reached and the penalties under subsection (b) of Section 131 are invoked, the attorney general of this state shall institute proceedings described in subsection (1) of that Section 131.

226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after August 28, 1992, without a one-time permanent permit issued by the state highways and transportation commission. Application for permits shall be made to the state highways and transportation commission on forms furnished by the commission and shall be accompanied by a permit fee of two hundred dollars for all signs; except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal organizations as defined in subdivision (8) of section 313.005 shall be granted a permit for signs less than seventy-six square feet without payment of the fee. **The permit fee of two hundred dollars shall be waived for land owners provided they own both the land upon which the outdoor advertising is placed and the business being advertised on the sign, so long as the business being advertised is within seven hundred fifty feet of the sign location.** In the event a permit holder fails to erect a sign structure within twenty-four months of issuance, said permit shall expire and a new permit must be obtained prior to any construction.

2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall be maintained without a one-time permanent permit for outdoor advertising issued by the state highways and transportation commission. If a one-time permanent permit was issued by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, it is not necessary for a new permit to be issued. If a one-time permanent permit was not issued for a lawfully erected and lawfully existing sign by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, a one-time permanent permit shall be issued by the commission for each sign which is lawfully in existence on the day prior to August 28, 1992, upon application and payment of a permit fee of two hundred dollars. All applications and fees due pursuant to this subsection shall be submitted before December 31, 1992. **The permit fee of two hundred dollars shall be waived for land owners provided they own both the land upon which the outdoor advertising is placed and the business being advertised on the sign, so long as the business being advertised is within seven hundred fifty feet of the sign location.**

3. For purposes of sections 226.500 to 226.600, the terminology "structure lawfully in existence" or "lawfully existing" sign or outdoor advertising shall, nevertheless, include the following signs unless the signs violate the provisions of subdivisions (3) to (7) of subsection 1 of section 226.580:



- (1) All signs erected prior to January 1, 1968;
  - (2) All signs erected before March 30, 1972, but on or after January 1, 1968, which would otherwise be lawful but for the failure to have a permit for such signs prior to March 30, 1972, except that any sign or structure which was not in compliance with sizing, spacing, lighting, or location requirements of sections 226.500 to 226.600 as the sections appeared in the revised statutes of Missouri 1969, wheresoever located, shall not be considered a lawfully existing sign or structure;
  - (3) All signs erected after March 30, 1972, which are in conformity with sections 226.500 to 226.600;
  - (4) All signs erected in compliance with sections 226.500 to 226.600 prior to August 28, 2002.
4. On or after August 28, 1992, the state highways and transportation commission may, in addition to the fees authorized by subsections 1 and 2 of this section, collect a biennial inspection fee every two years after a state permit has been issued. Biennial inspection fees due after August 28, 2002, and prior to August 28, 2003, shall be fifty dollars. Biennial inspection fees due on or after August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or after August 28, 2004, shall be one hundred dollars; except that, tax-exempt religious organizations as defined in subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal organizations as defined in subdivision (8) of section 313.005 shall not be required to pay such fee. **The biennial inspection fee shall be waived for land owners provided they own both the land upon which the outdoor advertising is placed and the business being advertised on the sign, so long as the business being advertised is within seven hundred fifty feet of the sign location.**
5. In order to effect the more efficient collection of biennial inspection fees, the state highways and transportation commission is encouraged to adopt a renewal system in which all permits in a particular county are renewed in the same month. In conjunction with the conversion to this renewal system, the state highways and transportation commission is specifically authorized to prorate renewal fees based on changes in renewal dates.
6. Sign owners or owners of the land on which signs are located must apply to the state highways and transportation commission for biennial inspection and submit any fees as required by this section on or before December 31, 1992. For a permitted sign which does not have a permit, a permit shall be issued at the time of the next biennial inspection.
7. The state highways and transportation commission shall deposit all fees received for outdoor advertising permits and inspection fees in the state road fund, keeping a separate record of such fees, and the same may be expended by the commission in the administration of sections 226.500 to 226.600."; and

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

*House Committee Amendment No. 2*

AMEND Senate Bill No. 899, Page 1, In the Title, Lines 2-3, by deleting the phrase "the designation of certain memorial"; and

Further amend said bill, Page 2, Section 227.445, Line 7, by inserting immediately after all of said line the following:

**"301.125. There is hereby established an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee shall adopt a type of design and color scheme for license plates issued under this chapter that commemorates the bicentennial of Missouri. The advisory committee may adopt more than one type of design and color scheme; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter, except that, such plates shall be exempt from the requirements of subsection 1 of section 301.130. The advisory committee shall consist of the director of revenue or his or her designee, the superintendent of the highway patrol, the correctional enterprises administrator, the director of the department of transportation, the executive director of the State Historical Society of Missouri, and the respective chairpersons of both the senate and house of representatives transportation committees. The**

