

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY—TUESDAY, APRIL 29, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We have a great, popular, constitutional government, guarded by law and by judicature, defended by the affection of the whole people.”
(Daniel Webster, 1850)

O God, You have ordained government to administer the public affairs of our people. We pray that You, O Lord, would direct the affairs of this government so that Your Word might continue to go forth to accomplish Your will by the tasks and bills that are put before us this day. Guide our thoughts and actions and abide with us we pray. 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 of the previous day was read and approved.

Senator Richard announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

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
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 1957, regarding Reverend John Kennehan, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 1958, regarding Sherry Golterman, which was adopted.

Senator Romine offered Senate Resolution No. 1959, regarding Patti Cates, which was adopted.

Senator Romine offered Senate Resolution No. 1960, regarding Dora Weiss, which was adopted.

Senator Romine offered Senate Resolution No. 1961, regarding Paulette DeGonia, which was adopted.

Senator Romine offered Senate Resolution No. 1962, regarding Vernon "Red" White, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 1963, regarding Teresa Owen, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1964, regarding Mike Henderson, which was adopted.

Senator Romine offered Senate Resolution No. 1965, regarding Kathy Holdman, which was adopted.

Senator Romine offered Senate Resolution No. 1966, regarding Cheri Henderson, which was adopted.

Senator Romine offered Senate Resolution No. 1967, regarding Kim Pope, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 2006**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Agriculture shall employ no more than 88.25 full-time equivalent employees (FTE) from the General Revenue Fund, 34.26 FTE from federal funds, and 298.74 FTE from all other funds, and further provided that the Department of Natural Resources shall employ no more than 134.84 full-time equivalent employees (FTE) from the General Revenue Fund, 388.35 FTE from federal funds, and 1,164.88 FTE from all other funds, and further provided that the Department of Conservation shall employ no full-time equivalent employees (FTE) from the General Revenue Fund or Federal Funds, and no more than 1,794.68 FTE from the Conservation Commission Fund.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 2006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Lager assumed the Chair.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2006** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2006** 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	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators

Lager Lamping—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 **HB 2007**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended

only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Economic Development shall employ no more than 72.66 full-time equivalent employees (FTE) from the General Revenue Fund, 571.04 FTE from federal funds, and 296.55 FTE from all other funds, and further provided that the Department of Insurance, Financial Institutions and Professional Registration shall employ no more than zero full-time equivalent employees (FTE) from the General Revenue Fund, 20.79 FTE from federal funds, and 559.68 FTE from all other funds, and further provided that the Department of Labor and Industrial Relations shall employ no more than 28.62 full-time equivalent employees (FTE) from the General Revenue Fund, 596.85 FTE from federal funds, and 192.33 FTE from all other funds.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 2007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2007** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2007** 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	Lager	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Lamping—1

Absent—Senator Kraus—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 HB 2008, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that the Department of Public Safety shall employ no more than 475.02 full-time equivalent employees (FTE) from the General Revenue Fund, 434.44 FTE from federal funds, and 4,071.92 FTE from all other funds.

Was taken up by Senator Schaefer.

SCS for HCS for HB 2008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; and further provided that no funds shall be expended, loaned or granted for the purchase, leasing, operation or maintenance of license plate readers unless authorized specifically by the legislature.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 2008** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 4, Section 8.040, Line 4, by striking the number "\$7,500,000" and inserting in lieu thereof the number "\$9,000,000"; and

Further amend bill totals accordingly.

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

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 1, Section 8.005, Line 6, by inserting immediately after said line the following:

“For the purpose of purchasing a facsimile machine for communication between the department and the General Assembly

From General Revenue \$150”;

and

Further amend section and bill totals accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Schaaf 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 Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 1, Line 5, by deleting the amount “\$150” and inserting therein the amount “\$143”.

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

SA 2, as amended, was again taken up.

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

Senator Schaefer offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 2, Section 8.010, Line 3, by inserting immediately after said line the following:

“From Federal Funds \$1,240,042”; and

Further amend said section, page 3, line 14 by striking all of said line from the bill and inserting in lieu thereof the following:

“From General Revenue 1,000,000”; and

Further amend section and bill totals accordingly.

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

Senator Nieves assumed the Chair.

Senator Schaefer moved that SCS for HCS for HB 2008, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, SCS for HCS for HB 2008, 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	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf

Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—31

NAYS—Senator Lamping—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 HB 2009, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Corrections shall employ no more than 10,852.83 full-time equivalent employees (FTE) from the General Revenue Fund, 44.06 FTE from federal funds, and 250.87 FTE from all other funds.

Was taken up by Senator Schaefer.

SCS for HCS for HB 2009, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 2009** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, Page 14,

Section 9.270, Line 7, by inserting immediately after the word “RSMo” the following:

“Provided that such funds shall only be deposited into the Inmate Prisoner Detainee Security Fund for the county in which the jail is located”

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

Senator Schaefer moved that **SCS** for **HCS** for **HB 2009**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2009**, 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	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Lamping—1

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 **HB 2010**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Mental Health shall employ no more than 4,878.20 full-time equivalent employees (FTE) from the General Revenue Fund, 2,414.03 FTE from federal funds, and 85.21 FTE from all other funds, and further provided that the Department of Health and Senior Services shall employ no more than 654.09 full-time equivalent employees (FTE) from the General Revenue Fund, 972.13 FTE from federal funds, and 125.25 FTE from all other funds.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 2010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2010** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Keaveny	Kehoe
Kraus	Lager	Libla	Munzlinger	Nasheed	Nieves	Parson	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Curls	Holsman	Justus	Lamping	LeVota	Sifton—6
-------	---------	--------	---------	--------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 **HB 2011**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that the Department of Social Services shall employ no more than 1,753.87 full-time equivalent (FTE) employees from the General Revenue Fund, 4,658.30 FTE from federal funds, and 479.28 FTE from all other funds.

Was taken up by Senator Schaefer.

SCS for **HCS** for **HB 2011**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2011** be adopted.

Senator Schaefer offered **SS** for **SCS** for **HCS** for **HB 2011**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 2011** be adopted.

