

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—MONDAY, MAY 6, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 210—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 17—Appropriations.

HB 18—Appropriations.

HCS for HB 19—Appropriations.

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 adopted **SS** for **HB 331** and has taken up and passed **SS** for **HB 331**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 555**, entitled:

An Act to repeal sections 302.020 and 302.132, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles or motortricycles, with penalty provisions.

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 781**, entitled:

An Act to repeal sections 208.895 and 660.315, RSMo, and to enact in lieu thereof three new sections

relating to MO HealthNet-funded home- and community-based care.

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 936**, entitled:

An Act to amend chapters 188 and 335, RSMo, by adding thereto two new sections relating to the provision of health care services.

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 **HB 427**, entitled:

An Act to repeal section 429.010, RSMo, and to enact in lieu thereof one new section relating to rental of machinery and equipment.

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 430**, entitled:

An Act to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof two new sections relating to employer paid medical costs in the experience rating plan of workers' compensation insurance.

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 513**, entitled:

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to the protection of parental rights.

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 **HB 336**, entitled:

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof two new sections relating to first responder political activity, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

Reverend Carl Gauck offered the following prayer:

“Morning by morning he wakens - wakens my ear to listen as those who are taught.” (Isaiah 50:4b)

As we begin a new week we are clear that we have just two weeks left and the pressure increases and there is much to accomplish. We pray that we may hear Your word and listen to what You teach so we may be lifted up and energized and our efforts may be more effective and we are seen as those who care and truly know what it is that is expected of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, May 2, 2013 was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 891, regarding William C. Doggett, which was adopted.

Senator Romine offered Senate Resolution No. 892, regarding Karen Lee White, which was adopted.

Senator Romine offered Senate Resolution No. 893, regarding Gary L. Rawson, which was adopted.

Senator Romine offered Senate Resolution No. 894, regarding Sandra Louise Copeland, which was adopted.

Senator Romine offered Senate Resolution No. 895, regarding Keith Michael Huck, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 896, regarding Donna (Pitt) Owens, Lesterville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 897, regarding MFA Incorporated, which was adopted.

Senator Romine offered Senate Resolution No. 898, regarding Deborah G. Rauhut, which was adopted.

Senator Romine offered Senate Resolution No. 899, regarding Mary Ellen Peterson, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 900, regarding David Keith Weatherly, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 901, regarding Bonnie Louise Barron, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 902, regarding Betty D. Skaggs, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 903, regarding Richard Whaley, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 904, regarding Gwendolyn Kay Wampler, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 905, regarding Joy Warwick, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 906, regarding Kimberly Marx, De Soto, which was adopted.

Senator Richard offered Senate Resolution No. 907, regarding Andrew “Keegan” Tinney, Joplin, which was adopted.

Senator Lager offered Senate Resolution No. 908, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Fred Schiever, Ravenwood, which was adopted.

Senator Schmitt offered Senate Resolution No. 909, regarding Max Jaksetic, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 910, regarding Habitat for Humanity’s RV Care-A-Vanners, which was adopted.

Senator Walsh offered Senate Resolution No. 911, regarding Bradley L. DiMariano, which was adopted.

Senator Munzlinger offered Senate Resolution No. 912, regarding Heartland Resources, Inc. Foster Grandparent Program, which was adopted.

Senator Cunningham offered Senate Resolution No. 913, regarding Hannah Morton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Parson, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 194** and **HB 316**, begs leave to report that it has considered the same and recommends

that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Lamping moved that **SB 210**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 210**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the common core state standards initiative, with an emergency clause.

Was taken up.

Senator Lamping moved that **SCS** for **SB 210** be adopted.

Senator Lamping offered **SS** for **SCS** for **SB 210**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the common core state standards initiative, with an emergency clause.

Senator Lamping moved that **SS** for **SCS** for **SB 210** be adopted.

Senator Lamping offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13 of said page, by striking the word "For"; and further amend lines 14-16 of said page, by striking all of said lines; and

Further amend said section, page 2, line 1 of said page, by striking all of said line and inserting in lieu thereof the following: "**The department of elementary and secondary education shall publish a notice on its internet website at least two weeks prior to each of the public hearings and post such notice at the location of each public hearing. At such time, the department shall also notify each district of the public hearing that shall take place in the congressional district in which the district is located. Within seventy-two hours of receiving the department's notification, each district shall notify parents, in a manner in which it chooses, of the public hearing that shall take place in the congressional district in which the district is located.**".

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

Senator Lamping offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13 of said page, by inserting after "hearing." the following: "**As an alternative, the commissioner of education may designate an employee of the department of elementary and secondary education to attend the public hearings in his or her place.**".

Senator Lamping moved that the above amendment be adopted.

Senator Kraus offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 5 of said amendment, by striking the word “the” and inserting in lieu thereof the words “**four of the eight**”.

Senator Kraus moved that the above amendment be adopted.

At the request of Senator Kraus, **SA 1 to SA 2** was withdrawn.

SA 2 was again taken up.

At the request of Senator Lamping, the above amendment was withdrawn.

Senator Lamping offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Section 161.855, Line 13, by inserting after “hearing.” the following: “**The commissioner of education shall be excused from attending a public hearing only for extenuating circumstances.**”.