**committee shall meet, select a chairperson from among its members, and develop uniform design and license plate parameters for the license plates issued under this chapter not later than January 1, 2017. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section. The director of revenue shall have the final design of the uniform license plates, along with any specific parameters for all license plates developed by the committee, available for issuance in all license fee offices in this state not later than January 1, 2019. The committee shall be dissolved upon completion of its duties under this section.**

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles either horizontally or vertically, with the letters and numbers plainly visible. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of [eighteen] **twenty-four** thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for [eighteen] **twenty-four** thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030. **On and after August 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may apply for any preexisting or hereafter statutorily created special personalized license plates.**

9. No later than January 1, [2009] **2019**, the director of revenue shall commence the reissuance of new license plates of such design as [directed by the director] **approved by the advisory committee under section 301.125** consistent with the terms, conditions, and provisions of [this] section **301.125** and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection."; and

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

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 1139**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(13) be referred to the Select Committee on State and Local Governments.

**Select Committee on Judiciary**, Chairman Cornejo reporting:

Mr. Speaker: Your Select Committee on Judiciary, to which was referred **SCS SB 804, with House Committee Amendment No. 1, House Committee Amendment No. 2, House Committee Amendment No. 3, and House Committee Amendment No. 4**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

### MESSAGES FROM THE GOVERNOR

May 4, 2016

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
98<sup>TH</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **Senate Committee Substitute for House Committee Substitute for House Bill No. 2140** entitled:

#### AN ACT

To repeal section 32.087, RSMo, and to enact in lieu thereof two new sections relating to local sales tax on motor vehicles.

On May 4, 2016, I approved said **Senate Committee Substitute for House Committee Substitute for House Bill No. 2140**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 700

The Conference Committee appointed on Senate Bill No. 700, with House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 700, as amended;
2. That the Senate recede from its position on Senate Bill No. 700;
3. That the attached Conference Committee Substitute for Senate Bill No. 700 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dave Schatz  
/s/ Mike Parson  
/s/ Doug Libla  
/s/ Shalonn "Kiki" Curls  
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Dean Dohrman  
/s/ Robert Ross  
/s/ Charlie Davis  
/s/ Stephen Webber  
/s/ Jon Carpenter

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 732**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 732, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, & 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment No. 1 to House Amendment No. 13, and House Amendment No. 13, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 732, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 732;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 732 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Brian Munzlinger  
/s/ Doug Libla  
/s/ Jay Wasson  
/s/ Shalonn "Kiki" Curls  
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Shawn Rhoads  
/s/ Robert Ross  
/s/ Jeanie Lauer  
/s/ Tracy McCreery  
/s/ Mike Colona

## **REFERRAL OF CONFERENCE COMMITTEE REPORTS**

The following Conference Committee Reports were referred to the Committee indicated:

**CCR SB 700** - Fiscal Review

**CCR HCS SS SB 732** - Fiscal Review

## **ADJOURNMENT**

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Thursday, May 5, 2016.

## **COMMITTEE HEARINGS**

### **APPROPRIATIONS - AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES**

Thursday, May 5, 2016, 8:30 AM, House Hearing Room 3.

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

Informational purposes with the Department of Natural Resources regarding water and state parks.

### **CIVIL AND CRIMINAL PROCEEDINGS**

Thursday, May 5, 2016, Upon Adjournment, House Hearing Room 4.

Public hearing will be held: SCS SBs 588, 603 & 942

Executive session will be held: SS SCS SB 663

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

### **FISCAL REVIEW**

Thursday, May 5, 2016, 9:15 AM, South Gallery.

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

### **PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Monday, May 9, 2016, 2:00 PM, House Hearing Room 5.

Public hearing will be held: HB 1516, HB 1520, HB 1521, HB 1522, HB 1523

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

### **CORRECTED**

### **SELECT COMMITTEE ON COMMERCE**

Thursday, May 5, 2016, Upon Adjournment, House Hearing Room 3.

Executive session will be held: SCR 42, SCR 50, SCR 65

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

### **SELECT COMMITTEE ON EDUCATION**

Thursday, May 5, 2016, 8:00 AM, House Hearing Room 5.

Executive session will be held: HB 2314, SCS SB 904, SB 873

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

**SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION**

Thursday, May 5, 2016, 8:00 AM, House Hearing Room 7.

Executive session will be held: SCS SB 794, SB 1025

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

**SELECT COMMITTEE ON GENERAL LAWS**

Thursday, May 5, 2016, 2:30 PM or Upon Conclusion of Morning Session (whichever is later), South Gallery.