At the request of Senator Schaefer, **HCS** for **HB 2011**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Dempsey referred **HB 1506** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

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

HB 1713—Seniors, Families and Pensions.

HCS for HB 1304—Jobs, Economic Development and Local Government.

HCS for HB 1952—Agriculture, Food Production and Outdoor Resources.

HB 2126—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 2238—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1655—Transportation and Infrastructure.

HCS for HB 1936—Financial and Governmental Organizations and Elections.

HCS for HB 2085—Judiciary and Civil and Criminal Jurisprudence.

HB 1684—Jobs, Economic Development and Local Government.

HB 1647—General Laws.

HB 1358—Commerce, Consumer Protection, Energy and the Environment.

HB 2079—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 2116—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1867—Commerce, Consumer Protection, Energy and the Environment.

HCS for HB 1231—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1612—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1937—Agriculture, Food Production and Outdoor Resources.

Photographers from KMIZ/ABC 17 were given permission to take pictures in the Senate Chamber.

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 694**, entitled:

An Act to repeal sections 408.500, 408.505, and 408.506, RSMo, and to enact in lieu thereof three new sections relating to unsecured loans of five hundred dollars or less, with penalty provisions.

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 has taken up and passed **SS** for **SB 741**.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Schaefer moved that **HCS** for **HB 2011**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 2011** was again taken up.

Senator Pearce assumed the Chair.

Senator LeVota offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, Page 38, Section 11.555, Line 29, by inserting immediately after said line the following:

“Section 11.560. To the Department of Social Services

For the MO HealthNet Division

For Medicaid services for low-income adults

From Federal Funds \$1E"; and

Further amend bill totals accordingly.

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

Senator Schaefer moved that **SS** for **SCS** for **HCS** for **HB 2011** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **HCS** for **HB 2011** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Keaveny	Kehoe
Libla	Munzlinger	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—24

NAYS—Senators

Emery	Holsman	Justus	Kraus	Lamping	LeVota	Nasheed—7
-------	---------	--------	-------	---------	--------	-----------

Absent—Senator Lager—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 HB 2012, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015.

Was taken up by Senator Schaefer.

SCS for HCS for HB 2012, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2014 and ending June 30, 2015.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 2012** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS for HCS for HB 2012** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Justus
Keaveny	Kehoe	Kraus	Lager	LeVota	Libla	Munzlinger	Nasheed
Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Lamping—1

Absent—Senator Holsman—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Schaefer 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 HB 2013, with SCS, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up by Senator Schaefer.

SCS for HCS for HB 2013, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2014 and ending June 30, 2015; provided that no funds from these sections shall be expended for the purpose of costs associated with travel or staffing for the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 2013** be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 2013** 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	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Lamping—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

On motion of Senator Richard, the Senate recessed until 3:00 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

HJR 68, introduced by Representatives Hinson and Schatz, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 30(d) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

Was taken up by Senator Kehoe.

Senator Kehoe offered **SS** for **HJR 68**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 68**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(d)

of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to a temporary tax to improve the state highway system, city streets, county roads, and the state transportation system.

Senator Kehoe moved that **SS** for **HJR 68** be adopted.

Senator Libla offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Joint Resolution No. 68, Page 3, Section 30 (e), Line 13, by inserting immediately at the end of said line the following: “**Transactions occurring in a city of the third classification with more than seventeen thousand but fewer than nineteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants shall only be subject to the additional state sales tax and additional state use tax at a rate of twenty-five hundredths of one percent.**”.

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

Senator Kehoe moved that **SS** for **HJR 68** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS** for **HJR 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Keaveny	Kehoe
LeVota	Libla	Munzlinger	Nasheed	Parson	Pearce	Richard	Romine
Sater	Sifton	Silvey	Wallingford	Walsh	Wasson—22		

NAYS—Senators

Brown	Emery	Justus	Kraus	Lager	Lamping	Nieves	Schaaf
Schaefer	Schmitt—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the joint resolution passed.

On motion of Senator Kehoe, title to the joint resolution was agreed to.

Senator Kehoe moved that the vote by which the joint resolution passed be reconsidered.

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

HCS for **HB 1201**, with **SCS**, entitled:

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to surface mining.

Was taken up by Senator Romine.

SCS for **HCS** for **HB 1201**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1201

An Act to repeal sections 444.772 and 444.773, RSMo, and to enact in lieu thereof two new sections relating to surface mining.

Was taken up.

Senator Romine moved that **SCS** for **HCS** for **HB 1201** be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HCS** for **HB 1201** 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
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

HB 1490, introduced by Representative Bahr, et al, with **SCS**, entitled:

An Act to repeal sections 160.514 and 161.022, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

Was taken up by Senator Emery.

SCS for **HB 1490**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1490

An Act to repeal sections 160.514 and 161.022, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

Was taken up.

Senator Emery offered **SS** for **SCS** for **HB 1490**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1490

An Act to repeal sections 160.514, 160.518, 160.526, 160.820, and 161.092, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education standards, with an emergency clause.

Senator Emery moved that **SS** for **SCS** for **HB 1490** be adopted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1490, Page 19, Section 161.096, Line 10 of said page, by striking the word “and” as it appears the second time on said line and inserting in lieu thereof the following: “, **including provisions that prohibit private vendors from selling student data or from using student data in furtherance of advertising,**”; and further amend line 11 of said page, by striking the word “include” and inserting in lieu thereof the word “**with**”; and further amend lines 13-17 of said page, by striking all of said lines and inserting in lieu thereof the following: “**district whose access to student data, if**”.

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

Senator Pearce offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1490, Pages 13-17, Section 161.092, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Sifton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1490, Page 13, Section 160.820, Line 20 of said page, by inserting after all of said line the following:

“161.086. When the state board of education assigns classification designations to school districts and individual school buildings pursuant to its authority to classify the public schools of the state in section 161.092, the state board shall only use the following classification designations based on the standards adopted by the state board:

(1) Unaccredited;

(2) Provisionally accredited;

(3) Accredited; and

(4) Accredited with distinction.”; and

Further amend said bill, page 20, section 161.096, line 24 of said page, by inserting immediately after said line the following:

“161.238. 1. As authorized under its duty to classify the schools of the state under section 161.092, the state board of education shall adopt a system of classification that accredits individual school buildings within a district separately from the district as a whole using the classification designations provided in section 161.086.