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

Senator Schmitt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 3, Section 161.855, Line 8, by inserting after all of said line the following:

“Section 1. 1. There is hereby established a joint interim committee of the general assembly to function during the legislative interim between the first and second regular sessions of the ninety-seventh general assembly to examine the current elementary and secondary education foundation formula.

2. The joint interim committee shall do the following:

- (1) Study the impact of cuts to the foundation formula on hold harmless school districts;**
- (2) Study how other states fund elementary and secondary education and how they have addressed elementary and secondary education budgets during difficult fiscal times; and**
- (3) Identify ways in which the foundation formula might be improved.**

3. The joint interim committee shall report its recommendations to the president pro tempore of the senate and the speaker of the house of representatives by January 8, 2014.

4. The joint interim committee shall be composed of ten members, three majority party members, and two minority party members of the senate, to be appointed by the president pro tempore of the senate, and three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives.

5. The joint interim committee may solicit input and information necessary to fulfill its obligations, including, but not limited to, soliciting input and information from any state department or agency the joint interim committee deems relevant, political subdivisions of this state, and the general public.

6. The staffs of senate appropriations, senate research, house appropriations, house research, the joint committee on education and the committee on legislative research shall provide such legal, research, clerical, technical, and bill drafting services as the joint interim committee may require in the performance of its duties.

7. The actual and necessary expenses of the joint interim committee, its members, and any staff assigned to the joint interim committee incurred by the joint interim committee shall be paid by the joint contingent fund.

8. The provisions of this section shall terminate on January 8, 2014.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 3, Section 161.855, Line 8 of said page, 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 [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education; but no school district, except a district classified as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education], **the state board of education shall:**

(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 and determine an alternative governing structure for the district.

2. [Prior to or] **If** at the time any school district in this state shall [lapse, but after the school district has been] **be** classified as unaccredited, the department of elementary and secondary education shall conduct [a] **at least two public [hearing] 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. [The purpose of the hearing shall be to:

- (1) Review any plan by the district to return to accredited status; or
- (2) Offer any technical assistance that can be provided to the district.

3. Except as otherwise provided in section 162.1100, in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and in any other school district if the local board of education does not anticipate a return to accredited status, the state board of education may appoint a special administrative board to supervise the financial operations, maintain and preserve the financial assets or, if warranted, continue operation of the educational programs within the district or what provisions might otherwise be made in the best interest of the education of the children of the district. The special administrative board shall consist of two persons who are residents of the school district, who shall serve without compensation, and a professional administrator, who shall chair the board and shall be compensated, as determined by the state board of education, in whole or in part with funds from the district.

4.] **3.** Upon [lapse of the district] **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 the unaccredited district and:**

(a) Appoint a special administrative board, [if such a board has not already been appointed, and authorize the special administrative board to retain the authority granted to a board of education] for the operation of all or part of the district. **The number of members of the special administrative board shall not be less than five, the majority of whom 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. Any special administrative board appointed under this section shall be responsible for the operation of the district until such time that the district is classified by the state board of education as provisionally accredited for two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or**

[(2)] (b) **Determine an alternative governing 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 full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;**

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 timeline 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, including a review of the effectiveness of the alternative governance; or

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

[(3)] (d) Establish one or more school districts within the territory of the lapsed district, with a governance structure [consistent with the laws applicable to districts of a similar size] **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. [The special administrative board may 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.]

[5.] **4. A special administrative board 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 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 shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the special administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. **Neither the special administrative board 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 district, the special administrative board, its members or employees. 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, its members and employees.**

[6. Upon recommendation of the special administrative board, the state board of education may assign the funds, assets and liabilities of the lapsed district to another district or districts. Upon assignment, all authority of the special administrative board shall transfer to the assigned districts.

7.] **5.** Neither the special administrative board nor any district or other entity assigned territory, assets or funds from a lapsed 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.

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

[9. (1) The governing body of a school district, upon an initial declaration by the state board of education that such district is provisionally accredited, may, and, upon an initial declaration by the state board of education that such district is unaccredited, shall develop a plan to be submitted to the voters of the school district to divide the school district if the district cannot attain accreditation within three years

of the initial declaration that such district is unaccredited. In the case of such a district being declared unaccredited, such plan shall be presented to the voters of the district before the district lapses. In the case of such a district being declared provisionally accredited, such plan may be presented before the close of the current accreditation cycle.

(2) The plan may provide that the school district shall remain intact for the purposes of assessing, collecting and distributing taxes for support of the schools, and the governing body of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis if the district selects this option.

(3) The makeup of the new districts shall be racially balanced as far as the proportions of students allow.

(4) If a majority of the district's voters approve the plan, the state board of education shall cooperate with the local board of education to implement the plan, which may include use of the provisions of this section to provide an orderly transition to new school districts and achievement of accredited status for such districts.

10.] 7. In the event that a school district with an enrollment in excess of five thousand pupils lapses, 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.

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 shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

4. [If the state board of education appoints a successor member to replace the chair of the special administrative board, the serving members of the special administrative board shall be authorized to appoint a superintendent of schools and contract for his or her services.

