Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY - WEDNESDAY, APRIL 12, 2023

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

Senator Eslinger offered the following prayer:

"As for the rich in this present age, charge them not to be haughty, nor to set their hopes on the uncertainty of riches, but on God, who richly provides us with everything to enjoy. They are to do good, to be rich in good works, to be generous and ready to share, thus storing up treasure for themselves as a good foundation for the future, so that they may take hold of that which is truly life." (1 Timothy 6:17-19)

Lord, may You bless us with charity to be good stewards. May you bless us with kindness to always care for others. And finally, may you give us the wisdom to remember that a society grows great when leaders plant trees, the shade of which they'll never sit in.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
McCreery	Moon	Mosley	O'Laughlin	Razer	Rizzo	Roberts
Rowden	Schroer	Thompson Rehder	Trent	Washington	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 336, regarding Michelle Brooks, which was adopted.

Senator McCreery offered Senate Resolution No. 337, regarding Andrew "Drew" Patchin, Creve Coeur, which was adopted.

REFERRALS

President Pro Tem Rowden referred **SCR 18** and **SRM 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Rowden referred **HCS** for **HB 301**, with **SCS**, **HCS** for **HB 253**, and **HB 827** to the Committee on Fiscal Oversight.

President Pro Tem Rowden referred the Gubernatorial Appointments appearing on page 970 of the Senate Journal for Tuesday, April 11, 2023, to the Committee on Gubernatorial Appointments.

President Kehoe assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Coleman moved that **SB 228**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 228

An Act to repeal sections 190.600, 190.603, 190.606, and 190.612, RSMo, and to enact in lieu thereof five new sections relating to do-not-resuscitate orders.

Was taken up.

Senator Coleman moved that **SCS** for **SB 228** be adopted.

Senator Coleman offered **SS** for **SCS** for **SB 228**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 228

An Act to repeal sections 190.600, 190.603, 190.606, and 190.612, RSMo, and to enact in lieu thereof five new sections relating to do-not-resuscitate orders.

Senator Coleman moved that **SS** for **SCS** for **SB 228** be adopted.

Senator Bean assumed the Chair.

Senator Carter offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, In the Title, Line 4, by striking "do-not-resuscitate orders" and inserting in lieu thereof the following: "health care"; and

Further amend said bill, page 9, Section 190.613, line 28, by inserting after all of said line the following:

"**191.234. Notwithstanding any other provision of law to the contrary, no public funds shall be made available to any health care facility that refuses to provide treatment or services to an individual based on the COVID-19 vaccination status of the individual. As used in this section, "public funds" shall mean any funds received or controlled by this state or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, federal grants or payments, or intergovernmental transfers.**"; and

Further amend the title and enacting clause accordingly.

Senator Eslinger assumed the Chair.

Senator Carter moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Rowden assumed the Chair.

Senator Razer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, In the Title, Line 4, by striking "do-not-resuscitate orders" and inserting in lieu thereof the following: "health care"; and

Further amend said bill and page, Section A, line 4, by inserting after all of said line the following:

"67.145. 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, **[**ambulance attendants and attendant drivers,**]** emergency medical technicians, **[**mobile emergency medical technicians, emergency medical technician-paramedics,**]** registered nurses, or physicians.

105.500. For purposes of sections 105.500 to 105.598, unless the context otherwise requires, the following words and phrases mean:

(1) "Bargaining unit", a unit of public employees at any plant or installation or in a craft or in a function of a public body that establishes a clear and identifiable community of interest among the public employees concerned;

(2) "Board", the state board of mediation established under section 295.030;

(3) "Department", the department of labor and industrial relations established under section 286.010;

(4) "Exclusive bargaining representative", an organization that has been designated or selected, as provided in section 105.575, by a majority of the public employees in a bargaining unit as the representative of such public employees in such unit for purposes of collective bargaining;

(5) "Labor organization", any organization, agency, or public employee representation committee or plan, in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(6) "Public body", the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision or special district of or within the state. Public body shall not include the department of corrections;

(7) "Public employee", any person employed by a public body;

(8) "Public safety labor organization", a labor organization wholly or primarily representing persons trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, **[**ambulance attendants, attendant drivers,**]** emergency medical technicians, **[**emergency medical technician paramedics,**]** dispatchers, registered nurses and physicians, and persons who are vested with the power of arrest for criminal code violations including, but not limited to, police officers, sheriffs, and deputy sheriffs.

190.100. As used in sections 190.001 to 190.245 and section 190.257, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) "Council", the state advisory council on emergency medical services;

(8) "Department", the department of health and senior services, state of Missouri;

(9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) **[**"Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**]**

[(19)**]** "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

[(20) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**]**

[(21)**] (19)** "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(22)**] (20)** "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(23)**] (21)** "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(24)**] (22)** "Medical control", supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

[(25)**] (23)** "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(26)**] (24)** "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(27)**] (25)** "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(26) "Paramedic", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(28)**] (27)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(29)**] (28)** "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(30)**] (29)** "Physician", a person licensed as a physician pursuant to chapter 334;

[(31)**] (30)** "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(32)**] (31)** "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, **[**EMT-B's,**] EMTs,** nurses, **[**EMT-P's,**] paramedics,** physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(33)**] (32)** "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(34)**] (33)** "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(35)**] (34)** "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(36)**] (35)** "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(37)**] (36)** "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(38)**] (37)** "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(39)**] (38)** "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(40)**] (39)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(41)**] (40)** "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(42)**] (41)** "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(43)**] (42)** "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(44)**] (43)** "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(45)**] (44)** "Stroke center", a hospital that is currently designated as such by the department;

[(46)**] (45)** "Time-critical diagnosis", trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

[(47)**] (46)** "Time-critical diagnosis advisory committee", a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

[(48)**] (47)** "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(49)**] (48)** "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(50)**] (49)** "Trauma center", a hospital that is currently designated as such by the department.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, **[**EMT-Bs, EMT-Ps**]** **EMTs, paramedics**, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, **[**EMT-Bs, EMT-Ps**]** **EMTs, paramedics**, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, **[**EMT-Bs, EMT-Ps**] EMTs, paramedics**, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review;

(4) Initial licensure testing requirements. Initial **[**EMT-P**]** **paramedic** licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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, 2002, shall be invalid and void.

190.147. 1. **[**An emergency medical technician paramedic (EMT-P)**]** **A paramedic** may make a good faith determination that such behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility; provided that, such determination shall be made in cooperation with at least one other **[**EMT-P**]** **paramedic** or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The **[**EMT-P**]** **paramedic** shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The **[**EMT-P**]** **paramedic** shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The **[**EMT-P's**]** **paramedic** ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Provided:

(a) That such protocols shall be reviewed and approved by the state EMS medical director's advisory committee; and

(b) That such protocols shall direct the **[**EMT-P**]** **paramedic** regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Patient restraint protocols shall be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. **[**EMT-Ps**]** **Paramedics** who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.”; and

Further amend said bill, page 9, Section 190.613, line 28, by inserting after all of said line the following:

"192.2405. 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, **or** emergency medical technicians**[**, or emergency medical technician-paramedics**]**.

208.1032. 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, **[**EMT intermediate,**]** or paramedic levels in the prestabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. (1) To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(2) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(3) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(4) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and prestabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

285.040. 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, **[**ambulance attendants and attendant drivers,**]** emergency medical technicians, **[**emergency medical technician paramedics,**]** dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee of a city not within a county who is hired prior to September 1, 2023, shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.

321.225. 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of **[**an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician**]** **a** paramedic first

responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

> Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?
>
> ☐ FOR THE PROPOSITION
>
> ☐ AGAINST THE PROPOSITION
>
> (Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

321.620. 1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of **[**an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician**]** **a** paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

> Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?
>
> ☐ FOR THE PROPOSITION
>
> ☐ AGAINST THE PROPOSITION
>
> (Place an X in the square opposite the one for which you wish to vote).

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

537.037. 1. Any physician or surgeon, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 334 or 335, or licensed to practice under the equivalent laws of any other state and any person licensed as **[**a mobile**]** **an** emergency medical technician under the provisions of chapter 190, may:

(1) In good faith render emergency care or assistance, without compensation, at the scene of an emergency or accident, and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care;

(2) In good faith render emergency care or assistance, without compensation, to any minor involved in an accident, or in competitive sports, or other emergency at the scene of an accident, without first obtaining the consent of the parent or guardian of the minor, and shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering the emergency care.

2. Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

3. Any mental health professional, as defined in section 632.005, or qualified counselor, as defined in section 631.005, or any practicing medical, osteopathic, or chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

4. Any other person may, without compensation, render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions."; and

Further amend the title and enacting clause accordingly.

Senator Razer moved that the above amendment be adopted, which motion prevailed.

Senator Arthur offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 9, Section 190.613, Line 28, by inserting after all of said line the following:

"**191.240. 1. For purposes of this section, the following terms mean:**

(1) "Health care provider", the same meaning given to the term in section 191.900;

(2) "Patient examination", a prostate, anal, or pelvic examination.

2. A health care provider, or any student or trainee under the supervision of a health care provider, shall not knowingly perform a patient examination upon an anesthetized or unconscious patient in a health care facility unless:

(1) The patient or a person authorized to make health care decisions for the patient has given specific informed consent to the patient examination for nonmedical purposes;

(2) The patient is unable to give verbal or written consent and the examination is necessary for diagnostic or treatment purposes;

(3) The collection of evidence through a forensic examination, as defined under subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or unconscious patient is necessary because the evidence will be lost or the patient is unable to give informed consent due to a medical condition; or

(4) Circumstances are present which imply consent, as described in section 431.063.

3. A health care provider shall notify a patient of any patient examination performed under subdivisions (2) to (4) of subsection 2 of this section.

4. A health care provider who violates the provisions of this section, or who supervises a student or trainee who violates the provisions of this section, shall be subject to discipline by any licensing board that licenses the health care provider."; and

Further amend the title and enacting clause accordingly.

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Carter offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 228, Page 1, Section A, Line 4, by inserting after all of said line the following:

"167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection**, but shall not be modified to include immunization against SARS-CoV-2 (COVID-19) or require any mRNA vaccine**. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required immunization program.

2. It is unlawful for any student to attend school unless he has been immunized as required under the rules and regulations of the department of health and senior services, and can provide satisfactory evidence of such immunization; except that if he produces satisfactory evidence of having begun the process of immunization, he may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the immunization of the child, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health and senior services.

5. The immunization required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a

physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630. When a child receives his or her immunization, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

7. 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 chapter 536. 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, 2001, shall be invalid and void."; and

Further amend said bill, page 9, section 190.613, line 28, by inserting after all of said line the following:

"210.003. 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has been adequately immunized against vaccine-preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP)**, but not including SARS-CoV-2 (COVID-19) or any illness requiring a mRNA vaccine**. The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his or her age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule;

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator; or

(3) The child is homeless or in the custody of the children's division and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of enrollment and shall confirm either that the child has completed all immunizations appropriate for his or her age or has begun the process of immunization. If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished according to the schedule recommended by the department of health and senior services.

Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian. Exemption forms shall be provided by the department of health and senior services.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable, Environmental and Occupational Diseases".

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his or her jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, "satisfactory evidence of immunization" means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules regarding the immunization of preschool children.

7. All public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery school shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed."; and

Further amend the title and enacting clause accordingly.

Senator Carter moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Coleman, **SB 228**, with **SCS**, and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Hoskins moved that **SB 413**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 413**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 413

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to tax credits for investments in certain Missouri businesses.

Was taken up.

Senator Hoskins moved that **SCS** for **SB 413** be adopted.

Senator Hoskins offered **SS** for **SCS** for **SB 413**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 413

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to tax credits for investments in certain Missouri businesses.

Senator Hoskins moved that **SS** for **SCS** for **SB 413** be adopted.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 413, Page 1, In the Title, Lines 3-4, by striking "tax credits for investments in certain Missouri businesses" and inserting in lieu thereof the following: "taxation"; and

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

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

(1) The annual tax on gross premium receipts of insurance companies in chapter 148;

(2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;

(3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;

(4) The tax on other financial institutions in chapter 148;

(5) The corporation franchise tax in chapter 147;

(6) The state income tax in chapter 143; and

(7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed **[**fifty**]** **seventy** percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an

impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed **[**fifty-five**]** **seventy** percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the

owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed **[**fifty-five**]** **seventy** percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

135.327. 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, and before January 1, 2022, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Any person residing in this state who proceeds in good faith with the adoption of a child on or after January 1, 2022, regardless of whether such child is a special needs child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed regardless of whether the child adopted is a resident or ward of a resident of this state at the time the adoption is initiated; however, **for tax years ending on or before December 31, 2023,** priority shall be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good

faith with the adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability; except that, only one credit, up to ten thousand dollars, shall be available for each child who is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004, and ending on or before June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars in any fiscal year beginning on or after July 1, 2021**, and ending on or before June 30, 2023. For all fiscal years beginning on or after July 1, 2023, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses**. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit shall be filed between July first and April fifteenth of each fiscal year.

5. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.331. No credit shall be allowable for the adoption of any child who has attained the age of eighteen, unless it has been determined that the child has a medical condition or **[**handicap**] disability** that would limit the child's ability to live independently of the adoptive parents.

135.333. 1. **(1) For all tax years ending on or before December 31, 2023,** any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

(2) For all tax years beginning on or after January 1, 2024, any amount of tax credit that is issued and which exceeds the tax due shall be refunded to the taxpayer.

2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due.

135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be cited as the "Youth Opportunities and Violence Prevention Act".

2. As used in this section, the term "taxpayer" shall include corporations as defined in section 143.441 or 143.471, any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, and individuals, individual proprietorships and partnerships.

3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions and **[**fifty**]** **seventy** percent for monetary contributions of the amount such taxpayer contributed to the programs described in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The department of economic development shall prescribe the method for claiming the tax credits allowed in 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 chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next five succeeding tax periods.

5. The tax credit allowed by this section may only be claimed for monetary or property contributions to public or private programs authorized to participate pursuant to this section by the department of economic development and may be claimed for the development, establishment, implementation, operation, and expansion of the following activities and programs:

(1) An adopt-a-school program. Components of the adopt-a-school program shall include donations for school activities, seminars, and functions; school-business employment programs; and the donation of property and equipment of the corporation to the school;

(2) Expansion of programs to encourage school dropouts to reenter and complete high school or to complete a graduate equivalency degree program;

(3) Employment programs. Such programs shall initially, but not exclusively, target unemployed youth living in poverty and youth living in areas with a high incidence of crime;

(4) New or existing youth clubs or associations;

(5) Employment/internship/apprenticeship programs in business or trades for persons less than twenty years of age, in which case the tax credit claimed pursuant to this section shall be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that such credit shall not exceed ten thousand dollars per person;

(6) Mentor and role model programs;

(7) Drug and alcohol abuse prevention training programs for youth;

(8) Donation of property or equipment of the taxpayer to schools, including schools which primarily educate children who have been expelled from other schools, or donation of the same to municipalities,

or not-for-profit corporations or other not-for-profit organizations which offer programs dedicated to youth violence prevention as authorized by the department;

(9) Not-for-profit, private or public youth activity centers;

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

7. The department of economic development shall, at least annually submit a report to the Missouri general assembly listing the organizations participating, services offered and the number of youth served as the result of the implementation of this section.

8. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1995.

9. For the purposes of the credits described in this section, in the case of a corporation described in section 143.471, partnership, limited liability company described in section 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such credits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership;

(3) The members of the limited liability company; and

(4) Individual members of the cooperative or marketing enterprise.

Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Schroer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 413, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: "sections relating to taxation."; and

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

"**115.240. The election authority for any political subdivision or special district shall label ballot measures relating to taxation that are submitted by such political subdivision or special district to**

a vote of the people numerically or alphabetically in the order in which they are submitted. No such ballot measure shall be labeled in a descriptive manner aside from its numerical or alphabetical designation. Election authorities may coordinate with each other, or with the secretary of state, to maintain a database or other record to facilitate numerical or alphabetical assignment.

116.225. Political subdivisions or special districts of this state shall label ballot measures of any type that are submitted to a vote of the people alphabetically in the order in which they are submitted by petition, ordinance, vote of a political subdivision or special district, or other method authorized by law. The secretary of state shall label statutory initiative and referendum measures with the letters A through I. The county governing body, unless otherwise specified by a county charter, shall label county ballot measures with the letters J through R, and the governing body of each city, town, village, township, or special district local ballot measures with the letters S through Z. Each official or governing body described in this section shall label the first ballot measure in each category with the first letter in the sequence designated for that category, and so on consecutively through the last letter designated for the category, and then begin labeling with the first letter for the category followed by an "A" and so on. A new series of letters shall be started after each election. In the event a measure is labeled prior to but not voted on at the next succeeding election, the letter or number assigned to such measure shall not be reassigned until after such measure has been voted on by the people.

137.067. Notwithstanding any provision of law to the contrary, any ballot measure seeking approval to add, change, or modify a tax on real property shall express the effect of the proposed change within the ballot language in terms of the change in real dollars owed per one hundred thousand dollars of a property's market valuation.

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

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was

annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013 or as excess home dock city or county fees as provided in subsection 4 of section 313.820 in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in Section 22 of Article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction

and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) **The provisions of subdivision (2) of this subsection notwithstanding, if, prior to the expiration of a temporary levy increase, voters approve a subsequent levy increase, the new tax rate ceiling shall remain in effect only until such time as the temporary levy expires under the terms originally approved by a vote of the people, at which time the tax rate ceiling shall be decreased by the amount of the temporary levy increase. If, prior to the expiration of a temporary levy increase,**

voters of a political subdivision are asked to approve an additional, permanent increase to the political subdivision's tax rate ceiling, voters shall be submitted ballot language that clearly indicates that if the permanent levy increase is approved, the temporary levy shall be made permanent.

(4) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision **[**(4)**] (5)** of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

[(4)**] (5)** In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to

levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction

of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. 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, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Schroer moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 413, Page 1, In the Title, Lines 3-4, by striking "tax credits for investments in certain Missouri businesses" and inserting in lieu thereof the following: "taxation"; and

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

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible

personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, **for all calendar years ending on or before December 31, 2023,** the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. **Except as otherwise provided in subsection 3 of this section and section 137.078, for all calendar years beginning on or after January 1, 2024, the assessor shall annually assess all personal property at thirty-one percent of its true value in money as of January first of each calendar year.** The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money**, except as provided in subsection 9 of this section**:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than two hundred hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is deemed to be real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. **To determine the true value in money for motor vehicles and farm machinery,** the assessor of each county and each city not within a county shall use the **[**trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.**]** **manufacturer's suggested retail price for the year of manufacture of a motor vehicle or farm machinery, and shall apply the following depreciation schedule to such value to determine the motor vehicle's or farm machinery's true value in money:**

Years since manufacture	**Percent Depreciation**

Current	**15**
1	**25**
2	**35**
3	**45**
4	**55**
5	**65**
6	**75**
7	**85**
8	**95**
9	**Minimum value one dollar**

The state tax commission shall, with the assistance of the Missouri state assessor's association, develop the bid specifications to secure the original manufacturer's suggested retail price from a nationally recognized service. The cost of the guide and programming necessary to allow valuation by vehicle identification number in all certified mass appraisal software systems used in the state shall be paid out of a county's assessment fund established pursuant to section 137.750 if the balance in such fund is in excess of one hundred thousand dollars. If the balance in such fund is less than or equal to one hundred thousand dollars, such costs shall be paid by an appropriation secured by the state tax commission from the general assembly. The state tax commission or the state of Missouri shall be the registered user of the value guide with rights to allow all assessors access to the guide and to an online site. Counties shall be responsible for renewals and annual software costs of preparing the data in a usable format for approved personal property software vendors in the state if the balance in such county's assessment fund is in excess of one hundred thousand dollars. If the balance in such fund is less than or equal to one hundred thousand dollars, the state of Missouri or the state tax commission shall be responsible for such renewals and annual software costs. If a county creates its own software, it shall meet the same standards as the approved vendors. The data shall be available to all vendors by August fifteenth annually. All vendors shall have the data available for use in their client counties by October first prior to the January first assessment date. When the manufacturer's suggested retail price data is not available from the approved source or the assessor deems it not appropriate for the vehicle value he or she is valuing, the assessor may obtain a manufacturer's suggested retail price from a source he or she deems reliable and apply the depreciation schedule set out above.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

15. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 14 of this section may levy separate and differing

tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

16. Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444."; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brown (26), Carter, Hoskins, and Schroer.

Senator Arthur offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 413, Page 1, Line 7, by inserting immediately before "137.115" the following:

"**135.1310. 1. This section shall be known and may be cited as the "Child Care Contribution Tax Credit Act".**

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

(1) "Child care", the same as defined in section 210.201;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care provider", a child care provider as defined in section 210.201 that is licensed pursuant to section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Contribution", an eligible donation of cash, stock, bonds or other marketable securities, or real property;

(5) "Department", the Missouri department of economic development;

(6) "Person related to the taxpayer", an individual connected with the taxpayer by blood, adoption, or marriage, or an individual, corporation, partnership, limited liability company, trust, or association controlled by, or under the control of, the taxpayer directly, or through an individual, corporation, limited liability company, partnership, trust, or association under the control of the taxpayer;

(7) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(8) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to chapter 143;

(9) "Tax credit", a credit against the taxpayer's state tax liability;

(10) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim the tax credit authorized in this section against the taxpayer's state tax liability for the tax year in which a verified contribution was made in an amount equal to up to seventy-five percent of the verified contribution to a child care provider. The minimum amount of any tax credit issued shall not be less than one hundred dollars and shall not exceed two hundred thousand dollars per tax year.