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

Further amend said bill, Page 22, 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, the state board of education shall, upon a district’s initial classification or reclassification as unaccredited:

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

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

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

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

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

(2) Lapse the corporate organization of the unaccredited district and:

(a) Appoint a special administrative board 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. **The state board of education may appoint members of the district's elected school board to the special administrative board but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district and to have all powers and duties of any other general superintendent of schools in a seven-director school district. 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 at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(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 time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, 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

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

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

subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board 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. 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.

7. 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.

8. 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.

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

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

(2) Lapse the corporate organization of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.

162.432. Notwithstanding any provision of section 163.011 to the contrary, when a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under sections 162.071, 162.081, 162.171 to 162.201, 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to each affected district's local effort, so that

each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the procedures described in subdivision (10) of section 163.011.

162.1310. 1. When the state board of education classifies any district or school building as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district or unaccredited school and any district taxpayer of the loss of accreditation within seven business days. The district's notice shall include an explanation of the option to transfer students to another accredited school in the district or to another accredited district, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy to understand manner. The district shall post the notice in a conspicuous and accessible place in each district school. The district shall also send the notice to each political subdivision located within the boundaries of the district.

2. The school board of any district that operates an unaccredited school, provisionally accredited school, or school with a three year average annual performance report score consistent with a classification of unaccredited or provisionally accredited shall adopt a policy regarding the availability of home visits by school personnel. Pursuant to such policy, the school shall offer to the parent or guardian of a student enrolled in any such school the opportunity to have at least one annual home visit.

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

(1) "Provisionally accredited school", a school building that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(2) "Unaccredited school", a school building that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238.

167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends [an accredited] **a public high school** in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the

average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

167.685. 1. Any unaccredited district, any provisionally accredited district, or any district with a three year average annual performance report score consistent with a classification of unaccredited or provisionally accredited shall offer free tutoring and supplemental education services to students who are performing below grade level or identified by the district as struggling, using funds from the school district improvement fund.

2. There is hereby created in the state treasury the “School District Improvement Fund”. The fund shall consist of any gifts, bequests or public or private donations to such fund. Any person or entity that makes a gift, bequest, or donation to the fund may specify the district that shall be the recipient of such gift, bequest, or donation.

3. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section.

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

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

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

(1) “Provisionally accredited district”, a school district classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(2) “Unaccredited district”, a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092.

167.687. 1. Any unaccredited district, any provisionally accredited district, or any district with a three year average annual performance report score consistent with a classification of unaccredited or provisionally accredited may perform any or all of the following actions:

(1) Implement a new curriculum, including appropriate professional development, based on scientifically-based research that offers substantial promise of improving educational achievement of low-achieving students;

(2) Retain an outside expert to advise the district or school on its progress toward regaining accreditation;

(3) Enter into a contract with an education management company or education services provider to operate a school or schools within the district that has a demonstrated record of effectiveness;

(4) For any unaccredited school, enter into a collaborative relationship and agreement with an accredited district in which teachers from the unaccredited school may exchange positions with

teachers from an accredited school in an accredited district for a period of two school weeks.

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

(1) “Accredited district”, a school district that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(2) “Accredited school”, a school building that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(3) “Provisionally accredited district”, a school district classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(4) “Provisionally accredited school”, a school building that is provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(5) “Unaccredited district”, a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(6) “Unaccredited school”, a school building that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238.

167.730. 1. Beginning July 1, 2015, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive, systematic reading instruction.

2. Beginning January 1, 2015, and every January first thereafter, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade level unless the student has been determined by other means in the current school year to be working at grade level or above. The provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element addressing reading below grade level, or to students determined to have limited English proficiency.

3. For any student in a metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than

one county that is required by this section to have a personalized learning plan, the student's main teacher shall consult with the student's parent or guardian during the preparation of the plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; however, if the school is unsuccessful in contacting the parent or guardian by January fifteenth, the school may send a letter by certified mail to the student's last known address stating its intention to implement the plan by February first.

4. After implementing the personalized learning plan through the end of the student's first grade year, the school shall refer any student who still performs below grade level for assessment to determine if an individualized education program is necessary for the student. A student who is assessed as not needing an individualized education program but who is reading below grade level at the end of the first grade shall continue to be required to have a personalized learning plan until the student is reading at grade level.

5. Notwithstanding any provision of law to the contrary, any student in a metropolitan or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county who is not reading at second-grade level by the end of second grade may be promoted to the third grade only under one of the following circumstances:

(1) The school provides additional reading instruction during the summer and demonstrates the student is ready for third grade at the end of the summer school;

(2) The school provides a combined classroom in which the student continues with the same teacher, sometimes referred to as "looping". If the student in such a classroom is not reading at third-grade level by the end of third grade, the student shall be retained in third grade; or

(3) The student's parents or guardians have signed a notice that they prefer to have their student promoted although the student is reading below grade level. The school shall have the final determination on the issue of retention.

6. The metropolitan school district, any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, and each charter school located in them shall provide in its annual report card under section 160.522 the numbers and percentages by grade from first grade to tenth grade in each school of any students at any grade level who have been promoted who have been determined as reading below grade level, except that no reporting shall permit the identification of an individual student.

167.825. 1. Any student who is enrolled in and attends a public school that is classified as unaccredited by the state board of education under the system of classification enacted under section 161.238 may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education. However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standard level for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards.

2. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements criteria, the student shall meet such admissions requirements criteria in order to attend.

167.826. 1. If a student residing in an unaccredited district and living within the attendance boundaries of an unaccredited school is unable to transfer to another accredited school within his or her district of residence under section 167.825, the student may transfer to an accredited school within an accredited district located in the same or an adjoining county. The student's district of residence shall pay the student's tuition as established in subsection 3 of this section, or, if applicable, subsection 4 of this section shall apply. A student who wishes to transfer to an accredited district shall provide proof that he or she resided in an unaccredited district and within the attendance boundaries of an unaccredited school for a minimum of twelve months prior to applying for a transfer.

2. No provisionally accredited district or provisionally accredited school shall be eligible to receive transfer students. No unaccredited district or unaccredited school shall be eligible to receive transfer students.

3. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance, and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. The school board of a receiving district, upon a majority vote of the board, may choose to charge a rate of tuition less than the amount that would otherwise be calculated under this subsection. If any receiving district chooses to charge a rate of tuition that is at least thirty percent less than the rate of tuition that would otherwise be calculated under this subsection, then the statewide assessment scores and all other performance data for those students whom the district received shall not be used for five school years when calculating the performance of the receiving district for purposes of the Missouri school improvement program.

4. If the school board of a receiving district, upon a majority vote of the board, chooses to charge a rate of tuition that is less than ninety percent of the rate that would otherwise be calculated under subsection 3 of this section, ten percent of the receiving district's tuition rate shall be paid from the supplemental tuition fund. There is hereby created in the state treasury the "Supplemental Tuition Fund". The fund shall consist of any moneys appropriated annually by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, bequests or public or private donations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. Each district shall have the right to establish and adopt, by objective means, a policy for desirable class size and student-teacher ratios. If a district adopts such a policy, it shall not be

required to accept any transfer students under this section that would violate its class size or student-teacher ratio. If a student seeking to transfer is denied admission to a district based on a lack of space under the district's policy, the student or the student's parent or guardian may appeal the ruling to the state board of education if he or she believes the district's policy is unduly restrictive to student transfers. The state board of education shall review the appropriateness of the district's policy and shall give special consideration to any district with a greater than average population of students that qualify for free and reduced lunch. If the state board of education finds that the district's policy is unduly restrictive to student transfers, it may limit the district's policy. The state board of education's decision shall be final.

6. When a district is declared unaccredited, it shall contract with any special school district located in the same or an adjoining county for the reimbursement of special education services provided by the special school district for transfer students who are residents of the unaccredited district.

7. The student's district of residence may provide transportation for him or her to attend another accredited district but shall not be required to do so.

167.827. 1. By January first annually, each accredited district, any portion of which is located in the same county or in an adjoining county to an unaccredited district shall report to the education authority for the county in which the unaccredited district is located the number of available enrollment slots by grade level.

2. Any education authority whose geographic area includes an unaccredited district or unaccredited school shall make information and assistance available to parents or guardians who intend to transfer their child from an unaccredited district to an accredited district under section 167.826.

3. The parent or guardian of a student who intends to enroll his or her child in an accredited district under the provisions of section 167.826 shall send initial notification to the education authority for the county in which he or she resides by March first for enrollment in the subsequent school year.

4. The education authority whose geographic area includes an unaccredited district shall assign those students who seek to transfer. The authority shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity who already attends an accredited school and who apply to attend the same accredited school. The authority shall then grant transfer requests in the order in which they were received. If insufficient enrollment slots are available for a student to be able to transfer, that student shall receive first priority the following school year. If sufficient enrollment slots are available, the authority shall provide each student a choice of three accredited schools to which he or she may transfer.

5. An education authority may deny a transfer to a student with a demonstrated and documented history of school discipline policy violations.

167.830. 1. There is hereby established the "St. Louis Area Education Authority". The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. Whenever any metropolitan school district or any district located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from the unaccredited district to accredited districts that are located in the same or an adjoining county as the unaccredited district.

3. The authority shall consist of three members to be appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state and a resident of any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or any city not within a county. Not more than two out of the three members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;**
- (2) One member shall be appointed for a term of four years; and**
- (3) One member shall be appointed for a term of six years.**

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their successors shall have been appointed and shall have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or

necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) Establish and use a corporate seal and to alter the same at pleasure;
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;
- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;
- (7) Coordinate student transfers from unaccredited districts located in any city not within a county or any county with a charter form of government and with more than nine hundred fifty thousand inhabitants to accredited districts in the same or an adjoining county, as provided by law;
- (8) Coordinate and collaborate with local districts and local governments for the transfer of students from unaccredited districts located in any city not within a county or any county with a charter form of government and with more than nine hundred fifty thousand inhabitants to accredited districts in the same or an adjoining county, as provided by law.

167.833. 1. There is hereby created in the state treasury the “St. Louis Area Education Authority Fund”. The fund shall consist of any gifts, bequests or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the student transfer coordination authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.830 and 167.833.

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

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

167.836. 1. There is hereby established the “Jackson County Education Authority”. The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. Whenever any district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from the unaccredited district to accredited districts that are located in the same or an adjoining county as the unaccredited district.

3. The authority shall consist of three members to be appointed by the governor, by and with the

advice and consent of the senate, each of whom shall be a resident of the state and a resident of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. Not more than two out of the three members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of four years; and
- (3) One member shall be appointed for a term of six years.

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their successors shall have been appointed and shall have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) Establish and use a corporate seal and to alter the same at pleasure;

(5) Maintain an office at such place or places in the state of Missouri as it may designate;

(6) Employ an executive director and other staff as needed, with compensation fixed by the authority;

(7) Coordinate student transfers from unaccredited districts located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants to accredited districts in the same or an adjoining county, as provided by law;

(8) Coordinate and collaborate with local districts and local governments for the transfer of students from unaccredited districts located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants to accredited districts in the same or an adjoining county, as provided by law.

167.839. 1. There is hereby created in the state treasury the “Jackson County Education Authority Fund”. The fund shall consist of any gifts, bequests or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the student transfer coordination authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.836 and 167.839.

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

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

167.842. 1. There is hereby established the “Statewide Education Authority”. The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011. The jurisdiction of the statewide education authority shall be all counties except for:

(1) Any city not within a county;

(2) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(3) Any county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

2. Whenever any district located in the statewide education authority’s jurisdiction is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from the unaccredited district to accredited districts that are located in the same or an adjoining county as the unaccredited district.

3. The authority shall consist of three members to be appointed by the governor, by and with the

advice and consent of the senate, each of whom shall be a resident of the state and a resident of any county located in the authority's jurisdiction. Not more than two out of the three members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of four years; and
- (3) One member shall be appointed for a term of six years.

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their successors shall have been appointed and shall have qualified. Any member shall be eligible for reappointment. The governor shall fill any vacancy for the remainder of any unexpired term. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. Members of the authority shall receive no compensation for services, but shall be entitled to reimbursement for necessary expenses, including traveling and lodging expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid from funds of the authority.