5.] 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.

162.1300. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a school district receives additional students as a result of such change, the statewide assessment scores and all other performance data for those students whom the district received shall not be used for three years when

calculating the performance of the receiving district for three school years for purposes of the Missouri school improvement program.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lamping moved that **SS** for **SCS** for **SB 210**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SS** for **SCS** for **SB 210**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 194**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to a tax deduction for job creation for new home purchasers.

Was taken up by Senator Parson.

At the request of Senator Parson, **HCS** for **HB 194**, was placed on the Informal Calendar.

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 concurred in **SA 1** to **HB 68** and has taken up and passed **HB 68**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HBs 303** and **304** and has taken up and passed **SCS** for **HBs 303** and **304**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS No. 2** for **HB 698** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Schmitt moved that the Senate refuse to recede from its position on **SCS** for **HCS No. 2** for **HB 698**, as amended, and grant the House a conference thereon, which motion prevailed.

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 adopted **SS No. 2** for **HB 34** and has taken up and passed **SS No. 2** for **HB 34**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 498** and has taken up and passed **SCS** for **HB 498**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 233** and has taken up and passed **SCS** for **HCS** for **HB 233**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 329** and has taken up and passed **SCS** for **HB 329**, as amended.

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 **SCS** for **SB 159**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 1** to **HA 4**, **HA 4**, as amended, and **HA 5** to **SCS** for **SB 106** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 117**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 106**, as amended: Senators Brown, Pearce, Kraus, Sifton and Holsman.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 117**, as amended: Senators Kraus, Brown, Pearce, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS No. 2** for **HB 698**, as amended: Senators Schmitt, Richard, Kraus, Justus and McKenna.

On motion of Senator Richard, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

On motion of Senator Richard, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Pearce.

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 **SS** for **SB 262**, entitled:

An Act to repeal sections 334.108, 354.410, 354.415, 354.430, 354.603, 376.405, 376.426, 376.777, 376.961, 376.962, 376.964, 376.966, 376.968, 376.970, 376.973, and 376.1363, RSMo, and to enact in lieu thereof twenty-two new sections relating to health insurance, with penalty provisions and an effective date.

With House Amendment Nos. 1, 2, 3 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, and House Amendment Nos. 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and line the following:

“338.321. 1. The “Missouri Oral Chemotherapy Parity Interim Committee” is hereby created to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee shall consider information on the costs or actuarial analysis associated with the delivery of patient oncology treatments. The conclusions of this study shall satisfy any statutorily required actuarial analysis.

2. The Missouri oral chemotherapy parity interim committee shall consist of the following members:

- (1) Two members of the senate, appointed by the president pro tempore of the senate;**
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;**
- (3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under chapter 334;**
- (4) One member who is an oncology nurse licensed in this state under chapter 335;**
- (5) One member who is a representative of a Missouri pharmacy benefit management company;**
- (6) One member from an organization representing licensed pharmacists in this state;**
- (7) One member from the business community representing businesses on health insurance issues;**
- (8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;**
- (9) One patient advocate;**
- (10) One member from the organization representing a majority of hospitals in this state;**
- (11) One member from a health carrier as such term is defined under section 376.1350;**
- (12) One member from the organization representing a majority of health carriers in this state, as such term is defined under section 376.1350; and**
- (13) One member from the Leukemia and Lymphoma Society.**

3. All members, except for the members from the general assembly, shall be appointed by the

governor no later than September 1, 2013. The department of insurance, financial institutions and professional registration shall provide assistance to the committee.

4. No later than January 1, 2014, the committee shall submit a report to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committee of the general assembly regarding the results of the study and any legislative recommendations.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 38, Section 376.1900, Line 3, by deleting the word “**website**” and inserting in lieu thereof the phrase “**web-based or similar electronic-based communications network**”; and

Further amend said bill and section, Page 39, Line 56, by inserting after all of said section and line the following:

“376.2000. 1. Sections 376.2000 to 376.2014 shall be known and may be cited as the “Health Insurance Marketplace Innovation Act of 2013”.

2. As used in sections 376.2000 to 376.2014, the following terms mean:

(1) “Department”, the department of insurance, financial institutions and professional registration;

(2) “Director”, the director of the department of insurance, financial institutions and professional registration;

(3) “Exchange”, any health benefit exchange established or operating in this state, including any exchange established or operated by the United States Department of Health and Human Services.

(4) “Navigator”, a person that, for compensation, provides information or services in connection with eligibility, enrollment, or program specifications of any health benefit exchange operating in this state, including any person that is selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), or any other person certified by the United states Department of Health and Human Services, or a health benefit exchange operating in this state, to perform such defined or related duties irrespective of whether such person is identified as a navigator, certified application counselor, in-person assister, or other title.

376.2002. 1. No individual or entity shall perform, offer to perform, or advertise any service as a navigator in this state, or receive navigator funding from the state or an exchange unless licensed as a navigator by the department under sections 376.2000 to 376.2014.

2. A navigator may:

(1) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in this state, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(2) Facilitate the selection of a qualified health plan;

(3) Initiate the enrollment process;

(4) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or determination under the plan; and

(5) Use culturally and linguistically appropriate language to communicate the information authorized in this subsection.