(1) The child care provider receiving a contribution shall, within sixty days of the date it received the contribution, issue the taxpayer a contribution verification and file a copy of the contribution verification with the department. The contribution verification shall be in the form established by the department and shall include the taxpayer's name, taxpayer's state or federal tax identification number or last four digits of the taxpayer's Social Security number, amount of tax credit, amount of contribution, legal name and address of the child care provider receiving the tax credit, the child care provider's federal employer identification number, the child care provider's departmental vendor number or license number, and the date the child care provider received the contribution from the taxpayer. The contribution verification shall include a signed attestation stating the child care provider will use the contribution solely to promote child care.

(2) The failure of the child care provider to timely issue the contribution verification to the taxpayer or file it with the department shall entitle the taxpayer to a refund of the contribution from the child care provider.

4. A donation is eligible when:

(1) The donation is used directly by a child care provider to promote child care for children twelve years of age or younger, including by acquiring or improving child care facilities, equipment, or services, or improving staff salaries, staff training, or the quality of child care;

(2) The donation is made to a child care provider in which the taxpayer or a person related to the taxpayer does not have a direct financial interest; and

(3) The donation is not made in exchange for care of a child or children in the case of an individual taxpayer that is not an employer making a contribution on behalf of its employees.

5. A child care provider that uses the contribution for an ineligible purpose shall repay to the department the value of the tax credit for the contribution amount used for an ineligible purpose.

6. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

7. Notwithstanding any provision of subsection 6 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

8. (1) The cumulative amount of tax credits authorized pursuant to this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year. A taxpayer shall apply to the department for the child care contribution tax credit by submitting a copy of the contribution verification provided by a child care provider to such taxpayer. Upon receipt of the contribution verification, the department shall issue a tax credit certificate to the applicant.

(2) If the maximum amount of tax credits allowed in any calendar year as provided pursuant to subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed pursuant to subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for contributions made to child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

9. The tax credits allowed under this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

11. The department may promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to 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, 2023, shall be invalid and void.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2029, unless reauthorized by the general assembly;

(2) The act shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset;

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires or a taxpayer's ability to redeem such tax credits.

135.1325. 1. This section shall be known and may be cited as the "Employer Provided Child Care Assistance Tax Credit Act".

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

(1) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(2) "Child care facility", a child care facility as defined in section 210.201 that is licensed pursuant to section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(3) "Department", the Missouri department of economic development;

(4) "Employer matching contribution", a contribution made by the taxpayer to a cafeteria plan, as that term is used in 26 U.S.C. Section 125, of an employee of the taxpayer, which matches a dollar amount or percentage of the employee's contribution to the cafeteria plan. "Employer matching contribution" shall not include the amount of any salary reduction or other compensation foregone by the employee in connection with the cafeteria plan;

(5) "Qualified child care expenditure", an amount paid of reasonable costs incurred that meet any of the following:

(a) To acquire, construct, rehabilitate, or expand property that will be, or is, used as part of a child care facility that is either operated by the taxpayer or contracted with by the taxpayer and which does not constitute part of the principal residence of the taxpayer or any employee of the taxpayer;

(b) For the operating costs of a child care facility of the taxpayer, including costs relating to the training of employees, scholarship programs, and for compensation to employees;

(c) Under a contract with a child care facility to provide child care services to employees of the taxpayer; or

(d) As an employer matching contribution, but only to the extent such employer matching contribution is restricted by the taxpayer solely for the taxpayer's employee to obtain child care services at a child care facility and is used for that purpose during the tax year;

(6) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(7) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143 and chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(8) "Tax credit", a credit against the taxpayer's state tax liability;

(9) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2023, a taxpayer may claim a tax credit authorized in this section in an amount equal to thirty percent of the qualified child care expenditures paid or incurred with respect to a child care facility. The maximum amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per taxpayer per tax year.

4. A facility shall not be treated as a child care facility with respect to a taxpayer unless the following conditions have been met:

(1) Enrollment in the facility is open to employees of the taxpayer during the tax year; and

(2) If the facility is the principal business of the taxpayer, at least thirty percent of the enrollees of such facility are dependents of employees of the taxpayer.

5. The tax credits authorized by this section shall not be refundable or transferable. The tax credits shall not be sold, assigned, or otherwise conveyed. Any amount of approved tax credits that a taxpayer is prohibited by this subsection from using for the tax year in which the credit is first claimed may be carried back to the taxpayer's immediately prior tax year and carried forward to the taxpayer's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a taxpayer that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized pursuant to this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided pursuant to subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed pursuant to subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for qualified child care expenditures for child care facilities located in a child care desert. The director of the department shall publish such adjusted amount.

8. A taxpayer who has claimed a tax credit under this section shall notify the department within sixty days of any cessation of operation, change in ownership, or agreement to assume recapture liability as such terms are defined by 26 U.S.C. Section 45F, in the form and manner prescribed by department rule or instruction. If there is a cessation of operation or change in ownership relating to a child care facility, the taxpayer shall repay the department the applicable recapture percentage of the credit allowed under this section, but this recapture amount shall be limited to the tax credit allowed under this section. The recapture amount shall be considered a tax liability arising on the tax payment due date for the tax year in which the cessation of operation, change in ownership, or agreement to assume recapture liability occurred and shall be assessed and collected under the same provisions that apply to a tax liability under chapter 143 or chapter 148.

9. The tax credit allowed pursuant to this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

10. All action and communication undertaken or required under this section shall be exempt from section 105.1500.

11. The department may promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to 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, 2023, shall be invalid and void.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this act shall expire on December 31, 2029, unless reauthorized by the general assembly;

(2) The act shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under the act is sunset;

(3) If such program is reauthorized, the program authorized under this act shall automatically sunset six years after the effective date of the reauthorization of the act; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires or a taxpayer's ability to redeem such tax credits.

135.1350. 1. This section shall be known and may be cited as the "Child Care Providers Tax Credit Act".

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

(1) "Capital expenditures", expenses incurred by a child care provider, during the tax year for which a tax credit is claimed pursuant to this section, for the construction, renovation, or rehabilitation of a child care facility to the extent necessary to operate a child care facility and comply with applicable child care facility regulations promulgated by the department of elementary and secondary education;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care facility", the same as defined in section 210.201;

(4) "Child care provider", a child care provider as defined in section 210.201 that is licensed pursuant to section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(5) "Department", the department of elementary and secondary education;

(6) "Employee", an employee, as that term is used in subsection 2 of section 143.191, of a child care provider who worked for the child care provider for an average of at least ten hours per week

for at least a three-month period during the tax year for which a tax credit is claimed pursuant to this section and who is not an immediate family member of the child care provider;

(7) "Eligible employer withholding tax", the total amount of tax that the child care provider was required, under section 143.191, to deduct and withhold from the wages it paid to employees during the tax year for which the child care provider is claiming a tax credit pursuant to this section, to the extent actually paid;

(8) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

(9) "State tax liability", any liability incurred by the taxpayer pursuant to the provisions of chapter 143, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(10) "Tax credit", a credit against the taxpayer's state tax liability;

(11) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or an individual or partnership subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2024, a child care provider with three or more employees may claim a tax credit authorized in this section in an amount equal to the child care provider's eligible employer withholding tax, and may also claim a tax credit in an amount up to thirty percent of the child care provider's capital expenditures. No tax credit for capital expenditures shall be allowed if the capital expenditures are less than one thousand dollars. The amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per child care provider per tax year.

4. To claim a tax credit authorized pursuant to this section, a child care provider shall submit to the department, for preliminary approval, an application for the tax credit on a form provided by the department and at such times as the department may require. If the child care provider is applying for a tax credit for capital expenditures, the child care provider shall present proof acceptable to the department that the child care provider's capital expenditures satisfy the requirements of subdivision (1) of subsection 2 of this section. Upon final approval of an application, the department shall issue the child care provider a certificate of tax credit.

5. The tax credits authorized by this section shall not be refundable and shall not be transferred, sold, assigned, or otherwise conveyed. Any amount of credit that exceeds the child care provider's state tax liability for the tax year for which the tax credit is issued may be carried back to the child care provider's immediately prior tax year or carried forward to the child care provider's subsequent tax year for up to five succeeding tax years.

6. Notwithstanding any provision of subsection 5 of this section to the contrary, a child care provider that is exempt, under 26 U.S.C. Section 501(c)(3), and any amendments thereto, from all

or part of the federal income tax shall be eligible for a refund of its tax credit issued under this section, without regard to whether it has incurred any state tax liability. Such exempt child care provider may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt child care provider is not required to file a tax return under the provisions of chapter 143, the exempt child care provider may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The cumulative amount of tax credits authorized pursuant to this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the cumulative tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided pursuant to subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed pursuant to subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for child care providers located in a child care desert. The director of the department shall publish such adjusted amount.

8. The tax credit authorized by this section shall be considered a domestic and social tax credit under subdivision (5) of subsection 2 of section 135.800.

9. All action and communication undertaken or required with respect to this section shall be exempt from section 105.1500. Notwithstanding section 32.057 or any other tax confidentiality law to the contrary, the department of revenue may disclose tax information to the department for the purpose of the verification of a child care provider's eligible employer withholding tax under this section.

10. The department may promulgate rules and adopt statements of policy, procedures, forms and guidelines to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to 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, 2023, shall be invalid and void.

11. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2029, unless reauthorized by the general assembly;

(2) The act shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset;

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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires or a taxpayer's ability to redeem such tax credits."`

Senator Arthur moved that the above amendment be adopted, which motion prevailed.

Senator Fitzwater assumed the Chair.

Senator Beck offered **SA 2** to **SA 3**:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 413, Page 7, Section 137.115, Line 194, by inserting after "9." the following: "**(1)**"; and

Further amend said bill and section, page 9, line 262, by inserting after all of said line the following:

"**(2) Beginning with the 2024 calendar year, a school district that is required to reduce its budget or a political subdivision that is required to reduce its budget for law enforcement operations or emergency services operations due to modifications made to this subsection and subsection 1 of this section as of August 28, 2023, shall receive reimbursement from the state in an amount equal to the amount that such budget was reduced in such calendar year.**".

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Arthur, May, McCreery, and Rizzo.

At the request of Senator Hoskins, **SB 413**, with **SCS**, **SS** for **SCS**, **SA 3**, and **SA 2** to **SA 3** (pending), was placed on the Informal Calendar.

Senator Brown (26) moved that **SB 411** and **SB 230**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 411** and **230**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 411 and 230

An Act to repeal sections 161.670, 162.996, 162.1250, 166.700, 167.031, 167.042, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof thirteen new sections relating to participation of elementary and secondary school students in nontraditional educational settings, with existing penalty provisions.

Was taken up.

Senator Brown (26) moved that **SCS** for **SBs 411** and **230** be adopted.

Senator Brown (26) offered **SS** for **SCS** for **SBs 411** and **230**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 411 and 230

An Act to repeal sections 161.670, 162.996, 162.1250, 166.700, 167.031, 167.042, 167.061, 167.071, 167.600, 167.619, 210.167, 210.211, 211.031, and 452.375, RSMo, and to enact in lieu thereof thirteen

new sections relating to participation of elementary and secondary school students in nontraditional educational settings, with existing penalty provisions.