6. One member of the authority, designated by the governor for the purpose, shall call and convene the initial organizational meeting of the authority and shall serve as its president pro tempore. At the initial meeting and annually thereafter, the authority shall elect one of its members as president. The authority may appoint an executive director who shall not be a member of the authority and who shall serve at its pleasure. If an executive director is appointed, he or she shall receive such compensation as shall be fixed from time to time by action of the authority. The authority shall appoint a member as secretary who shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute books or journal thereof, and its official seal. The secretary may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that the copies are true and correct copies, and all persons dealing with the authority may rely on such certificates. The authority, by resolution duly adopted, shall fix the powers and duties of its executive director as it may, from time to time, deem proper and necessary.

7. Meetings, records, and operations of the authority shall be subject to the provisions of chapter 610.

8. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof to:

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) Establish and use a corporate seal and to alter the same at pleasure;

(5) Maintain an office at such place or places in the state of Missouri as it may designate;

(6) Employ an executive director and other staff as needed, with compensation fixed by the authority;

(7) Coordinate student transfers from unaccredited districts located in the jurisdiction of the statewide education authority to accredited districts in the same or an adjoining county, as provided by law;

(8) Coordinate and collaborate with local districts and local governments for the transfer of students from unaccredited districts located in the jurisdiction of the statewide education authority to accredited districts in the same or an adjoining county, as provided by law.

167.845. 1. There is hereby created in the state treasury the “Statewide Education Authority Fund”. The fund shall consist of any gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the student transfer coordination authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 167.842 and 167.845.

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

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

167.848. For purposes of sections 167.825 to 167.848, the following terms shall mean:

(1) “Accredited district”, a school district that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(2) “Accredited school”, a school building that is accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(3) “Education authority” or “authority”, an education authority established under sections 167.830 to 167.845;

(4) “Provisionally accredited district”, a school district that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(5) “Provisionally accredited school”, a school building that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(6) “Unaccredited district”, a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086 and 161.092;

(7) “Unaccredited school”, a school building that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238.

168.205. Notwithstanding any provision of law to the contrary, two or more school districts may share a superintendent who possesses a valid Missouri superintendent’s license. If any school districts choose to share a superintendent, they shall not be required to receive approval from the department of elementary and secondary education but may notify the department.

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

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

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

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

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

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

7. No school day for schools with a five-day school week shall be longer than seven hours except for:

(1) Vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county[, and];

(2) Any school that adopts a four-day school week in accordance with section 171.029; and

(3) A school district that increases the length of the school day for an unaccredited school or provisionally accredited school by following the procedure established in subsection 8 of this section.

8. The school board of any school district in this state, upon adoption of a resolution by a majority

vote to authorize such action, may increase the length of the school day by ten percent for any provisionally accredited school or unaccredited school that has a student population, seventy-five percent of which is eligible for free and reduced lunch or seventy-five percent of which has been eligible in any of the three previous school years. Such a school district may also, by the adoption of a resolution by a majority vote to authorize such action, increase the annual hours of instruction above the required number of hours in subsection 1 of this section.

9. (1) There is hereby created in the state treasury the “Extended Learning Time Fund”. The fund shall consist of any moneys that may be appropriated by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, bequests or public or private donations to such fund.

(2) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of subsection 8 of this section.

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

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

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

(1) “Provisionally accredited school”, a school building that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238;

(2) “Unaccredited school”, a school building that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.086, 161.092, and 161.238.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1490, Page 15, Section 161.092, Lines 6-10, by striking all of the underlined language on said lines; and

Further amend line 14, by inserting after the word “law” the following: “. Such rules shall include a process to allow any district that is accredited without provision that does not meet the state board's promulgated criteria for a classification designation of accredited with distinction to propose alternative criteria to the state board to be classified as accredited with distinction.”.

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

Senator Munzlinger offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1490, Page 2, Section 160.514, Line 25 of said page, by inserting after “group” the following: “**for grades kindergarten through five**”; and further amend said line by inserting after “members.” the following: “**Each work group for grades six through twelve shall be composed of twenty-one members.**”; and

Further amend said bill and section, Page 3, Line 6 of said page, by inserting immediately after “representatives.” the following: “**The state board of education shall appoint to each work group for grades six through twelve two current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally recognized career and technical education student organizations identified in subdivision (4) of subsection 2 of section 178.550. The state board of education shall appoint to each work group for grades six through twelve a member from State Technical College of Missouri and a member from the business community with a background in commerce, a business organization, association of businesses, or a business coalition. The state board of education shall also appoint to each work group for grades six through twelve an individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor’s Office of Apprenticeship.**”.

Senator Munzlinger moved that the above amendment be adopted.

At the request of Senator Emery, **HB 1490**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), 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 taken up and passed **SS** for **SCS** for **SB 510**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 689**.

Bill ordered enrolled.

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 **SS** for **SB 525**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto two new sections relating to food safety.

With House Amendment No. 1

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 525, Page 1, Section 196.056, Line 3, by deleting the word, “**shall**” and inserting in lieu thereof the word, “**may**”; and

Further amend said section and page, Line 18, by deleting the second occurrence of the word, “**and**”; and

Further amend said section, Page 2, Line 20, by inserting immediately after the word, “**inhabitants**” the words, “, **any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, and any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**”; and

Further amend said bill, Page 2, Section 196.298, Line 30, by inserting after all of said line the following:

“**6. Nothing in this section shall be construed to prohibit the authority of the department of health and senior services or local health departments to conduct an investigation of a foodborne disease or outbreak.**”; and

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

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 has taken up and passed **SCS** for **SB 529**.

Bill ordered enrolled.

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 **SB 606**, entitled:

An Act to repeal section 379.901, RSMo, and to enact in lieu thereof one new section relating to prepaid legal service plans.

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 has taken up and passed **SB 610**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 609**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 675**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 526**.