3. Unless also properly licensed as an insurance producer in this state with authority for health under section 375.014, a navigator shall not:

(1) Sell, solicit, or negotiate health insurance;

(2) Engage in any activity that would require an insurance producer license;

(3) Provide advice concerning the benefits, terms, and features of a particular health plan or offer advice about which exchange health plan is better or worse for a particular individual or employer;

(4) Recommend or endorse a particular health plan or advise consumers about which health plan to choose; or

(5) Provide any information or services related to health benefit plans or other products not offered in the exchange.

4. The following entities or persons are exempt from the requirement to be licensed as a navigator:

(1) An entity or person licensed as an insurance producer in this state with authority for health under section 375.014;

(2) A law firm or licensed attorney in this state; and

(3) A “health care provider” as defined in section 376.1350 provided that:

(a) The health care provider does not receive any funds from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator; and

(b) The activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs.

However, nothing in this section shall prohibit a health care provider from voluntarily becoming licensed as a navigator.

376.2004. 1. An individual applying for a navigator license shall make application to the department on a form developed by the director and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the director shall find that the individual:

(1) Is eighteen years of age or older;

(2) Resides in this state or maintains his or her principal place of business in the state;

(3) Is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license under section 375.141;

(4) Has successfully passed the written examination prescribed by the director;

(5) When applicable, has the written consent of the director under 18 U.S.C. 1033 or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(6) Has identified the entity with which he or she is affiliated and supervised; and

(7) Has paid the fees prescribed by the director.

2. An entity that acts as a navigator, supervises the activities of individual navigators, or receives funding to perform such activities shall obtain a navigator entity license. An entity applying for an entity navigator license shall make application on a form containing the information prescribed by the director.

3. The director may require any documents deemed necessary to verify the information contained in an application submitted in accordance with subsections 1 and 2 of this section.

4. Entities licensed as navigators shall, in a manner prescribed by the director, provide a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity and shall report any changes in employment or affiliation within twenty days of such change.

5. The director shall require that each navigator obtain a surety bond in an amount acceptable to the director or otherwise demonstrate a level of financial responsibility capable of protecting all persons against the wrongful acts, misrepresentations, errors, omissions, or negligence of the navigator. The director may ask for a copy of the bond or other evidence of financial responsibility at any time.

6. Prior to any exchange becoming operational in this state, the director shall prescribe initial training, continuing education, and written examination standards and requirements for navigators.

376.2006. 1. A navigator license shall be valid for two years.

2. A navigator may file an application for renewal of a license and pay the renewal fee as prescribed by the director. Any navigator who fails to timely file for license renewal shall be charged a late fee in an amount prescribed by the director.

3. Prior to the filing date for an application for renewal of a license, an individual licensee shall comply with any ongoing training and continuing education requirements established by the director. Such navigator shall file with the director, by a method prescribed by the director, proof of satisfactory certification of completion of the continuing education requirements. Any failure to fulfill the ongoing training and continuing education requirements shall result in the expiration of the license.

376.2008. Upon contact with a person who acknowledges having existing health insurance coverage obtained through an insurance producer, a navigator shall advise the person to consult with a licensed insurance producer regarding coverage in the private market.

376.2010. 1. The director may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a navigator license or may levy a fine not to exceed one thousand dollars for each violation,

or any combination of actions, for any one or more of the causes listed in section 375.141, 375.936 or for other good cause. In the event that the action by the director is not to renew or to deny an application for a license, the director shall notify the applicant or licensee in writing and shall advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the nonrenewal or denial of the application for a navigator license shall be made under the provisions of chapter 621.

2. In addition to imposing the penalties authorized by subsection 1 of this section, the director may require that restitution be made to any person who has suffered financial injury because of a violation of this section.

3. The director shall have the power to examine and investigate the business affairs and records of any navigator to determine whether the individual or entity has engaged or is engaging in any violation of this section.

4. The navigator license held by an entity may be suspended or revoked, renewal or reinstatement thereof may be refused, or a fine may be levied, with or without a suspension, revocation, or refusal to renew a license, if the director finds that an individual licensee's violation was known or should have been known by the employing or supervising entity and the violation was not reported to the director and no corrective action was undertaken on a timely basis.

376.2011. 1. If the director determines that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046.

2. If the director believes that a person has engaged, is engaging, or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation in sections 376.2000 to 376.2014 or a rule adopted or order issued pursuant thereto, the director may maintain a civil action for relief authorized under section 374.048.

3. A violation of sections 376.2000 to 376.2014 is a level two violation under section 374.049.

376.2012. 1. Each licensed navigator shall report to the director within thirty calendar days of the final disposition of the matter of any administrative action taken against him or her in another jurisdiction or by another governmental agency in this state. This report shall include a copy of the order, consent to order, or other relevant legal documents.

2. Within thirty days of the initial pretrial hearing date, a navigator shall report to the director any criminal prosecution of the navigator in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

3. An entity that acts as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator shall notify the director within twenty days following the effective date of the termination, using a format prescribed by the director if the reason for termination is one of the reasons set forth in section 375.141 or 375.936 or if the entity has knowledge that the navigator was found by a court or governmental body to have engaged in any such activities.