Senator Brown (26) moved that **SS** for **SCS** for **SBs 411** and **230** be adopted.

Senator Beck offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 1, In the Title, Line 7, by striking the word "nontraditional"; and

Further amend said bill and page, Section A, line 7, by inserting after all of said line the following:

"160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

(2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

(5) "High school", a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) "Metropolitan school district", any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) "Public school" includes all elementary and high schools operated at public expense;

(8) "School board", the board of education having general control of the property and affairs of any school district;

(9) "School term", a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In any school district located wholly or partially in a county with a charter form of government or a city with at least thirty thousand inhabitants, the minimum school term shall be one hundred seventy-four school days and one thousand forty-four hours of actual pupil attendance, unless such school district adopts a four-day school week pursuant to the provisions of section 171.028.** In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required. A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of the required number of hours as provided in this subdivision;

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

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

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

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

Such reduction shall not extend beyond two calendar years in duration."; and

Further amend said bill, page 30, Section 167.790, line 72, by inserting after all of said line the following:

"**171.028. 1. The school board of a school district that is located wholly or partially in a county with a charter form of government or a city with more than thirty thousand inhabitants may establish a four-day school week in lieu of a five-day school week only as permitted pursuant to the provisions of this section.**

2. (1) A school board may adopt the provisions of subsection 1 of this section by referring to the qualified voters of the school district a ballot measure authorizing the same. Such proposal shall be referred to the qualified voters of the school district upon a majority vote of the members elected to the school board. Upon such adoption by the school board, the measure shall be submitted to the qualified voters at the next date available for public elections pursuant to chapter 115 and by July first of the school year in which the four-day school week is proposed to commence. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the measure, then the provisions of subsection 1 of this section shall become effective. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the measure, then the board shall not adopt the provisions of subsection 1 of this section unless and until the measure is resubmitted pursuant to this subsection to the qualified voters and such question is approved by a majority of the qualified voters voting on the measure.

(2) The question submitted by the school board pursuant to this subsection shall be in substantially the following form:

> **"Shall the school board of ..... adopt the provisions of Section 171.028, RSMo, establishing a four-day school week for the next ten years in the district of ...?"**
>
> **☐ YES ☐ NO**

(3) A school district may adopt a four-day school week for the 2023-24 school year only if such school district adopted such school week prior to August 28, 2023.

(4) A school district may adopt a four-day school week for the 2024-25 school year only if such district adopted a four-day school week for the 2023-24 school year and satisfies all the requirements of this subsection for the 2024-25 school year by July 1, 2024.

3. Upon adoption of a four-day school week, any school district that adopts a four-day school week shall file a calendar with the department of elementary and secondary education in accordance

with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two school days, as the term "school days" is defined in section 160.041, and one thousand forty-four hours of actual pupil attendance hours during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district, pursuant to the provisions of section 171.031.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, days of planned attendance, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.

2. Each local school district may set its opening date each year, which date shall be no earlier than fourteen calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, for calendars for school years before school year 2020-21, the district follows the procedure set forth in subsection 3 of this section. The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2020-21 and for subsequent years.

3. For calendars for school years before school year 2020-21, a district may set an opening date that is more than fourteen calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than fourteen days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than fourteen calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than fourteen days before the first Monday in September.

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

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

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

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Washington offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 28, Section 167.790, Line 1, by inserting after "1." the following: "**Except as otherwise provided in this section,**"; and

Further amend said bill and section, page 29, line 24, by inserting after "2." the following: "**Except as otherwise provided in this section,**"; and

Further amend said bill and section, page 30, line 64, by inserting after all of said line the following:

"**6. If a student whose academic performance or disciplinary status would preclude such student from eligibility to participate in extracurricular events or activities in his resident school district disenrolls from such school district in order to receive instruction in a FLEX school, as defined in section 167.031, or a virtual school as a full-time equivalent student, as defined in section 161.670, such student shall not be eligible to participate in public school events or activities in the district of such student's disenrollment for twelve calendar months from the date of disenrollment.**"; and further amend said section by renumbering the remaining subsections accordingly.

Senator Washington moved that the above amendment be adopted, which motion prevailed.

Senator Washington offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 30, Section 167.790, Line 72, by inserting after all of said line the following:

"**8. A student who is receiving instruction in a FLEX school, as defined in section 167.031, or a virtual school as a full-time equivalent student, as defined in section 161.670, shall satisfy the following requirements in order to be eligible to participate in public school events or activities in the student's district of residence pursuant to the provisions of this section:**

(1) Proof of the student's residency in the school district or within the boundaries of the applicable attendance center where the student seeks to participate in public school events or activities shall be provided to such district pursuant to the provisions of section 167.020;

(2) The student shall provide a physical to participate in sports, including details on any underlying conditions relevant to such participation;

(3) The student shall adhere to the same behavior, responsibility, performance, and code of conduct standards as those enrolled in the public school district; and

(4) The student shall fulfill the same nonacademic standards and financial requirements as those required of students enrolled in the public school district.".

Senator Washington moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 20, Section 162.1250, Line 103, by inserting after all of said line the following:

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

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;

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

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

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

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article

X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

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

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

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

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

Further amend said bill, page 30, Section 167.790, line 72, by inserting after all of said line the following:

"171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, excessive heat, flooding, or a tornado.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum **[**of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year**]** **school term, as the term**

"school term" is defined in section 160.011, except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

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

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance or, **for schools with a four-day school week,** in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.

5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and subsequent years, a district shall not be required to make up any hours of school lost or cancelled due to exceptional or emergency circumstances during a school year if the district has an alternative methods of instruction plan approved by the department of elementary and secondary education for such school year. Exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The department of elementary and secondary education shall not approve any such plan unless the district demonstrates that the plan will not negatively impact teaching and learning in the district.

(2) If school is closed due to exceptional or emergency circumstances and the district has an approved alternative methods of instruction plan, the district shall notify students and parents on each day of the closure whether the alternative methods of instruction plan is to be implemented for that day. If the plan is to be implemented on any day of the closure, the district shall ensure that each student receives assignments for that day in hard copy form or receives instruction through virtual learning or another method of instruction.

(3) A district with an approved alternative methods of instruction plan shall not use alternative methods of instruction as provided for in the plan for more than thirty-six hours during a school year. A district that has used such alternative methods of instruction for thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make up any subsequent hours of school lost or cancelled due to exceptional or emergency circumstances during such school year.

(4) The department of elementary and secondary education shall give districts with approved alternative methods of instruction plans credit for the hours in which they use alternative methods of instruction by considering such hours as hours in which school was actually in session.

(5) Any district wishing to use alternative methods of instruction under this subsection shall submit an application to the department of elementary and secondary education. The application shall describe:

(a) The manner in which the district intends to strengthen and reinforce instructional content while supporting student learning outside the classroom environment;

(b) The process the district intends to use to communicate to students and parents the decision to implement alternative methods of instruction on any day of a closure;

(c) The manner in which the district intends to communicate the purpose and expectations for a day in which alternative methods of instruction will be implemented to students and parents;

(d) The assignments and materials to be used within the district for days in which alternative methods of instruction will be implemented to effectively facilitate teaching and support learning for the benefit of the students;

(e) The manner in which student attendance will be determined for a day in which alternative methods of instruction will be implemented. The method chosen shall be linked to completion of lessons and activities;

(f) The instructional methods, which shall include instruction through electronic means and instruction through other means for students who have no access to internet services or a computer;

(g) Instructional plans for students with individualized education programs; and

(h) The role and responsibility of certified personnel to be available to communicate with students.

6. In the 2022-23 school year and subsequent years, a school district's one-half-day education programs shall be subject to the following provisions in proportions appropriate for a one-half-day education program, as applicable:

(1) Requirements in subsection 2 of this section to make up days or hours of school lost or cancelled because of inclement weather;

(2) Exemptions in subsection 3 of this section;

(3) Waiver provisions in subsection 4 of this section; and

(4) Approved alternative methods of instruction provisions in subsection 5 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 30, Section 167.790, Line 72, by inserting after all of said line the following:

"**170.341. 1. Any school district or public charter school may offer students elective social studies courses relating, but not limited to, the following:**

(1) The Hebrew Scriptures, the Old Testament of the Bible;

(2) The New Testament of the Bible; or

(3) The Hebrew Scriptures and the New Testament of the Bible.

2. The purpose of a course under this section is to:

(1) Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and

(2) Familiarize students with, as applicable:

(a) The contents of the Hebrew Scriptures or New Testament;

(b) The history of the Hebrew Scriptures or New Testament;

(c) The literary style and structure of the Hebrew Scriptures or New Testament; and

(d) The influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

3. A student shall not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the school district or public charter school.

4. A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school. A course offered under this section shall not endorse, favor, or promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective.

5. School districts and public charter schools, in complying with this section, shall not violate any provision of the Constitution of the United States or federal law, the Constitution of Missouri or any state law, or any administrative regulations of the department of elementary and secondary education or the United States Department of Education."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator May offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 22, Section 167.031, Line 39, by striking "or"; and further amend line 44, by inserting immediately after "rolls" the following: "**; or**

(4) A child may be excused from attendance at school for the full time required, or any part thereof, if the child is unable to attend school due to mental or behavioral health concerns, provided that the school receives documentation from a mental health professional licensed under chapters 334 or 337 acting within his or her authorized scope of practice stating that the child is not able to attend school due to such concern".

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Roberts offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 411 & 230, Page 16, Section 161.670, Line 483, by inserting after all of said line the following:

"162.471. 1. The government and control of an urban school district is vested in a board of seven directors.

2. Except as provided in section 162.563, each director shall be a voter of the district who has resided within this state for one year next preceding the director's election or appointment and who is at least twenty-four years of age. All directors, except as otherwise provided in sections 162.481, 162.492, and 162.563, shall hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board**[**, except as provided in section 162.492,**]** shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold office until the next school board election, when a successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

162.492. 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 2018, divide the school district into five subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

2. School elections for the election of directors shall be held on municipal election days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until 2019 and until their successors

are elected and qualified. At the election in 2016, directors shall be elected until 2019 and until their successors are elected and qualified. Beginning in 2019, school elections for the election of directors shall be held on the local election date as specified in the charter of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Beginning at the election for school directors in 2019, the number of directors on the board shall be reduced from nine to seven. Two directors shall be at-large directors and five directors shall represent the subdistricts, with one director from each of the subdistricts. At the 2019 election, one of the at-large directors and the directors from subdistricts one, three, and five shall be elected for a two-year term, and the other at-large director and the directors from subdistricts two and four shall be elected for a four-year term. Thereafter, all seven directors shall serve a four-year term. Directors shall serve until the next election and until their successors, then elected, are duly qualified as provided in this section. In addition to other qualifications prescribed by law, each member elected from a subdistrict shall be a resident of the subdistrict from which he or she is elected. The subdistricts shall be numbered from one to five.