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

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Lines 2-3, by deleting “a database for workers’ compensation claims” and inserting in lieu thereof “workers’ compensation”; and

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

“287.140. 1. In addition to all other compensation paid to the employee under this section, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee at the employee’s expense, the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee’s injury and recommended treatment exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620. When an employee is required to submit to medical examinations or necessary medical treatment at a place outside of the local or metropolitan area from the employee’s principal place of employment, the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee’s residence, place of injury or place of hire by the employer. The choice of provider within the location selected shall continue to be made by the employer. In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider

shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute. Any application for payment of additional reimbursement, as such term is used in 8 CSR 50-2.030, as amended, shall be filed not later than:

(1) Two years from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered before July 1, 2013; and

(2) One year from the date the first notice of dispute of the medical charge was received by the health care provider if such services were rendered after July 1, 2013.

Notice shall be presumed to occur no later than five business days after transmission by certified United States mail. **For the purposes of this section, the phrase "notice of dispute" shall include, but not be limited to, an explanation of benefits delivered with final payment of the medical fee or charge that evidences that the payment is considered to be the full payment of the fee or charge.**

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an

existing, prosthetic device. For the purpose of this subsection, “life threatening” shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employer shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

(1) The patient;

(2) The employer of the patient with workers’ compensation liability for the injury or disease being treated;

(3) The workers’ compensation insurer of such employer; and

(4) The workers’ compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider selected by the employee at his own expense pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the employee, the employer or the employer’s insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

(a) The name of the employer;

(b) The name of the insurer, if known;

(c) The name of the employee receiving the services;

(d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination

of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division.

14. The employer may allow or require an employee to use any of the employee's accumulated paid leave, personal leave, or medical or sick leave to attend to medical treatment, physical rehabilitation, or medical evaluations during work time. The intent of this subsection is to specifically supercede and abrogate any case law that contradicts the express language of this section.”; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Lines 2 through 3, by deleting the words “a database for workers' compensation claims” and inserting in lieu thereof the words “workers' compensation”; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line the following:

“287.040. 1. Any person who has work done under contract on or about his premises which is an operation of the usual business which he there carries on shall be deemed an employer and shall be liable under this chapter to such contractor, his subcontractors, and their employees, when injured or killed on or about the premises of the employer while doing work which is in the usual course of his business.

2. The provisions of this section shall not apply to the owner of premises upon which improvements are being erected, demolished, altered or repaired by an independent contractor but such independent contractor shall be deemed to be the employer of the employees of his subcontractors and their subcontractors when employed on or about the premises where the principal contractor is doing work.

3. In all cases mentioned in the preceding subsections, the immediate contractor or subcontractor shall

be liable as an employer of the employees of his subcontractors. All persons so liable may be made parties to the proceedings on the application of any party. The liability of the immediate employer shall be primary, and that of the others secondary in their order, and any compensation paid by those secondarily liable may be recovered from those primarily liable, with attorney's fees and expenses of the suit. Such recovery may be had on motion in the original proceedings. No such employer shall be liable as in this section provided, if the employee was insured by his immediate or any intermediate employer.

4. The provisions of this section shall not apply to:

(1) The relationship between a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041 or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of its subagencies, and an owner, as defined in subdivision (43) of section 301.010, and operator of a motor vehicle; **or**

(2) **An independent contractor providing application of agricultural materials used in crop dusting, seeding, spraying or fertilizing operations from an aircraft.**”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 526, Page 1, Line 11, by deleting all of said line and inserting in lieu thereof the following:

“loss benefits under subsection 11 of section 287.220.

287.957. The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [one thousand dollars] **twenty percent of the current split point of primary and excess losses under the uniform experience rating plan**, and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury under subsection 1 of section 287.380.

287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers

within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.

4. For the purposes of calculating the premium credit under the Missouri contracting classification premium adjustment program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date, provided that the employer clearly indicates for which quarter the payroll information is being submitted.”; and”; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title , Lines 2-3, by deleting “a database for workers’ compensation claims” and inserting in lieu thereof “workers’ compensation”; and

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

“287.221. Notwithstanding the provisions of subsection 15 of section 287.220 to the contrary, the division shall be authorized to pay second injury fund liabilities for physical rehabilitation payments under subsection 3 of section 287.141, medical expenses under subsection 7 of section 287.220 incurred after a temporary or final award of future medical benefits, and wage loss benefits under subsection 11 of section 287.220.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 526, Page 1, Line 25, by deleting the words, “[fifteen] **twenty-five**” and inserting in lieu thereof the word, “fifteen”; and

Further amend said page, Line 29, by deleting the number “**twenty-five**” and inserting in lieu thereof the number, “**fifteen**”; and

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

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Line 3, by deleting all of said line and inserting in lieu thereof “workers’ compensation.”; and

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

“287.120. 1. Every employer subject to the provisions of this chapter shall be liable, irrespective of negligence, to furnish compensation under the provisions of this chapter for personal injury or death of the employee by accident or occupational disease arising out of and in the course of the employee’s employment. Any employee of such employer shall not be liable for any injury or death for which compensation is recoverable under this chapter and every employer and employees of such employer shall be released from all other liability whatsoever, whether to the employee or any other person, except that an employee shall not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury. The term “accident” as used in this section shall include, but not be limited to, injury or death of the employee caused by the unprovoked violence or assault against the employee by any person.

2. The rights and remedies herein granted to an employee shall exclude all other rights and remedies of the employee, his wife, her husband, parents, personal representatives, dependents, heirs or next kin, at common law or otherwise, on account of such injury or death by accident or occupational disease, except such rights and remedies as are not provided for by this chapter.

3. No compensation shall be allowed under this chapter for the injury or death due to the employee’s intentional self-inflicted injury, but the burden of proof of intentional self-inflicted injury shall be on the employer or the person contesting the claim for allowance.

4. Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased [~~fifteen~~] **twenty-five** percent.

5. Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee’s failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced [at least twenty-five but not more than fifty] **twenty-five** percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.

6. (1) Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs.

(2) If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer’s rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited.