Upon the written request of the director, the entity shall provide additional information, documents, records, or other data pertaining to the termination or activity of the individual.

376.2014. 1. The requirements of sections 379.930 to 379.952 and chapters 375, 376, 407 and any related rules shall apply to navigators. The activities and duties of a navigator shall be deemed to constitute transacting the business of insurance.

2. If any provision of sections 376.2000 to 376.2014 or its application to any person or circumstance is held invalid by a court of competent jurisdiction or by federal law, the invalidity does not affect other provisions or applications of sections 376.2000 to 376.2014 that can be given effect without the invalid provision or application. The provisions of sections 376.2000 to 376.2014 are severable, and the valid provisions or applications shall remain in full force and effect.

3. The director may promulgate rules and regulations to implement and administer the provisions of sections 376.2000 to 376.2014. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 376.2000 to 376.2014 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. Sections 376.2000 to 376.2014 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.

Section 1. Notwithstanding any other provision of law to the contrary, the department of insurance, financial institutions and professional registration shall exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law, regardless as to how a health insurance product may be sold or marketed in this state or to residents of this state.”; and

Further amend said bill and page, Section B, Line 1, by inserting after all of said section the following:

“Section C. Because of the need to ensure that navigators are adequately trained to provide essential health insurance information to the public, Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and Sections 376.2000, 376.2002, 376.2004, 376.2006, 376.2008, 376.2010, 376.2011, 376.2012, 376.2014, and Section 1 of Section A of this act shall be in full force and effect upon its passage and approval.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Pages 1 through 2, Section 334.108, Lines 1 through 26, by deleting said section from the bill; and

Further amend said bill, Page 37, Section 376.1575, Line 5, by deleting the word “**or**” and inserting in lieu thereof the word “**and**”; and

Further amend said bill and page, Section 376.1578, Line 1, by deleting the words “**forty-eight hours**” and inserting in lieu thereof the words “**two working days**”; and

Further amend said bill, section, and page, Lines 2 through 4, by deleting all of said lines and inserting in lieu thereof the following:

“completed application, the health carrier shall send an electronic notice of receipt to the practitioner.”; and

Further amend said bill, section, and page, Line 7, by deleting the word **“ninety”** and inserting in lieu thereof the word **“sixty”**; and

Further amend said bill, section, and page, Line 8, by deleting the words **“ninety-day”** and inserting in lieu thereof the words **“sixty-day”**; and

Further amend said bill, Page 38, Section 376.1900, Lines 22 through 24, by deleting all of said lines and inserting in lieu thereof the following:

“consultation or contact between a health care provider and a patient.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 3, Section 354.410, Line 33, by inserting after the semicolon on said line the word **“and”**; and

Further amend said bill, Page 10, Section 376.405, Lines 9 through 29, by deleting all of said lines and inserting in lieu thereof the following:

“filing and submission of such policy forms as are necessary, proper or advisable. Such rules and regulations shall provide, among other things, that if a policy form is disapproved, [the reasons therefor] all specific reasons for nonconformance shall be stated in writing within forty-five days from the date of filing; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] forty-five days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049.”; and

Further amend said bill, Pages 24 through 25, Section 376.777, Lines 336 through 354, by deleting all of said lines and inserting in lieu thereof the following:

“therefor] **all specific reasons for nonconformance** shall be stated in writing **within forty-five days from the date of filing**; that a hearing shall be granted upon such disapproval, if so requested; and that the failure of the director of the department of insurance, financial institutions and professional registration, to take action approving or disapproving a submitted policy form within [a stipulated time, not to exceed sixty] **forty-five** days from the date of filing, shall be deemed an approval thereof [until such time as the director of the department of insurance, financial institutions and professional registration shall notify the submitting company, in writing, of his disapproval thereof]. **If at any time after a policy form is approved or deemed approved, the director determines that any provision of the filing is contrary to state law, the director shall notify the health carrier of the specific provision that is contrary to state law and any specific statute to which the provision is contrary and request that the health carrier file, within thirty days of the notification, an amendment form that modifies the provision to conform to state law. Upon approval of the amendment form by the director, the health carrier shall issue a copy of the amendment to each individual and entity to which the deemed filing was previously issued and shall attach a copy of the amendment to the deemed filing when it is subsequently issued. Such amendment shall have the force and effect as if the amendment was in the original filing or policy. Notwithstanding any provision of law to the contrary, when a policy form is approved or deemed approved and subsequently amended at the request of the director pursuant to this section, the health carrier issuing the policy form shall be considered to have committed a level one violation under section 374.049.**”; and

Further amend said bill, Page 38, Section 376.1900, Line 5, by deleting the word “**HIPAA**” and inserting in lieu thereof the phrase “**federal Health Insurance Portability and Accountability Act (HIPAA)**”; and

Further amend said bill and section, Page 39, Line 42, by deleting the phrase “**care service;**” and inserting in lieu thereof the phrase “**care service,**”; and

Further amend said bill, Page 39, Section B, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Section B. The enactment of sections 376.1226, 376.1237, 376.1575, 376.1578, and 376.1900 shall become effective January 1, 2014.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 262 Page 39, Line 56, by inserting after all of said line the following:

“Further amend said bill Page 1, Section A, Line 6, by inserting after all of said line the following:

“208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or **a** physician’s order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained

in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3) Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6) **(3)** Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

(4) Inform the applicant of:

(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;

(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and

(c) The option to choose more than one home- and community-based service provider to deliver or facilitate the services the applicant is qualified to receive;

(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment.