Executive session will be held: SB 941, SB 573, SB 682, SCS SB 781, SB 888, SB 831

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

**SELECT COMMITTEE ON SOCIAL SERVICES**

Thursday, May 5, 2016, 12:00 PM or Upon Conclusion of Morning Session (whichever is later), House Hearing Room 7.

Executive session will be held: SCS SB 968

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

**SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS**

Thursday, May 5, 2016, 8:00 AM, House Hearing Room 1.

Executive session will be held: SB 869

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

**SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS**

Monday, May 9, 2016, 12:00 PM, House Hearing Room 1.

Executive session will be held: SS SB 623, SS SB 659, SB 899, SB 1139

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

**SELECT COMMITTEE ON UTILITIES**

Thursday, May 5, 2016, 9:00 AM, House Hearing Room 6.

Executive session will be held: HB 2418, HB 2543

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

**SPECIAL COMMITTEE ON URBAN ISSUES**

Monday, May 9, 2016, 12:00 PM, House Hearing Room 3.

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

Discussion of diversity inclusion in Capitol improvement projects.

**WAYS AND MEANS**

Monday, May 30, 2016, 2:30 PM, House Hearing Room 2.

Executive session will be held: SB 1025

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

**CANCELLED**

**HOUSE CALENDAR**

SIXTY-FIFTH DAY, THURSDAY, MAY 5, 2016

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 56 - Burlison  
HJR 59 - Lauer  
HJR 88 - Kidd  
HJR 60 - Kelley

**HOUSE BILLS FOR PERFECTION**

HCS HB 1995 - Cornejo  
HB 1396 - McCreery  
HB 1389 - King  
HB 2322 - Rowden  
HB 1965 - Zerr  
HB 2243 - Cornejo  
HCS HB 2388, with HA 1, pending - Fitzwater (144)  
HCS HBs 2565 & 2564 - Montecillo  
HB 2575 - Montecillo  
HCS HB 2399 - Colona  
HCS HB 1578 - Higdon  
HB 2448 - Conway (10)  
HCS HB 1866 - Hubrecht  
HB 1831 - McGaugh  
HCS HB 2367 - McGaugh  
HB 2271 - Entlicher  
HCS HB 2472 - Franklin  
HB 2042 - Curtman  
HB 1755 - Bahr  
HB 1685 - Fitzwater (49)  
HB 1792 - Lauer  
HB 1731 - Reiboldt  
HCS HB 2344 - Wilson  
HCS HB 2269 - Frederick  
HCS HB 2078 - Fraker  
HCS HB 1566 - Davis  
HCS HB 1617 - McCaherty  
HCS HB 1732 - Davis  
HCS HB 1927 - Redmon  
HB 2043 - Swan  
HB 2464 - Davis  
HCS HB 2515 - Engler  
HB 2461 - Ross  
HB 2671 - Fitzwater (49)  
HCS HB 2416 - Leara



HCS HB 2632 - Reiboldt  
HCS HB 2757 - Kolkmeier  
HCS HB 2638 - Wiemann  
HB 2422 - LaFaver  
HCS HB 2502 - McGaugh  
HB 1667 - Swan  
HB 2087 - Lynch  
HB 2283 - McCaherty  
HB 1994 - Cornejo  
HB 1914 - Hinson  
HB 1436 - Kelley  
HB 1615 - Swan  
HB 2358 - Fitzpatrick  
HCS HB 2320 - McGaugh  
HCS HBs 2298 & 2109 - Miller  
HB 2066 - Hill  
HCS HB 2456 - Andrews  
HCS HB 2349 - Koenig  
HCS HB 2252 - Curtman  
HCS HB 1628 - Cookson  
HB 2159 - Rhoads  
HCS HB 1614 - Swan  
HB 2328 - Davis  
HB 2304 - Frederick  
HB 1697 - Rowland (155)  
HB 1861 - Cross  
HB 2251 - Curtman  
HCS HB 2107 - McGaugh  
HB 1741 - Brattin  
HCS HB 2488 - Hill  
HCS HB 1640 - Hicks  
HCS HB 1608 - Swan  
HB 2105 - Cornejo  
HB 1959 - Dugger  
HB 2458 - Mathews  
HB 2651 - Fitzwater (49)  
HCS HB 2742 - Fitzwater (144)

**HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING**

HCS HCR 94 - Hummel  
HCS HCR 60 - Love  
HCR 99 - Hinson  
HCS HCR 91 - Walton Gray  
HCR 72 - Fitzwater (49)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 98, (Fiscal Review 5/4/16) - Moon