(3) The voluntary use of alcohol to the percentage of blood alcohol sufficient under Missouri law to constitute legal intoxication shall give rise to a rebuttable presumption that the voluntary use of alcohol under such circumstances was the proximate cause of the injury. A preponderance of the evidence standard shall apply to rebut such presumption. An employee’s refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a

nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

7. Where the employee's participation in a recreational activity or program is the prevailing cause of the injury, benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited regardless that the employer may have promoted, sponsored or supported the recreational activity or program, expressly or impliedly, in whole or in part. The forfeiture of benefits or compensation shall not apply when:

(1) The employee was directly ordered by the employer to participate in such recreational activity or program;

(2) The employee was paid wages or travel expenses while participating in such recreational activity or program; or

(3) The injury from such recreational activity or program occurs on the employer's premises due to an unsafe condition and the employer had actual knowledge of the employee's participation in the recreational activity or program and of the unsafe condition of the premises and failed to either curtail the recreational activity or program or cure the unsafe condition.

8. Mental injury resulting from work-related stress does not arise out of and in the course of the employment, unless it is demonstrated that the stress is work related and was extraordinary and unusual. The amount of work stress shall be measured by objective standards and actual events.

9. A mental injury is not considered to arise out of and in the course of the employment if it resulted from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action taken in good faith by the employer.

10. The ability of a firefighter to receive benefits for psychological stress under section 287.067 shall not be diminished by the provisions of subsections 8 and 9 of this section.”; and

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

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, Section A, Line 2, by inserting after said line the following:

“287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;

(3) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the

position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(4) Except as provided in section 287.243, volunteers of a tax-exempt organization which operates under the standards of Section 501(c)(3) or **Section 501(c)(19)** of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(5) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer exempted from this chapter as to the employer or as to any class of employees of the employer pursuant to the provisions of subdivision (3) of subsection 1 of section 287.030 or pursuant to subsection 1 of this section may elect coverage as to the employer or as to the class of employees of that employer pursuant to this chapter by purchasing and accepting a valid workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. The election shall take effect on the effective date of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member, and continue while such policy or endorsement remains in effect or until further written notice to the group self-insurer of which the employer is a member. Any such exempt employer or employer with an exempt class of employees may withdraw such election by the cancellation or nonrenewal of the workers' compensation insurance policy or endorsement, or by written notice to the group self-insurer of which the employer is a member. In the event the employer is electing out of coverage as to the employer, the cancellation shall take effect on the later date of the cancellation of the policy or the filing of notice pursuant to subsection 3 of this section.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010 or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.”; and

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

HOUSE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Line 2-3, by deleting the phrase “a database for”; and

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

“287.037. **1.** Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance, financial institutions and professional registration to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers’ compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance, financial institutions and professional registration. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.

2. Notwithstanding any other provision of law to the contrary, beginning January 1, 2015, a shareholder of an S corporation, as defined in subsection 1 of section 143.471, with at least forty percent or greater interest in the S corporation may individually elect to reject coverage under this chapter by providing a written notice of such rejection to the S corporation and its insurer. Failure to provide notice to the S corporation shall not be grounds for any shareholder to claim that the rejection of such coverage is not legally effective. A shareholder who elects to reject such coverage shall not thereafter be entitled to workers’ compensation benefits under the policy, even if serving or working in the capacity of an employee of the S corporation, at least until such time as such shareholder provides the S corporation and its insurer with a written notice which rescinds the prior rejection of such coverage. Any rescission shall be prospective in nature and shall entitle the shareholder only to such benefits which accrue on or after the date the notice of rescission is received by the insurance company.”; and

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

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 adopt **SS** for **HB 1361**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 1968, regarding Bart A. Mitchell, which was adopted.

Senator Romine offered Senate Resolution No. 1969, regarding Frances Haug, which was adopted.

Senator Romine offered Senate Resolution No. 1970, regarding Arleen Crews, which was adopted.

Senator Pearce offered Senate Resolution No. 1971, regarding Dayna Marinan, which was adopted.

Senator Schmitt offered Senate Resolution No. 1972, regarding Zachary David McWhorter Plocek, Valley Park, which was adopted.

Senator Nieves offered Senate Resolution No. 1973, regarding the Gateway Blue Star Mothers, which was adopted.

Senator Brown offered Senate Resolution No. 1974, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Baker, Salem, which was adopted.

Senator Romine offered Senate Resolution No. 1975, regarding Gary Mims, which was adopted.

Senator Richard offered Senate Resolution No. 1976, regarding Tobin Schultz, which was adopted.

Senator Cunningham offered Senate Resolution No. 1977, regarding Tom Poindexter, Mountain View, which was adopted.

Senator Sater offered Senate Resolution No. 1978, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Holder, Cassville, which was adopted.

Senator Lamping offered Senate Resolution No. 1979, regarding Ilion Lou Miller, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Miss Missouri 2013 Shelby Ringdahl, Randy Boehm, Ryan Bross, Jay MacLellan, Mark Schlemper, Becca Nowlin, Marissa Peterson and Susan Reeves.

Senator Keaveny introduced to the Senate, Caleb Cavarretta.

Senator Brown introduced to the Senate, teachers, sponsors and students from Camdenton High School.

Senator Keaveny introduced to the Senate, the Physician of the Day, Matt Casey, M.D., Brentwood.

Senator Richard introduced to the Senate, Lynda Holverson and Susie Tomlin, Neosho.

Senator Romine introduced to the Senate, Donna Hickman, Bonne Terre.

Senator Dixon introduced to the Senate, teacher Tammy Ames and fourteen eighth grade students from St. Joseph Catholic Academy, Springfield.

On behalf of Senator Lager, the President introduced to the Senate, students from South Nodaway School, Barnard.

Senator Richard introduced to the Senate, students from Avila School.

Senator Curls introduced to the Senate, Evie Craig and representatives from ReStart; and Christine

McDonald and Susan Sneed, Kansas City.

On behalf of Senator Nieves, the President introduced to the Senate, his wife, Julie Nieves, Phil Wall, Sue and Jessica Bailey, Zach and Kathy Fuchs, Steve Kendrick and Luis Santiago.

Senator Walsh introduced to the Senate, teacher Jane Zappia and twenty seventh grade students from Christ, Light of the Nations Catholic School, St. Louis; and Emmanuel Akpan, Grace Gerhart, Miya Ward and Zac Tiberghien were made honorary pages.