2. **If the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department shall [include a requirement that:**

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective.**

5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

6. For purposes of this section:

(1) **"Assessment"** means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:

- (a) **Is conducted by an assessor trained to perform home- and community-based care assessments;**
- (b) **Uses forms provided by the department;**

(c) **Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and**

(d) **Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;**

(2) **A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:**

- (a) **The stated need for MO HealthNet home- and community-based services;**
- (b) **The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**
- (c) **The physical address and phone number of the client or person needing services.**

Additional information which may assist the department may also be submitted.

7. The department shall:

- (1) Develop an automated electronic assessment care plan tool to be used by providers; and**
- (2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

8. At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:

- (1) How well the department is doing on meeting the fifteen-day requirement;**
- (2) The process the department used to approve the assessors;**
- (3) Financial data on the cost of the program prior to and after enactment of this section;**
- (4) Any audit information available on assessments performed outside the department; and**
- (5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010.

660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

- (1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;
- (2) The person's name will be included in the employee disqualification list of the department;
- (3) The consequences of being so listed including the length of time to be listed; and
- (4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

- (1) Is licensed as an operator under chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is approved by the department to issue certificates for nursing assistants training;
- (5) Is an entity licensed under chapter 197;
- (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
- (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.], **if the employer terminated the employee because the employee:**

- (1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**
- (2) Was placed on the employee disqualification list under this section after the date of hire;**
- (3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**
- (4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**
- (5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 39, Section 376.1900, Line 56, by inserting after all of said section and line the following:

"452.317. From the date of filing of the petition for dissolution of marriage or legal separation, no party shall terminate coverage during the pendency of the proceeding for any other party or any minor child of the marriage under any existing policy of health, dental or vision insurance. The policyholder of such insurance may petition the court for reimbursement of insurance costs as they occur during the pendency of the dissolution of marriage or legal separation."; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 2, Section 334.108, Line 26, by inserting after all of said section and lines the following:

"337.114. 1. No physician shall perform or induce an abortion through telemedicine.

2. No abortion facility as defined in section 188.015 or hospital shall permit an abortion to be performed or induced at the abortion facility or hospital through telemedicine.

3. No health carrier or health benefit plan as defined in section 376.1350 shall be required to reimburse a physician, abortion facility, hospital or any other person or entity for an abortion

performed or induced through telemedicine.

4. Any physician, other health care provider, abortion facility or hospital who or which violated the provisions of this section shall be subject to all disciplinary or other administrative action by the appropriate state licensing board, agency, or department.

5. As used in this section, “telemedicine” means the delivery of health care services through the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment, including home health video conferencing, electronic visits and remote patient monitoring.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 262, Page 35, Section 376.1226, Line 15, by inserting after all of said section and line the following:

“376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section were enacted. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house, the president pro tem of the senate, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS** for **SB 34** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS No. 2** for **SCS** for **SB 1** and grants the

Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **SCS** for **SB 106**, as amended. Representatives: Davis, Solon, and McKenna.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 117**, as amended. Representatives: Davis, Dohrman, and Webber.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 34**, as amended. Representatives: Fraker, Schatz, and McManus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended. Representatives: Richardson, Lant, and Webber.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 307** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 635**, entitled:

An Act to repeal section 217.345, RSMo, and to enact in lieu thereof one new section relating to correctional treatment programs for first offenders.

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 611**, entitled:

An Act to repeal sections 285.300, 288.100, and 288.380, RSMo, and to enact in lieu thereof three new sections relating to unemployment compensation, with a penalty provision.

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 771**, entitled:

An Act to repeal sections 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and to enact in lieu thereof seven new sections relating to commercial drivers' licenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SB 1**, as amended: Senators Rupp, Cunningham, Parson, Sifton and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 34**, as amended: Senators Cunningham, Rupp, Parson, McKenna and Walsh.

PRIVILEGED MOTIONS

Senator Curls moved that the Senate refuse to concur in **HCS** for **SS** for **SB 262**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 656**, entitled:

An Act to repeal section 82.485, RSMo, and to enact in lieu thereof one new section relating to powers of the supervisor of parking meters in certain cities.

Was taken up by Senator Nasheed.

On motion of Senator Nasheed, **HCS** for **HB 656** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 316, introduced by Representative Phillips, et al, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the division of tourism supplemental revenue fund.

Was taken up by Senator Sater.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 316, Page 1, In the Title, Lines 2-3, by striking the following: “the division of tourism supplemental revenue fund” and inserting in lieu thereof the following: “statutes with expiration dates”; and

Further amend said bill, page 3, section 620.467, line 66, by inserting after all of said line the following:

“[21.830. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Missouri’s Energy Future”, which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house of representatives. The committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairperson or chairpersons designate.