3. The five candidates, one from each of the subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the at-large votes shall be elected. The name of no candidate for nomination shall be printed on the ballot unless the candidate has at least sixty days prior to the election filed a declaration of candidacy with the secretary of the board of directors containing the signatures of at least two hundred fifty registered voters who are residents of the subdistrict within which the candidate for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at least five hundred registered voters. The election authority shall determine the validity of all signatures on declarations of candidacy.

4. In any election either for at-large candidates or candidates elected by the voters of subdistricts, if there are more than two candidates, a majority of the votes are not required to elect but the candidate having a plurality of the votes shall be elected.

5. The names of all candidates shall appear upon the ballot without party designation and in the order of the priority of the times of filing their petitions of nomination. No candidate may file both at large and from a subdistrict and the names of all candidates shall appear only once on the ballot, nor may any candidate file more than one declaration of candidacy. All declarations shall designate the candidate's residence and whether the candidate is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large area.

6. The provisions of all sections relating to seven-director school districts shall also apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to the extent applicable and not in conflict with the provisions of those sections specifically relating to such urban districts.

7. Vacancies which occur on the school board **[**between the dates of election shall be filled by special election if such vacancy happens more than six months prior to the time of holding an election as provided in subsection 2 of this section. The state board of education shall order a special election to fill such a vacancy. A letter from the commissioner of education, delivered by certified mail to the election authority or authorities that would normally conduct an election for school board members shall be the authority for the election authority or authorities to proceed with election procedures. If a vacancy occurs less than six months prior to the time of holding an election as provided in subsection 2 of this section, no special election shall occur and the vacancy shall be filled at the next election day on which local elections are

held as specified in the charter of any home rule city with more than four hundred thousand inhabitants and located in more than one county**] shall be filled in the manner provided in section 162.471**.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his seat; and the secretary of the board shall certify that fact to the **[**mayor**] board**. The secretary shall likewise certify to the **[**mayor**] board** any other vacancy occurring in the board. Any vacancy shall be filled by the **[**mayor**] board** by appointment for the remainder of the term."; and

Further amend the title and enacting clause accordingly.

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Brown (26) moved that **SS** for **SCS** for **SBs 411** and **230**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown (26), **SS** for **SCS** for **SBs 411** and **230**, as amended, was declared perfected and ordered printed.

At the request of Senator Brown (26), **SB 234** was placed on the Informal Calendar.

Senator Eigel moved that **SB 304** be taken up for perfection, which motion prevailed.

Senator Eigel offered **SS** for **SB 304**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 304

An Act to repeal sections 160.400, 160.425, 160.518, 160.522, 161.092, and 163.042, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

Senator Eigel moved that **SS** for **SB 304** be adopted.

Senator Coleman assumed the Chair.

Senator May offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 304, Pages 10-11, Section 160.422, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted, which motion prevailed.

Senator Trent offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 304, Page 1, Section 160.400, Line 3, by striking the opening bracket "[" on said line; and further amend line 4 by striking the closing bracket "]" on said line; and

Further amend said bill and section, page 2, line 50 by striking the opening bracket "[" on said line; and further amend line 51 by striking the closing bracket "]" on said line; and

Further amend said bill and section, page 3, line 82 by striking the opening bracket "[" on said line; and

Further amend said bill and section, page 5, line 123 by striking the closing bracket "]" on said line; and

Further amend said bill and section, page 7, line 193 by striking the opening and closing bracket and underlined number on said line; and further amend line 195 by striking the opening and closing bracket and underlined number on said line; and

Further renumber the remaining subsections accordingly.

Senator Trent moved that the above amendment be adopted, which motion prevailed.

Senator Beck offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 304, Page 1, Section A, Line 5, by inserting after all of said line the following:

"160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

(2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) "Graduation rate", the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

(5) "High school", a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) "Metropolitan school district", any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) "Public school" includes all elementary and high schools operated at public expense;

(8) "School board", the board of education having general control of the property and affairs of any school district;

(9) "School term", a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In any school district located wholly or partially in a county with a charter form of government or a city with at least thirty thousand inhabitants, the minimum school term shall be one hundred seventy-four school days and one thousand forty-four hours of actual pupil attendance, unless such school district adopts a four-day school week pursuant to the provisions of section 171.028.** In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required. A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of the required number of hours as provided in this subdivision;

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days

each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

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

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

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

Such reduction shall not extend beyond two calendar years in duration."; and

Further amend said bill, page 25, section 161.092, line 123, by inserting after all of said line the following:

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

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;

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

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

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an

extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

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

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

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

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

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate

education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940."; and

Further amend said bill, page 27, section 163.201, line 68, by inserting after all of said line the following:

"**171.028. 1. The school board of a school district that is located wholly or partially in a county with a charter form of government or a city with more than thirty thousand inhabitants may establish a four-day school week in lieu of a five-day school week for period of ten years and only as permitted pursuant to the provisions of this section.**

2. (1) A school board may adopt the provisions of subsection 1 of this section by referring to the qualified voters of the school district a ballot measure authorizing the same. Such proposal shall be referred to the qualified voters of the school district upon a majority vote of the members elected to the school board. Upon such adoption by the school board, the measure shall be submitted to the qualified voters at the next date available for public elections pursuant to chapter 115 and by July first of the school year in which the four-day school week is proposed to commence. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the measure, then the provisions of subsection 1 of this section shall become effective. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the measure, then the board shall not adopt the provisions of subsection 1 of this section unless and until the measure is resubmitted pursuant to this subsection to the qualified voters and such question is approved by a majority of the qualified voters voting on the measure.

(2) The question submitted by the school board pursuant to this subsection shall be in substantially the following form:

> **"Shall the school board of ..... adopt the provisions of Section 171.028, RSMo, establishing a four-day school week for the next ten years in the district of ...?"**
>
> **☐ YES ☐ NO**

(3) A school district described in subsection 1 of this section may adopt a four-day school week for the 2023-24 school year only if such school district adopted such school week prior to August 28, 2023.

(4) A school district described in subsection 1 of this section may adopt a four-day school week for the 2024-25 school year only if such district adopted a four-day school week for the 2023-24 school year and satisfies all the requirements of this subsection for the 2024-25 school year by July 1, 2024.

3. Upon adoption of a four-day school week, any school district that adopts a four-day school week shall file a calendar with the department of elementary and secondary education in accordance with the provisions of section 171.031.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, days of planned attendance, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In school year 2019-20 and subsequent years, **for schools with a four-day school week,** one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.

2. Each local school district may set its opening date each year, which date shall be no earlier than fourteen calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, for calendars for school years before school year 2020-21, the district follows the procedure set forth in subsection 3 of this section. The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2020-21 and for subsequent years.

3. For calendars for school years before school year 2020-21, a district may set an opening date that is more than fourteen calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than fourteen days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than fourteen calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than fourteen days before the first Monday in September.

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

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

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

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, excessive heat, flooding, or a tornado.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum **[**of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year**] school term, as the term**

"school term" is defined in section 160.011, except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.

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

(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.

4. The commissioner of education may provide, for any school district that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance or, **for schools with a four-day school week,** in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather or fire.

5. (1) Except as otherwise provided in this subsection, in school year 2020-21 and subsequent years, a district shall not be required to make up any hours of school lost or cancelled due to exceptional or emergency circumstances during a school year if the district has an alternative methods of instruction plan approved by the department of elementary and secondary education for such school year. Exceptional or emergency circumstances shall include, but not be limited to, inclement weather, a utility outage, or an outbreak of a contagious disease. The department of elementary and secondary education shall not approve any such plan unless the district demonstrates that the plan will not negatively impact teaching and learning in the district.

(2) If school is closed due to exceptional or emergency circumstances and the district has an approved alternative methods of instruction plan, the district shall notify students and parents on each day of the closure whether the alternative methods of instruction plan is to be implemented for that day. If the plan is to be implemented on any day of the closure, the district shall ensure that each student receives assignments for that day in hard copy form or receives instruction through virtual learning or another method of instruction.

(3) A district with an approved alternative methods of instruction plan shall not use alternative methods of instruction as provided for in the plan for more than thirty-six hours during a school year. A district that has used such alternative methods of instruction for thirty-six hours during a school year shall be required, notwithstanding subsections 2 and 3 of this section, to make up any subsequent hours of school lost or cancelled due to exceptional or emergency circumstances during such school year.

(4) The department of elementary and secondary education shall give districts with approved alternative methods of instruction plans credit for the hours in which they use alternative methods of instruction by considering such hours as hours in which school was actually in session.

(5) Any district wishing to use alternative methods of instruction under this subsection shall submit an application to the department of elementary and secondary education. The application shall describe:

(a) The manner in which the district intends to strengthen and reinforce instructional content while supporting student learning outside the classroom environment;

(b) The process the district intends to use to communicate to students and parents the decision to implement alternative methods of instruction on any day of a closure;

(c) The manner in which the district intends to communicate the purpose and expectations for a day in which alternative methods of instruction will be implemented to students and parents;

(d) The assignments and materials to be used within the district for days in which alternative methods of instruction will be implemented to effectively facilitate teaching and support learning for the benefit of the students;

(e) The manner in which student attendance will be determined for a day in which alternative methods of instruction will be implemented. The method chosen shall be linked to completion of lessons and activities;

(f) The instructional methods, which shall include instruction through electronic means and instruction through other means for students who have no access to internet services or a computer;

(g) Instructional plans for students with individualized education programs; and

(h) The role and responsibility of certified personnel to be available to communicate with students.

6. In the 2022-23 school year and subsequent years, a school district's one-half-day education programs shall be subject to the following provisions in proportions appropriate for a one-half-day education program, as applicable:

(1) Requirements in subsection 2 of this section to make up days or hours of school lost or cancelled because of inclement weather;

(2) Exemptions in subsection 3 of this section;

(3) Waiver provisions in subsection 4 of this section; and

(4) Approved alternative methods of instruction provisions in subsection 5 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted, which motion prevailed.

Senator Trent assumed the Chair.

Senator Mosley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 304, Page 25, Section 161.092, Line 123, by inserting after all of said line the following:

"162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall **[**lapse**]** **have its governing or managing authority suspended** and determine**, as provided in this section,** an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.