Senator Chappelle-Nadal introduced to the Senate, Kathy Bell, Dawn Chapman and Debi Disser.

Senator Pearce introduced to the Senate, Dayna Marinan.

Senator Dixon introduced to the Senate, Angela Burlison and her daughters, Reese and Aubrey, Springfield; and Reese and Aubrey were made honorary pages.

Senator Keaveny introduced to the Senate, former State Representatives Tom Villa, St. Louis; and Phil Barry, St. Louis County.

Senator Nasheed introduced to the Senate, Ahmad Jordan, Jefferson City.

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

SENATE CALENDAR

SIXTIETH DAY—WEDNESDAY, APRIL 30, 2014

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt (In
Fiscal Oversight)

SS for SCS for SB 850-Munzlinger (In
Fiscal Oversight)

SB 958-Nieves

SS for SB 866-Wasson

SB 964-Lager (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 858-Kraus

2. SB 669-Schaaf

3. SB 821-Schaefer

4. SB 823-Dixon, et al, with SCS

5. SB 973-Brown

6. SB 815-Pearce, with SCS

7. SBs 798 & 514-Emery, with SCS

8. SB 865-Nieves

9. SB 619-Nieves, with SCS

10. SB 531-Nasheed

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. HCS for HB 1729 (Parson) (In Fiscal Oversight) 2. HB 1132-Engler, et al, with SCS (Romine) (In Fiscal Oversight) 3. HCS for HB 1459 (Romine) 4. HCS for HB 1439, with SCS (Nieves) 5. HB 1126-Dugger and Entlicher, with SCS (Kraus) 6. HB 1238-Hinson, with SCS (Dixon) 7. HCS for HB 1710 (Kraus) 8. HCS for HB 1237 (Schaaf) (In Fiscal Oversight) 9. HCS for HB 2040 (Brown) 10. HB 1430-Jones (110), et al 11. HB 1092-Lant, et al, with SCS (Dixon) 12. HB 1184-Grisamore (Justus) 13. HCS for HB 1217, with SCS (Cunningham) | <ol style="list-style-type: none"> 14. HCS for HRB 1299, with SCS (Lager) 15. HB 1359-Flanigan (Kehoe) 16. HCS for HB 1631, with SCS (Lager) 17. HB 1390-Thomson, et al, with SCS (Pearce) 18. HB 1506-Franklin, et al (Brown) (In Fiscal Oversight) 19. HCS for HBs 1307 & 1313, with SCS (Sater) 20. HB 1455-Hoskins and Fraker (Kraus) 21. HCS for HB 1779, with SCS (Schaaf) 22. HB 1603-Conway and Kratky (Schaaf) 23. HCS for HB 1557 (Munzlinger) 24. HCS for HB 1514, with SCS (Parson) 25. HB 1791-Fitzwater, et al, with SCS (Romine) |
|--|---|

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <p>SB 490-Lager and Kehoe, with SCS</p> <p>SB 494-Pearce, with SS (pending)</p> <p>SB 501-Keaveny</p> <p>SB 518-Sater, with SCS, SA 2 & SA 1 to SA 2 (pending)</p> <p>SB 519-Sater, with SS & SA 1 (pending)</p> <p>SB 538-Keaveny and Holsman</p> <p>SS for SB 543-Munzlinger</p> <p>SB 550-Sater, with SCS</p> <p>SB 553-Emery, with SCS, SS for SCS & SA 1 (pending)</p> <p>SB 555-Nasheed, with SS & SA 1 (pending)</p> <p>SB 566-Sifton</p> <p>SB 573-Munzlinger, with SCS</p> <p>SB 578-Kraus</p> | <p>SB 589-Brown, with SCS, SA 2 & SA 1 to SA 2 (pending)</p> <p>SB 617-Parson, with SCS, SS for SCS & SA 1 (pending)</p> <p>SB 634-Parson, with SCS</p> <p>SB 641-Emery</p> <p>SB 644-LeVota</p> <p>SB 659-Wallingford, with SCS</p> <p>SB 663-Munzlinger, with SCS</p> <p>SB 671-Sater</p> <p>SB 712-Walsh, with SCS & SS for SCS (pending)</p> <p>SB 724-Parson</p> <p>SB 739-Romine, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)</p> |
|---|---|

SB 755-Wallingford	SB 875-Sater, with SCS
SB 762-Schaefer, with SCS	SB 887-Schaefer
SB 769-Pearce, with SCS	SB 888-Parson, with SCS
SB 770-Wallingford, with SCS	SB 912-Wasson and Justus, with SCS (pending)
SBs 787 & 804-Justus, with SCS	SB 919-Justus
SB 790-Dixon	SB 966-Lager
SB 814-Brown	SJR 25-Lager, with SS, SA 2 & SA 1 to SA 2 (pending)
SB 819-Wallingford, with SCS	SJR 26-Lager, with SS & SA 1 (pending)
SB 830-Parson	SJR 34-Emery
SBs 836 & 800-Munzlinger, with SCS	SJR 42-Schmitt, with SS (pending)
SB 846-Richard	
SB 848-LeVota, with SCS	

HOUSE BILLS ON THIRD READING

HB 1173-Burlison, et al, with SA 1 & SA 1 to SA 1 (pending) (Brown)	HB 1495-Torpey and Hicks, with SCS & SS for SCS (pending) (Dixon)
HCS for HB 1295, with SCS (Kraus)	HCS for HB 1501, with SS (pending) (Schmitt)
HB 1490-Bahr, et al, with SCS, SS for SCS & SA 5 (pending) (Emery)	HCS for HJR 47 (Kraus)
	HJR 72-Richardson, et al (Silvey)

CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1510 (Brown)	HB 1081-McCaherty, et al (Romine)
HB 1724-Davis and Lynch (Brown)	

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 525-Cunningham, with HCS, as amended	SB 600-Sater, with HCS, as amended
SCS for SB 526-Cunningham, with HA 1, HA 2, HA 3, as amended, HA 4, as amended, HA 5 & HA 6	SB 606-Dixon, with HCS
	SS for SB 694-Cunningham, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HB 1361-Gosen and Wieland, with SS, as
amended (Parson) (House requests
Senate recede or grant conference)

✓