2. The committee shall examine Missouri’s present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty-five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009,

at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.]

[21.910. 1. There is hereby created the “Joint Committee on the Reduction and Reorganization of Programs within State Government”. The committee shall be composed of thirteen members as follows:

(1) Three majority party members and two minority party members of the senate, to be appointed by the president pro tem of the senate;

(2) Three majority party members and two minority party members of the house of representatives, to be appointed by the speaker of the house of representatives;

(3) The commissioner of the office of administration, or his or her designee;

(4) A representative of the governor’s office; and

(5) A supreme court judge, or his or her designee, as selected by the Missouri supreme court.

2. The committee shall study programs within every department that should be eliminated, reduced, or combined with another program or programs. As used in this section, the term “program” shall have the same meaning as in section 23.253.

3. In order to assist the committee with its responsibilities under this section, each department shall comply with any request for information made by the committee with regard to any programs administered by such department.

4. The members of the committee shall elect a chairperson and vice chairperson.

5. The committee shall submit a report to the general assembly by December 31, 2010, and such report shall contain any recommendations of the committee for eliminating, reducing, or combining any program with another program or programs in the same or a different department.

6. The provisions of this section shall expire on January 1, 2011.]

[301.129. There is established in this section an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for motor vehicle license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee may adopt more than one type of design and color scheme for license plates issued under this chapter; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter. The advisory committee shall consist of the director of revenue, the superintendent of the highway patrol, the correctional enterprises administrator, and the respective chairpersons of both the senate and house of representatives transportation committees. Notwithstanding section 226.200 to the contrary, the general assembly may appropriate state highways and transportation department funds for the requirements of section 301.130 and this section. Prior to January 1, 2007, the committee shall meet, select a chairman from among their members, and develop uniform design and license plate parameters for the motor vehicle license

plates issued under this chapter. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section out of funds appropriated for that purpose. The committee shall direct the director of revenue to implement its final design of the uniform motor vehicle license plates and any specific parameters for all license plates developed by the committee not later than January 1, 2007. The committee shall be dissolved upon completion of its duties under this section.]

[620.602. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Economic Development Policy and Planning” to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee’s appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate annually between a member of the senate and a member of the house of representatives. The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee’s appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor’s office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state’s competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.]

[630.461. 1. There is hereby created in the department of mental health a committee to be known as the “Review Committee for Purchasing” to review the manner in which the department of mental health purchases services for persons with mental health disorders and substance abuse problems. By December 31, 1995, the committee shall recommend to the governor and the general assembly any changes that should be made in the department of mental health purchasing systems, including whether the department should follow a competitive purchasing model and, if so, the time frame for initiating such change. The recommendation of the committee shall be made in the context

of state and national health care reform and with the goal of providing effective services in a coordinated and affordable manner.

2. The review committee on purchasing created in subsection 1 of this section shall be composed of nine members as follows:

- (1) One member of the mental health commission, appointed by the governor;
- (2) One representative of the office of administration, appointed by the governor;
- (3) The governor or his designee;
- (4) Two members appointed at large by the governor, with one member representing the business community and one public member;
- (5) Two members, appointed at large by the governor, with one member being a private provider and one member being affiliated with a hospital;
- (6) Two members, appointed at large by the governor, who are consumers of mental health services or family members of consumers of mental health services.

3. The review committee established in subsection 1 of this section shall be disbanded on January 1, 1996.

4. Notwithstanding any other provision of law to the contrary, beginning July 1, 1997, if the review committee failed to make the recommendations to the governor and the general assembly as required in subsection 1 of this section, the department of mental health may contract directly with vendors operated or funded pursuant to sections 205.975 to 205.990, or operated or funded pursuant to sections 205.968 to 205.973, without competitive bids. All contracts with vendors who are providers of a consortium of treatment services to the clients of the division of comprehensive psychiatric services shall be awarded in accordance with chapter 34.]”;

Further amend the title and enacting clause accordingly.

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

Senator Nieves offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 316, Page 1, In the Title, Line 2, by striking the word “the” from the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: “statutory expiration dates.”; and

Further amend said bill and page, section A, line 2, by inserting immediately after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it:
 - (a) Upon the basis of college credit;
 - (b) Upon the basis of examination;
- (2) By the state board, under rules and regulations prescribed by the state board with advice from the

advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; or

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, elementary education, or special education. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participate in a beginning teacher assistance program.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program;

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional

development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated

back to his or her original date of employment in a Missouri public school.

[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]’; and

Further amend the title and enacting clause accordingly.

Senator Nieves moved that the above amendment be adopted.

Senator Dempsey raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Nieves, **SA 2** was withdrawn, rendering the point of order moot.

On motion of Senator Sater, **HB 316**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Rupp	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HCS for **HBs 446** and **211**, entitled:

An Act to amend chapter 443, RSMo, by adding thereto one new section relating to real estate loans.

Was taken up by Senator Cunningham.

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

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill Nos. 446 and 211, Page 1, Section 443.454, Line 1, by inserting after “443.454.” the following “**1.**”; and further amend line 8, by inserting after all of said line the following:

“2. Notwithstanding subsection 1 of this section to the contrary, a local law or ordinance may add to, change, delay enforcement, or interfere with, any loan agreement, security instrument, mortgage, or deed of trust issued by a financial institution that has received state funds or received funds through the federal Troubled Asset Relief Program.”.