3. Upon classification of a district as unaccredited, the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) **[**Lapse the corporate organization of all or part**]** **Suspend the governing or managing authority of the elected school board members** of the unaccredited district and:

(a) Appoint a special administrative board for the operation of **[**all or part of**]** the district. **[**If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.**]** The number of members of the special administrative board shall **[**not**]** be **[**less than five**]** **seven**, **[**the majority**]** **four** of whom**, provided that persons possessing the qualifications set forth herein are residents of the district and ready, willing, and able to serve,** shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and

leadership. **One member shall be a certified public school teacher from outside the district or retired, one shall be a certified public school principal from outside of the district or retired, one shall be a certified public school superintendent or deputy or associate superintendent from outside of the district or retired, two shall be parents who have been active with the parents-teachers association or organization of the district, one shall be a college or university professor of educational administration, and one shall hold a degree and be experienced in accounting and or finance. The special administrative board shall meet not less than once per month. Each appointed member of the special administrative board shall receive a salary of five hundred dollars per month, and shall be reimbursed their reasonable expenses in attending to their duties as a member of the special administrative board payable from the district's revenue. Each member of the special administrative board shall be appointed to a term of three years and shall serve until his or her successor is appointed and qualified, unless sooner removed for good cause shown by the state board of education. Notice of the appointment of a person to the special administrative board shall be immediately given to each member of the general assembly whose district includes any part of the school district. Within fifteen days after the vote to appoint a member to the special administrative board, if a member of the Missouri house of representatives whose district includes any part of the school district, in whole or in part, submits a request to the president pro tempore of the senate, the appointment shall be subject to the advice and consent of the senate. If such request is made, the member whose appointment is subject to the advice and consent process shall abstain from all special administrative board duties until his or her appointment is confirmed.** The **[**state board of education may appoint**]** members of the district's elected school board **[**to**] shall be ex-officio non-voting members of** the special administrative board, **[**but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership**] and thus may attend and participate in the meetings and committees of the special administrative board, but shall have no vote nor be counted to determine a quorum, and to that extent the district shall continue to elect members to its school board**. Within fourteen days after the appointment by the state board of education, the **appointed members of the** special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their **qualifications,** duties**,** and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools **to serve at the will of the board or for a term of not more than three years,** to serve as the chief executive officer of the school district**[**, or a subset of schools,**]** and to have all powers and duties of any other general superintendent of schools in a seven-director school district. **If the district has been classified as provisionally or fully accredited after two successive academic years, the superintendent's term may be renewed for an additional term of up to three years at the will of the special administrative board.** Any special administrative board appointed under this section shall be responsible for the operation of the district **[**or part of the district**]** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education **[**may**] shall** provide for a transition pursuant to section 162.083; or

(b) **Upon failure of the district to be classified as provisionally or fully accredited for at least two successive academic years, the state board of education shall require the special administrative board to establish a specific plan and timeline for achieving accreditation, and** determine an alternative **[**governing**] educational or academic** structure for the district including, at a minimum:

a. **[**A rationale for the decision to use an alternative form of governance and**]** In the absence of the district's achievement of **provisional or** full accreditation, the state board of education shall review and **[**recertify the alternative form of governance every three years**]** **require the special administrative board to appoint a new superintendent of the school district for a term of not more than three years unless sooner removed at the will of the board**;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under **[**an alternative form of**]** governance **of a special administrative board**, including a review of the effectiveness of the **[**alternative governance**]** **special administrative board**; or

(c) Attach the territory of the **[**lapsed**]** **unaccredited** district to another district or districts for school purposes**[**; or**]**

[(d) Establish one or more school districts within the territory of the lapsed district, with a governance structure specified by the state board of education, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date**]**.

4. If a district remains under continued governance by the **elected** school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board **[**or any other form of governance**]** appointed under this section shall retain the authority granted to a board of education for the operation of the **[**lapsed**]** school district under the laws of the state in effect at the time of the **[**lapse**]** **suspension of the governing or managing authority of the elected school board members** and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **[**or any other form of governance**]** appointed under this section shall expire at the end of the third full school year following its appointment, unless extended **for not more than three full school years** by the state board of education. **No additional extensions shall be granted. Governance of the school district shall be returned to the elected board upon the expiration of the authority of**

the special administrative board. If the **[**lapsed**]** district is reassigned, the governing board prior to **[**lapse**]** **reassignment** shall provide an accounting of all funds, assets and liabilities of the **[**lapsed**]** **reassigned** district and transfer such funds, assets, and liabilities of the **[**lapsed**]** **reassigned** district as determined by the state board of education. Neither the special administrative board nor any other form of governance **[**appointed under this section**]** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the **[**lapsed**]** **unaccredited** district, a special administrative board, any other form of governance **[**appointed under this section**]**, or the members or employees of the **[**lapsed**]** **unaccredited** district, a special administrative board, or any other form of governance **[**appointed under this section**]**. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board or any other form of governance **[**appointed under this section**]** and the members and employees of the special administrative board or any other form of governance **[**appointed under this section**]**.

6. Neither the special administrative board nor any other form of governance **[**appointed under this section**]** nor any district or other entity assigned territory, assets or funds from **[**a lapsed**]** **an unaccredited** district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of **[**a lapsed**]** **an unaccredited** or dissolved district, such district shall grant an employment interview to any permanent teacher of the **[**lapsed**]** **unaccredited** or dissolved district upon the request of such permanent teacher.

8. In the event that a school district with an enrollment in excess of five thousand pupils **[**lapses**]** **becomes unaccredited**, no school district shall have all or any part of such **[**lapsed**]** school district attached without the approval of the board of the receiving school district.

9. If the state board of education reasonably believes that a school district is unlikely to provide for the minimum school term required by section 163.021 because of financial difficulty, the state board of education may, prior to the start of the school term:

(1) Allow continued governance by the existing district school board under terms and conditions established by the state board of education; or

(2) **[**Lapse the corporate organization**]** **Suspend the governing or managing authority of the elected school board members** of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.

10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.895 and 167.898.

162.083. 1. **[**The state board of education may appoint additional members to any special administrative board appointed under section 162.081.**]**

[2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.**]**

[(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.**]**

[(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.**]**

[(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.**]**

[3.**]** Nothing in **[**this**]** section **162.081** shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board**, upon the dissolution of the special administrative board or upon his or her resignation from the special administrative board**.

[4.**] 2. Not later than six full school years following appointment of the special administrative board,** on a date set by the state board of education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law."; and

Further amend the title and enacting clause accordingly.

Senator Mosley moved that the above amendment be adopted, which motion prevailed.

Senator Beck offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 304, Page 27, Section 163.201, Line 68, by inserting after all of said line the following:

"**166.713. 1. This section shall be known and may be cited as the "Missouri Empowerment Scholarship Accounts Program Parents' Bill of Rights Act of 2023".**

2. The state treasurer shall cause the following information to be posted on the state treasurer's website, the commissioner of administration shall cause the following information to be posted on the Missouri accountability portal, and the commissioner of education shall cause the following information to be posted on any future education transparency and accountability portal that may be required by state law:

(1) A list of the qualified schools that receive funds from students' empowerment scholarship accounts;

(2) A list of the educational assistance organizations that make contributions to the empowerment scholarship accounts of students enrolled in each qualified school;

(3) The number of qualified students enrolled in each qualified school who pay for education expenses, as described in section 166.705, using funds deposited in empowerment scholarship

accounts, along with the number of such students who qualify for free and reduced price lunch and the number of such students who receive special education services; and

(4) The total amount of money that has been remitted from qualified students' empowerment scholarship accounts to each qualified school, both by school year and the total aggregate amount.

3. A qualified school that receives funds from students' empowerment scholarship accounts shall approve and adopt all curricula used by the school at least two months prior to implementation. Any meeting pertaining to the approval and adoption of such curricula shall be held in public in accordance with the provisions of chapter 610 and allow for public comments. All adopted curricula shall be posted on such school's website and on the websites of any educational assistance organizations that make contributions to the scholarship accounts of students enrolled in such school. Such information shall be posted in an easy-to-search database, including but not limited to all curricula taught by a school, including the author, title, and date of copyright of every school's curriculum, textbooks, and source materials, and the cost associated with speakers and guests used by a qualified school in its professional development activities.

4. The name of each member of the governing board or governing body of a qualified school that receives funds from students' empowerment scholarship accounts shall be posted on the qualified school's website. Such information shall also be posted on the websites of any educational assistance organizations that make contributions to the scholarship accounts of students enrolled in such school. Any changes to the membership of the governing board or body shall be posted within fifteen business days.

5. The name of each member of the governing board or governing body of an educational assistance organization shall be posted on the educational assistance organization's website. Any changes to the membership of the governing board or body shall be posted within fifteen business days.

6. All materials relating to administrator, teacher, and staff professional development and instructional programs offered to schools receiving scholarship account funds regarding "diversity, equity, and inclusion" or "social and emotional learning" shall be fully transparent and available to parents of students enrolled in such schools, provided that no provision of such materials violates copyright, trademark, or other intellectual property right protection or the federal Copyright Act of 1976 (17 U.S.C. 101, et seq.), as amended. Lists by such schools showing date of attendance, name, and position of school attendee, program name, and description shall be provided by request and free of charge. No on-site program specified in this subsection shall be provided by a qualified school that receives scholarship account funds, or an attendance center thereof, prior to such school's governing board or body approving and adopting the on-site program, with such meeting being subject to the provisions of chapter 610. The information described in this subsection shall be updated on a quarterly basis.

7. No qualified school receiving funds from students' empowerment scholarship accounts shall collect any biometric data of a minor child without obtaining written parental consent before collecting such data or information, except for biometric data necessary to create and issue appropriate school identification cards. Any such school that collects any biometric data of a minor

child under this subsection shall ensure that all copies of such data are destroyed within one year of such student's withdrawal of participation in all school activities.

8. Any qualified school that receives funds from empowerment scholarship accounts and also provides school-issued electronic devices to students shall implement technology solutions that:

(1) Prohibit students' access to social media and video sharing sites on such devices; and

(2) Prohibit students' access to inappropriate material on such devices, including but not limited to child pornography, explicit sexual material, and material that is pornographic for minors, as those terms are defined in section 573.010.

9. Each qualified school receiving funds from empowerment scholarship accounts shall notify parents in a timely manner of the following:

(1) All reported incidents directly pertaining to their student's safety that result in any violation of the school's safety policy;

(2) Any felony charges filed against a teacher or employee of the school, regardless of whether the alleged offense took place on school premises or off school premises;

(3) Any misdemeanor charges filed against a teacher or employee of the school that directly pertain to their student's safety, regardless of whether the alleged offense took place on school premises or off school premises; and

(4) Any felony or misdemeanor charges filed against a guest or visitor to the school, provided that the alleged offense occurred on school premises and directly pertains to their student's safety.

10. Notwithstanding any provision of law to the contrary, a qualified school that receives funds from empowerment scholarship accounts and the educational assistance organizations that make contributions into such scholarship accounts shall be subject to the same provisions as set forth in chapter 610 to which public school districts, charter schools, and virtual schools are subject."; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted.

At the request of Senator Eigel, **SB 304**, with **SS**, and **SA 5** (pending), was placed on the Informal Calendar.

Senator May moved that **SB 122** be taken up for perfection, which motion prevailed.

On motion of Senator May, **SB 122** was declared perfected and ordered printed.

At the request of Senator Brattin, **SB 256**, with **SCS**, was placed on the Informal Calendar.

Senator Eigel moved that **SB 540** be taken up for perfection, which motion prevailed.

Senator Eigel offered **SS** for **SB 540**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 540

An Act to repeal sections 143.174 and 143.175, RSMo, and to enact in lieu thereof three new sections relating to members of the armed forces.

Senator Eigel moved that **SS** for **SB 540** be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

On motion of Senator Eigel, **SS** for **SB 540** was declared perfected and ordered printed.

Senator Eigel moved that **SB 542** be taken up for perfection, which motion prevailed.

Senator Crawford assumed the Chair.

On motion of Senator Eigel, **SB 542** was declared perfected and ordered printed.