**HOUSE BILL FOR THIRD READING**

HCS HB 1945, (Fiscal Review 4/21/16) - Spencer

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 2348 - Richardson

**SENATE BILLS FOR THIRD READING**

SCS SB 818 - Alferman

SB 887 - Pierson

SCS SB 646 - Frederick

SB 627 - English

HCS SB 640 - Brattin

HCS SB 735 - Cornejo

SB 947 - Haahr

HCS SB 827 - Swan

HCS SCS SB 996, E.C. - Swan

HCS SB 997, E.C. - Cookson

HCS SCS SB 861 - McCaherty

HCS SB 932 - Dugger

HCS SCS SB 800 - Rowden

HCS SB 909 - Fitzpatrick

HCS SCS SB 618, (Fiscal Review 5/4/16) - Hicks

HCS SS SCS SB 698 - Cornejo

HCS SB 711, (Fiscal Review 5/4/16), E.C. - Hicks

HCS SB 833 - Fitzwater (49)

HCS SB 656, E.C. - Burlison

SB 897 - Crawford

HCS SS SB 799, (Fiscal Review 5/4/16) - McCaherty

**SENATE CONCURRENT RESOLUTION FOR THIRD READING**

SCS SCR 43 - Richardson

**HOUSE BILLS WITH SENATE AMENDMENTS**

HCS HB 1562, with SA 1, SA 2, SA 3, SA 4, SA 5, and SA 6 - Haahr

SCS HB 1698 - Rowden

SCS HB 2125 - Fitzwater (49)

SCS HB 1414, as amended - Houghton

SS#2 SCS HCS HB 1550, as amended, E.C. - Neely  
SCS HB 1936, as amended - Wilson  
SCS HCS HB 2030 - Hoskins  
SCS HB 1682, as amended - Frederick  
SS HB 2355 - Lant  
HB 1568, with SA 1 - Lynch  
SS HCS HB 1877, as amended - Wood  
SS HCS HB 1477, E.C. - Dugger  
SCS HCS HB 1976, as amended - Hoskins  
SCS HCS HBs 1646, 2132 & 1621 - Swan  
SS HB 1733, as amended - Davis  
SCS HCS HB 2017 - Flanigan  
SS SCS HCS HB 2018 - Flanigan

### **BILLS CARRYING REQUEST MESSAGES**

HB 1870, with SA 1, SA 3, SA 4, and SA 5 (request Senate recede/grant conference) - Hoskins  
SCS HCS HB 1584, as amended (request Senate recede/grant conference) - Hill  
HCS SCS SB 578, as amended (request House recede/grant conference/exceed differences) -  
Jones

### **BILLS IN CONFERENCE**

CCR HCS SS SB 621, as amended (Fiscal Review 5/3/16), E.C. - Barnes  
CCR HCS SB 677, as amended (Fiscal Review 5/3/16) - Franklin  
CCR HCS SB 607, as amended (Fiscal Review 5/3/16) - Haefner  
HCS SB 639, as amended, E.C. - Walker  
HCS SS SB 608, as amended - Allen  
CCR HCS SS SB 732, as amended (Fiscal Review 5/4/16), E.C. - Rhoads  
CCR SB 700, with HA 1, as amended, and HA 2 (Fiscal Review 5/4/16) - Dohrman  
SCS SB 921, HA 1, as amended, HA 2, HA 3, HA 4, HA 5 and HA 6, as amended - Franklin  
SCS SB 650, HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, as amended, & HA 9 ,  
E.C. - Cookson  
HCS SS SCS SB 572, as amended - Cornejo  
HCS SCS SB 765, as amended - Cornejo  
HCS SS SCS SBs 865 & 866, as amended - Engler  
HCS SB 635, as amended, E.C. - Cornejo  
HCS SB 867, as amended - Fitzpatrick

### **HOUSE RESOLUTION**

HR 1103 - Richardson

**VETOED SENATE BILL**

SCS SBs 586 & 651 - Wood

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

SCS HCS HB 1 - Flanigan  
CCS SCS HCS HB 2 - Flanigan  
CCS SCS HCS HB 3 - Flanigan  
CCS SCS HCS HB 4 - Flanigan  
CCS SCS HCS HB 5 - Flanigan  
CCS SCS HCS HB 6 - Flanigan  
CCS SCS HCS HB 7 - Flanigan  
CCS SCS HCS HB 8 - Flanigan  
CCS SCS HCS HB 9 - Flanigan  
CCS SCS HCS HB 10 - Flanigan  
CCS SCS HCS HB 11 - Flanigan  
CCS SS SCS HCS HB 12 - Flanigan  
CCS SCS HCS HB 13 - Flanigan  
SS SCS HCS HB 17 - Flanigan  
SCS HCS HB 18 - Flanigan  
SCS HCS HB 19 - Flanigan