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

Senator Walsh offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill Nos. 446 and 211, Page 1, Section 443.454, Line 1, by inserting immediately after “443.454.” the following: “1.”; and further amend line 8, by inserting immediately after said line the following:

“2. Subsection 1 of this section shall not apply to any local law or ordinance that provides for mediation procedures prior to foreclosure on a mortgage or deed of trust until a state law is enacted that establishes such procedures.”.

Senator Walsh moved that the above amendment be adopted, which motion failed.

On motion of Senator Cunningham, **HCS** for **HBs 446** and **211** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	McKenna	Munzlinger	Nieves	Parson
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Curls	Justus	Keaveny	Nasheed	Sifton	Walsh—7
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Absent—Senator Rupp—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

SS for **SCS** for **SB 210**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

PRIVILEGED MOTIONS

Senator Schmitt moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 307**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 307**, as amended: Senators Schmitt, Dixon, Kehoe, McKenna and Holsman.

INTRODUCTIONS OF GUESTS

Senator Walsh introduced to the Senate, Brad DiMariano, St. Charles.

Senator Pearce introduced to the Senate, Alesia Hill, Jefferson City.

Senator Rupp introduced to the Senate, Madeline Heintz, St. Louis.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTY-THIRD DAY—TUESDAY, MAY 7, 2013

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FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

HOUSE BILLS ON SECOND READING

HCS for HB 630

HCS for HB 371

HB 555-Burlison, et al

HCS for HB 781

HCS for HB 936

HB 427-Schatz

HCS for HB 430

HCS for HB 513

HB 336-Hinson, et al

HB 635-Fitzwater, et al

HCS for HB 611

HCS for HB 771

THIRD READING OF SENATE BILLS

SCS for SB 378-Pearce (In Fiscal Oversight)

SS for SCS for SB 210-Lamping

SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager) (In Fiscal Oversight)

2. HB 478-Wieland, et al (Romine)

3. HCS for HBs 374 & 434, with SCS (Dixon)

4. HCS for HB 215, with SCS (Dixon)

(In Fiscal Oversight)

5. HB 400-Riddle, et al (Wallingford)

6. HB 274-Brattin, et al, with SCS

(Brown) (In Fiscal Oversight)

7. HCS for HB 168 (Kraus) (In Fiscal Oversight)

8. HCS for HBs 404 & 614, with SCS (Kehoe)

9. HCS for HB 1035, with SCS (Schmitt)

10. HB 196-Lauer, et al, with SCS (Romine)

11. HB 253-Berry, et al (Schmitt)

(In Fiscal Oversight)

12. HCS for HB 351, with SCS (Brown)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 411-Kehoe

SS for SCS for SB 437-Pearce

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 30-Brown, with SCS

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 78-Lamping, with SCS, SS for SCS &
SA 1 (pending)

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS &
SA 1 (pending)

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford	SB 364-Parson
SB 207-Kehoe, et al, with SCS	SB 371-Munzlinger, with SCS
SB 231-Munzlinger, with SA 1 (pending)	SB 377-Dixon
SB 239-Emery, with SCS & SA 2 (pending)	SB 383-Wallingford
SB 250-Schaaf, with SCS	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 259-Schaaf, with SCS	SB 403-Rupp, with SCS
SB 272-Nieves, with SA 2 (pending)	SB 410-Kehoe
SB 285-Romine	SB 419-Lager, with SCS
SB 291-Rupp	SB 423-Nasheed
SB 292-Rupp	SB 441-Dempsey
SB 308-Schaaf	SB 448-Schmitt and Keaveny
SB 315-Pearce	SB 455-Nieves, with SCS
SB 325-Nieves	SJR 2-Lager
SB 339-Romine	
SB 343-Parson	

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HB 346-Molendorp (Wasson)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
HB 112-Burlison, with SA 2 (pending) (Brown)	HCS for HB 457, with SCS (Rupp)
HB 184-Cox, et al (Parson)	SS for SCS for HB 542 (Munzlinger) (In Fiscal Oversight)
HCS for HB 194 (Parson)	
HCS for HB 199 (Lamping)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as amended	SS for SB 34-Cunningham, with HCS, as amended
SB 23-Parson, with HCS, as amended	SCS for SB 106-Brown, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5

SCS for SB 117-Kraus, with HCS,
as amended

HCS for HB 1, with SCS (Schaefer)

HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS, as amended
(Schaefer)

HCS for HB 7, with SCS, as amended
(Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 11, with SCS, as amended
(Schaefer)

HCS for HB 12, with SCS (Schaefer)

HCS for HB 13, with SCS (Schaefer)

HB 307-Riddle, et al, with SS for SCS,
as amended (Schmitt)

HCS#2 for HB 698, with SCS, as amended
(Schmitt)

HCS for HJRs 11 & 7, with SS, as amended
(Parson)

Requests to Recede or Grant Conference

SS for SB 262-Curls, with HCS, as amended
(Senate requests House
recede or grant conference)

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