Senator Trent moved that **SB 275** be taken up for perfection, which motion prevailed.

Senator Roberts offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 275, Page 1, Section 144.058, Line 16, by inserting at the end of said line the following: "**Any public utility, as such term is defined in section 386.020, that realizes any savings as a result of the sales tax exemption provided in this section shall provide the public service commission information on the amount of savings realized in such public utility's next general rate proceeding and shall include a statement that such savings will be passed through to the public utility's rate determined in the public utility's next general rate proceeding.**".

Senator Roberts moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 275, Page 1, In the Title, Lines 2-3, by striking "a sales tax exemption for electricity" and inserting in lieu thereof the following: "utilities"; and

Further amend said bill and page, section 144.058, line 16, by inserting after all of said line the following:

"393.1030. 1. The commission shall, in consultation with the department, prescribe by rule a portfolio requirement for all electric utilities to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy resources shall constitute the following portions of each electric utility's sales:

(1) No less than two percent for calendar years 2011 through 2013;

(2) No less than five percent for calendar years 2014 through 2017;

(3) No less than ten percent for calendar years 2018 through 2020; and

(4) No less than fifteen percent in each calendar year beginning in 2021.

At least two percent of each portfolio requirement shall be derived from solar energy. The portfolio requirements shall apply to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside of this state. A utility may comply with the standard in whole

or in part by purchasing RECs. Each kilowatt-hour of eligible energy generated in Missouri shall count as 1.25 kilowatt-hours for purposes of compliance.

2. **(1) This subsection applies to electric utilities with more than two hundred fifty thousand but less than one million retail customers in Missouri as of the end of calendar year 2022.**

(2) Energy meeting the criteria of the renewable energy portfolio requirements set forth in subsection 1 of this section that is generated from renewable energy resources and contracted for by an accelerated renewable buyer shall:

(a) Have all associated renewable energy certificates retired by the accelerated renewable buyer, or on their behalf, and the certificates shall not be used to meet the electric utility's portfolio requirements pursuant to subsection 1 of this section;

(b) Be excluded from the total electric utility's sales used to determine the portfolio requirements pursuant to subsection 1 of this section; and

(c) Be used to offset all or a portion of its electric load for purposes of determining compliance with the portfolio requirements pursuant to subsection 1 of this section.

(3) The accelerated renewable buyer shall be exempt from any renewable energy standard compliance costs as may be established by the utility and approved by the commission, based on the amount of renewable energy certificates retired pursuant to this subsection in proportion to the accelerated renewable buyer's total electric energy consumption, on an annual basis.

(4) An "accelerated renewable buyer" means a customer of an electric utility, with an aggregate load over eighty average megawatts, that enters into a contract or contracts to obtain:

(a) Renewable energy certificates from renewable energy resources as defined in section 393.1025; or

(b) Energy and renewable energy certificates from solar or wind generation resources located within the Southwest Power Pool or Midcontinent Independent System Operator regions and initially placed in commercial operation after January 1, 2020, including any contract with the electric utility for such generation resources that does not allocate to or recover from any other customer of the utility the cost of such resources.

(5) Each electric utility shall certify, and verify as necessary, to the commission that the accelerated renewable buyer has satisfied the exemption requirements of this subsection for each year, or an accelerated renewable buyer may choose to certify satisfaction of this exemption by reporting to the commission individually. The commission may promulgate such rules and regulations as may be necessary to implement the provisions of this subsection. Nothing in this section shall be construed as imposing or authorizing the imposition of any reporting, regulatory, or financial burden on an accelerated renewable buyer.

3. The commission, in consultation with the department and within one year of November 4, 2008, shall select a program for tracking and verifying the trading of renewable energy credits. An unused credit may exist for up to three years from the date of its creation. A credit may be used only once to comply with sections 393.1020 to 393.1030 and may not also be used to satisfy any similar nonfederal

requirement. An electric utility may not use a credit derived from a green pricing program. Certificates from net-metered sources shall initially be owned by the customer-generator. The commission, except where the department is specified, shall make whatever rules are necessary to enforce the renewable energy standard. Such rules shall include:

(1) A maximum average retail rate increase of one percent determined by estimating and comparing the electric utility's cost of compliance with least-cost renewable generation and the cost of continuing to generate or purchase electricity from entirely nonrenewable sources, taking into proper account future environmental regulatory risk including the risk of greenhouse gas regulation. Notwithstanding the foregoing, until June 30, 2020, if the maximum average retail rate increase would be less than or equal to one percent if an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility is ignored for purposes of calculating the increase, then additional solar rebates shall be paid and included in rates in an amount up to the amount that would produce a retail rate increase equal to the difference between a one percent retail rate increase and the retail rate increase calculated when ignoring an electric utility's investment in solar-related projects initiated, owned, or operated by the electric utility. Notwithstanding any provision to the contrary in this section, even if the payment of additional solar rebates will produce a maximum average retail rate increase of greater than one percent when an electric utility's investment in solar-related projects initiated, owned or operated by the electric utility are included in the calculation, the additional solar rebate costs shall be included in the prudently incurred costs to be recovered as contemplated by subdivision (4) of this subsection;

(2) Penalties of at least twice the average market value of renewable energy credits for the compliance period for failure to meet the targets of subsection 1 of this section. An electric utility will be excused if it proves to the commission that failure was due to events beyond its reasonable control that could not have been reasonably mitigated, or that the maximum average retail rate increase has been reached. Penalties shall not be recovered from customers. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the division of energy solely for renewable energy and energy efficiency projects;

(3) Provisions for an annual report to be filed by each electric utility in a format sufficient to document its progress in meeting the targets;

(4) Provision for recovery outside the context of a regular rate case of prudently incurred costs and the pass-through of benefits to customers of any savings achieved by an electrical corporation in meeting the requirements of this section.

[3.**]** **4.** As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electric utility shall make available to its retail customers a solar rebate for new or expanded solar electric systems sited on customers' premises, up to a maximum of twenty-five kilowatts per system, measured in direct current that were confirmed by the electric utility to have become operational in compliance with the provisions of section 386.890. The solar rebates shall be two dollars per watt for systems becoming operational on or before June 30, 2014; one dollar and fifty cents per watt for systems becoming operational between July 1, 2014, and June 30, 2015; one dollar per watt for systems becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt for systems

becoming operational between July 1, 2017, and June 30, 2019; twenty-five cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020; and zero cents per watt for systems becoming operational after June 30, 2020. An electric utility may, through its tariffs, require applications for rebates to be submitted up to one hundred eighty-two days prior to the June thirtieth operational date. Nothing in this section shall prevent an electrical corporation from offering rebates after July 1, 2020, through an approved tariff. If the electric utility determines the maximum average retail rate increase provided for in subdivision (1) of subsection **[**2**]** **3** of this section will be reached in any calendar year, the electric utility shall be entitled to cease paying rebates to the extent necessary to avoid exceeding the maximum average retail rate increase if the electrical corporation files with the commission to suspend its rebate tariff for the remainder of that calendar year at least sixty days prior to the change taking effect. The filing with the commission to suspend the electrical corporation's rebate tariff shall include the calculation reflecting that the maximum average retail rate increase will be reached and supporting documentation reflecting that the maximum average retail rate increase will be reached. The commission shall rule on the suspension filing within sixty days of the date it is filed. If the commission determines that the maximum average retail rate increase will be reached, the commission shall approve the tariff suspension. The electric utility shall continue to process and pay applicable solar rebates until a final commission ruling; however, if the continued payment causes the electric utility to pay rebates that cause it to exceed the maximum average retail rate increase, the expenditures shall be considered prudently incurred costs as contemplated by subdivision (4) of subsection **[**2**]** **3** of this section and shall be recoverable as such by the electric utility. As a condition of receiving a rebate, customers shall transfer to the electric utility all right, title, and interest in and to the renewable energy credits associated with the new or expanded solar electric system that qualified the customer for the solar rebate for a period of ten years from the date the electric utility confirmed that the solar electric system was installed and operational.

[4.**]** **5.** The department shall, in consultation with the commission, establish by rule a certification process for electricity generated from renewable resources and used to fulfill the requirements of subsection 1 of this section. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy resources, only the portion of electrical output attributable to renewable energy resources shall be used to fulfill the portfolio requirements.

[5.**]** **6.** In carrying out the provisions of this section, the commission and the department shall include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of this section.

[6.**]** **7.** The commission shall have the authority to promulgate rules for the implementation of this section, but only to the extent such rules are consistent with, and do not delay the implementation of, 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, 2013, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Trent, **SB 275**, as amended, was declared perfected and ordered printed.

Senator Luetkemeyer moved that **SB 190** be taken up for perfection, which motion prevailed.

Senator Luetkemeyer offered **SS** for **SB 190**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 190

An Act to repeal sections 143.124 and 143.125, RSMo, and to enact in lieu thereof three new sections relating to tax relief for seniors.

Senator Luetkemeyer moved that **SS** for **SB 190** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS** for **SB 190** was declared perfected and ordered printed.

SB 355, with **SCS**, was placed on the Informal Calendar.

Senator Schroer moved that **SB 398**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 398**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 398

An Act to repeal sections 407.812 and 407.828, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

Was taken up.

Senator Schroer moved that **SCS** for **SB 398** be adopted.

Senator Schroer offered **SS** for **SCS** for **SB 398**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 398

An Act to repeal sections 407.812 and 407.828, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act, with an effective date.

Senator Schroer moved that **SS** for **SCS** for **SB 398** be adopted.

Senator Fitzwater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 398, Page 2, Section 407.812, Line 50, by striking "held" and inserting in lieu thereof: "**first applies for**"; and further amend said line by striking "January"; and

Further amend said bill and section, page 2, line 51, by striking "1" and inserting in lieu thereof the following: "**August 28**"; and further amend said line by inserting after "that" the following: "**the license is subsequently granted, and**"; and

Further amend said bill, section B, page 8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Fitzwater moved that the above amendment be adopted, which motion prevailed.

Senator Schroer moved that **SS** for **SCS** for **SB 398**, as amended, be adopted, which motion prevailed.

On motion of Senator Schroer, **SS** for **SCS** for **SB 398**, as amended, was declared perfected and ordered printed.

Senator Thompson Rehder moved that **SB 128** be taken up for perfection, which motion prevailed.

Senator Thompson Rehder offered **SS** for **SB 128**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 128

An Act to repeal section 452.355, RSMo, and to enact in lieu thereof one new section relating to costs and fees in divorce proceedings.

Senator Thompson Rehder moved that **SS** for **SB 128** be adopted, which motion prevailed.

On motion of Senator Thompson Rehder, **SS** for **SB 128** was declared perfected and ordered printed.

Senator Brattin moved that **SB 129**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 129**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

Was taken up.

Senator Brattin moved that **SCS** for **SB 129** be adopted.

Senator Brattin offered **SS** for **SCS** for **SB 129**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 129

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to judicial proceedings involving the parent-child relationship.

Senator Brattin moved that **SS** for **SCS** for **SB 129** be adopted.

Senator Brattin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Page 1, Section 452.375, Lines 13-14, by striking all of said lines and inserting in lieu thereof the following: "each of the parents significant, but not necessarily equal, periods of time during"; and

Further amend said section, page 2, line 26, by striking "substantially" and inserting in lieu thereof the following: "**approximately**"; and

Further amend said bill, page 10, line 291, by inserting after all of said line the following:

"454.1005. 1. To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license**[**,**]** **or to** timely request a hearing or comply with a payment plan, **[**the obligor's defenses and objections shall be considered to be without merit and**]** the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing **that complies with due process** to determine if suspension of the obligor's license is appropriate **considering all relevant factors, including those factors listed in subsection 4 of this section**. The court or director shall stay suspension of the license pending the outcome of the hearing.

4. **[**If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are**]** **In determining whether the license suspension is appropriate under the circumstances, the court or director shall consider and issue written findings of fact and conclusions of law within thirty days following the hearing regarding the following**:

(1) The identity of the obligor;

(2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; **[**and**]**

(3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order**;**

(4) Whether the obligor had the ability to make the payments that are in arrearage;

(5) Whether the obligor has the current ability to make the payments;

(6) The reasons the obligor needs the license, including, but not limited to:

(a) Transportation of family members to and from work, school, or medical treatment;

(b) Transportation of the obligor or family members to extra curricular activities; or

(c) A requirement for employment;

(7) Whether the obligor is unemployed or underemployed;

(8) Whether the obligor is actively seeking employment;

(9) Whether the obligor has engaged in job search and job readiness assistance, including utilization of the state employment database website;

(10) Whether the obligor has a physical or mental impairment affecting his or her capacity to work; and

(11) Any other relevant factors that affect the obligor's ability to make the child support payments.

5. **If the court or director, after the hearing, determines that the obligor has failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars for good cause, then the court or director shall not issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an order is in place, shall stay such order. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of the obligor or a family member; severe inclement weather, including a natural disaster; or the obligor experiences a family emergency or other life-changing event, including divorce or domestic violence. A decision by the court or director under this section not to issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage if the obligor fails, without good cause, to comply with the support order or payment plan.**

6. If the court or director, after hearing, determines that the obligor has failed**, without good cause,** to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

[6.**]** **7.** The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

[7.**]** **8.** The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

[8.**] 9.** A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license."; and

Further amend the title and enacting clause accordingly.

Senator Brattin moved that the above amendment be adopted, which motion prevailed.

Senator Brattin moved that **SS** for **SCS** for **SB 129**, as amended, be adopted, which motion prevailed.

On motion of Senator Brattin, **SS** for **SCS** for **SB 129**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 316**, entitled:

An Act to repeal sections 143.183, 194.400, 253.022, 253.401, 253.402, 253.403, 253.404, 253.405, 253.408, 253.420, 253.421, 253.545, 253.550, 253.557, 253.559, and 620.1900, RSMo, and to enact in lieu thereof nineteen new sections relating to facilities of historic significance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 88**, entitled:

An Act to repeal sections 331.020, 331.060, 340.200, 340.216, 340.218, and 340.222, RSMo, and to enact in lieu thereof six new sections relating to animal chiropractic practitioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 51**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

On behalf of Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Rowden submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 540**, **SB 122**, and **SS** for **SCS** for **SBs 411** and **230**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Washington offered Senate Resolution No. 338, regarding the death of Mary Williams-Neal, Kansas City, which was adopted.

INTRODUCTION OF GUESTS

Senator Beck introduced to the Senate, his wife, Marilyn; and his mother, Dianne; and Sawyer Bess; and Bryce Kesselring.

Senator Fitzwater introduced to the Senate, Missouri State Council of Firefighters, President Demetris Alfred; Secretary Treasurer Stephen Davis; and members.

Senator Eslinger introduced to the Senate, Missouri Association of Counties.

Senator Bean introduced to the Senate, Kennett with Holcomb Class 1 State Championship tennis team, principal, Chad Prichett; head coach, Janet Hilburn; assistant coach, Hanna Hunter; and team, Claire Bean; Handley McAtee; Christi Tejeda; Macy Bazzell; Carley Wiinston; and Giselle Garcia.

Senator Bernskoetter introduced to the Senate, Romane, Karine; and Christophe Vallon, France; and YMCA Youth and Government.

Senator Rizzo introduced to the Senate, Rosie Thalhuber; Olive Thompson; and Charlotte Hansen, Columbia.

The President introduced to the Senate, Major General James Bronner and his wife Debra, St. Roberts.

Senator Cierpiot introduced to the Senate, Kansas City Area American Field Service International group, Frank Russo; Marlaine and Roy Boyd; Rylan Boyd; Dave Miller; Josh Hemmingway; students, Prin Thananian, Thailand; Mariana Lopes, Portugal; Rochl Mayol, Argentina; Greta Steen, Germany; Maribel Girard, Canada; Rehan Edres, Phillippines; Alice de Dorlodot, Belgium; Isaline Chapuzel, France; Ben Boggio Sosa, Argentina; Elisabeth Thiesson, Denmark; Velkka Kaasalainen, Finland; Danilo Jakovljevic, Boznia Herzegovia; Fablenne Elsoldt, Germany; Habiba Hassan, Egypt; Nana Megrelidze, Georgia; Raghad Elaklouk, Malaysia; Nayli Fadhli, Malaysia; Elisa Venerl, Italy; Ilaria Montagno, Italy; Martina De La Fuenta, Spain; Maxi Donath, Germany.

On motion of Senator Bean the Senate adjourned under the rules.

SENATE CALENDAR

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FIFTY-FIRST DAY–THURSDAY, APRIL 13, 2023

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 442
HCS for HJRs 33 & 45
HCS for HBs 816 & 660
HCS for HBs 651, 479 & 647
HCS for HB 725
HCS for HBs 913 & 428

HCS for HB 863
HS for HCS for HB 356
HCS for HB 1162
HCS for HB 766
HCS for HBs 971 & 970
HCS for HB 1133
HCS for HB 1015
HCS for HB 207
HB 403-Haden
HCS for HB 225
HCS for HBs 882 & 518
HCS for HB 631
HB 1120-Hardwick
HCS for HB 870
HCS for HB 675
HB 995-Baker
HCS for HB 1058
HCS for HB 986
HCS for HB 774
HCS for HB 543
HB 196-Henderson
HB 519-Mayhew
HCS for HB 809
HCS for HB 90
HCS for HB 497
HB 200-Francis
HCS for HB 76
HB 557-Houx
HCS for HB 443
HB 1102-Stephens
HCS for HB 1263
HCS for HB 779
HCS for HB 1152
HCS for HBs 178, 179 & 401
HB 142-Sassmann
HCS for HB 906
HB 703-Haffner
HCS for HB 576
HB 136-Hudson
HCS for HBs 119, 372, 382, 420, 550 & 693
HCS for HB 521
HB 345-McGirl
HCS for HBs 1064 & 667
HCS for HB 316
HCS for HB 88

THIRD READING OF SENATE BILLS

SS for SCS for SB 8-Eigel (In Fiscal Oversight)
SS for SB 35-May (In Fiscal Oversight)
SS for SCS for SB 92-Hoskins (In Fiscal Oversight)
SS for SB 540-Eigel
SB 122-May
SS for SCS for SBs 411 & 230-Brown (26)

SENATE BILLS FOR PERFECTION

1. SB 74-Trent, with SCS
2. SB 378-Rowden
3. SB 265-Bean
4. SB 148-Mosley
5. SB 180-Crawford
6. SB 400-Schroer
7. SJR 12-Cierpiot
8. SB 168-Brown (26), with SCS
9. SB 335-Crawford
10. SB 46-Gannon, with SCS
11. SB 206-Eslinger
12. SB 349-Trent, with SCS
13. SB 229-Colemen, with SCS
14. SBs 332, 334, 541 & 144-Brattin, with SCS
15. SB 161-Coleman, with SCS
16. SB 166-Carter
17. SB 381-Thompson Rehder

18. SB 77-Black
19. SB 342-Trent
20. SB 374-Cierpiot, with SCS
21. SB 455-Roberts, with SCS
22. SB 440-Washington
23. SJR 46-Black
24. SB 185-Bernskoetter, with SCS
25. SB 7-Rowden, with SCS
26. SB 366-Crawford, with SCS
27. SB 337-Crawford
28. SB 367-Luetkemeyer
29. SJR 37-Cierpiot
30. SB 274-Trent
31. SB 412-Brown (26)
32. SJR 30-Brown (26), with SCS
33. SB 348-Trent
34. SB 519-Hoskins, with SCS
35. SB 319-Eigel, with SCS
36. SB 534-Black
37. SB 343-Razer
38. SB 160-Schroer and Coleman
39. SB 375-Cierpiot
40. SB 313-Mosley
41. SB 17-Arthur

HOUSE BILLS ON THIRD READING

HCS for HB 301, with SCS (Luetkemeyer) (In Fiscal Oversight)
HCS for HB 253 (Koenig) (In FiscalOversight)
HB 827-Christofanelli (Koenig) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 5-Koenig, with SCS
SB 11-Crawford, with SCS, SS for SCS, SA 2 & SA 1 to SA 2 (pending)
SB 15-Cierpiot, with SS (pending)
SB 21-Bernskoetter, with SCS (pending)
SB 30-Luetkemeyer, with SS & SA 12 (pending)
SB 38-Williams, with SCS & SS for SCS (pending)
SB 44-Brattin
SBs 73 & 162-Trent, with SCS, SS for SCS & SA 2 (pending)
SB 79-Schroer, with SCS
SB 80-Schroer
SB 81-Coleman, with SCS
SB 85-Carter, with SCS, SS for SCS & SA 1 (pending)
SB 88-Brown (26), with SCS & SS for SCS (pending)
SBs 93 & 135-Hoskins, with SCS & SS for SCS (pending)
SB 95-Koenig, with SS & SA 2 (pending)
SB 105-Cierpiot, with SS & SA 2 (pending)
SB 110-Bernskoetter
SB 112-Hough
SB 117-Luetkemeyer, with SS, SA 1 & SA 1 to SA 1 (pending)
SB 136-Eslinger
SB 140-Bean, with SCS
SB 151-Fitzwater, with SA 2 (pending)
SB 152-Trent
SB 184-Arthur, with SCS & SA 1 (pending)
SBs 189, 36 & 37-Luetkemeyer, with SCS
SB 209-Bean, with SCS
SB 214-Beck, with SS & SA 2 (pending)
SB 228-Coleman, with SCS & SS for SCS (pending)
SB 234-Brown (26)

SB 256-Brattin, with SCS
SB 304-Eigel, with SS & SA 5 (pending)
SB 317-Eigel, with SCS, SS#2 for SCS & SA 1 (pending)
SB 355-Brown (16), with SCS
SB 360-Koenig, with SCS
SB 413-Hoskins, with SCS, SS for SCS, SA 3 & SA 2 to SA 3 (pending)
SJR 14-Brown (16), with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HJR 43 (Crawford), with SS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)

RESOLUTIONS

SR 22-Roberts

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