

# Journal of the Senate

SECOND REGULAR SESSION

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**FIFTY-NINTH DAY—WEDNESDAY, APRIL 27, 2016**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The prayer of the righteous is powerful and effective.” (James 5:16)

Gracious Father, help us to examine every passing day in order to find purpose and the path that You would lead us. We pray that You provide us the persistence to remain faithful in our prayers and in the work that flows from them. 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 Kehoe 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	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wasson offered Senate Resolution No. 2073, regarding Sheli Wright, Nixa, which was adopted.

Senator Wieland offered Senate Resolution No. 2074, regarding Eagle Scout Blake Michael Lowry, De Soto, which was adopted.

**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 **SB 700**.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1 as amended, and House Amendment No. 2.

**HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to Senate Bill No. 700, Page 1, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“44.023. 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects, [and professional] engineers [registered] **licensed** under chapter 327, **any individual including, but not limited to, building officials and building inspectors employed by local governments, qualified by training and experience, who has been certified by the state emergency management agency, and who performs his or her duties under the direction of an architect or engineer licensed under chapter 327,** and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to [three] **five consecutive days for in-state deployments** as requested and needed by the state emergency management agency.

2. In the event of a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether [buildings] **structures** affected by a disaster:

(1) Have not sustained serious damage and may be occupied;

(2) Must be [vacated temporarily] **restricted in their use** pending repairs; or

(3) [Must be demolished in order to avoid hazards to occupants or other persons] **Are unsafe and shall not be occupied pending repair or demolition.**

3. Any person when utilized as a volunteer under the emergency volunteer program shall have his **or her** incidental expenses paid by the local jurisdiction for which the volunteer service is provided. **Enrolled volunteers under the emergency volunteer program shall be provided workers' compensation insurance by the state emergency management agency during their official duties as authorized by the state emergency management agency.**

4. **Emergency volunteers who are certified by the state emergency management agency shall be considered employees of the state for purposes of the emergency mutual aid compact under section**

**44.415 and shall be eligible for out-of-state deployments in accordance with such section.**

5. Architects, [and professional] engineers, **individuals including, but not limited to, building officials and building inspectors employed by local governments, qualified by training and experience, who have been certified by the state emergency management agency, and who perform their duties under the direction of an architect or engineer licensed under chapter 327**, construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed, working under the emergency volunteer program, shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

[5.] **6.** Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

**287.245. 1. As used in this section, the following terms shall mean:”; and**

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

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 700, Page 1, In the Title, Line 3, by deleting the words “premium rates”; and

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

**“287.245. 1. As used in this section, the following terms shall mean:**

**(1) “Association”, volunteer fire protection associations as defined in section 320.300;**

**(2) “State fire marshal”, the state fire marshal selected under the provisions of sections 320.200 to 320.270;**

**(3) “Volunteer firefighter”, the same meaning as in section 287.243.**

**2. Any association may apply to the state fire marshal for a grant for the purpose of funding such association’s costs related to workers’ compensation insurance premiums for volunteer firefighters.**

**3. Subject to appropriations, the state fire marshal shall disburse grants to each applying volunteer fire protection association according to the following schedule:**

**(1) Associations which had zero to five volunteer firefighters receive workers’ compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;**

**(2) Associations which had six to ten volunteer firefighters receive workers’ compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;**

**(3) Associations which had eleven to fifteen volunteer firefighters receive workers’ compensation**

**benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;**

**(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.**

**4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters.”; and**

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

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 700, Page 1, Section A, Line 3, by inserting immediately after all of said section and 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.

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 **HCS** for **SCS** for **SB 814**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for active duty military personnel.

In which the concurrence of the Senate is respectfully requested.

### **SENATE BILLS FOR PERFECTION**

Senator Cunningham moved that **SB 613**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 613**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 613**

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to the provision of

grants for the purpose of funding the workers' compensation premiums of volunteer fire departments.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 613** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 613, Page 1, In the Title, Line 2, by striking the word "the"; and further amend lines 3-4, by striking all of said lines and inserting in lieu thereof the following: "worker's compensation."; and

Further amend said bill, page 2, section 287.245, line 37, by inserting after all of said line the following:

"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**

Further amend the title and enacting clause accordingly.

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

Senator Cunningham moved that **SCS** for **SB 613**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 613**, as amended, was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1477**, entitled:

An Act to repeal sections 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and to enact in lieu thereof nine new sections relating to political parties, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

Senator Munzlinger offered **SS** for **HCS** for **HB 1477**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1477**

An Act to repeal section sections 115.306, 115.603, 115.607, 115.609, 115.611, 115.613, 115.617, 115.619, and 115.621, RSMo, and to enact in lieu thereof ten new sections relating to political parties, with an emergency clause.

Senator Hegeman assumed the Chair.

Senator Munzlinger moved that **SS** for **HCS** for **HB 1477** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **HCS** for **HB 1477** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curly	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

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

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

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

**HCS** for **HB 1584**, with **SCS**, entitled:

An Act to repeal section 559.600 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 559.600 as enacted by house bill no. 1550, ninety-fourth general assembly, second regular session, and to enact in lieu thereof one new section relating to private probation services for misdemeanor offenders.

Was called from the Informal Calendar and taken up by Senator Schmitt.

At the request of Senator Schmitt, **HCS** for **HB 1584**, with **SCS**, was placed on the Informal Calendar.

**HB 1733**, introduced by Representative Davis, entitled:

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Kraus.

Senator Kraus offered **SS** for **HB 1733**, entitled:



SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1733

An Act to repeal sections 302.276, 304.022, 304.044, 304.170, and 307.175, RSMo, and to enact in lieu thereof six new sections relating to the regulation of vehicles, with penalty provisions.

Senator Kraus moved that **SS** for **HB 1733** be adopted.

Senator Kraus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1733, Page 15, Section 307.175, Line 18, by inserting after all of said line the following:

“577.060. 1. A person commits the offense of leaving the scene of an accident when:

(1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury or death or damage to property of another person; and

(2) Having knowledge of such accident he or she leaves the place of the injury, damage or accident without stopping and giving the following information to the other party or to a law enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law enforcement agency:

(a) His or her name;

(b) His or her residence, including city and street number;

(c) The registration or license number for his or her vehicle or vessel; and

(d) His or her operator’s license number, if any.

2. For the purposes of this section, all law enforcement officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned property for the purpose of investigating an accident and performing all necessary duties regarding such accident.

3. The offense of leaving the scene of an accident is:

(1) A class A misdemeanor; [or]

(2) A class E felony if:

(a) Physical injury was caused to another party; or

(b) Damage in excess of one thousand dollars was caused to the property of another person; or

(c) The defendant has previously been found guilty of any offense committed in another jurisdiction which, if committed in this state, would be a violation of an offense in this section; **or**

**(3) A class D felony if a death has occurred as a result of the accident.**

4. A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or her office.

5. The provisions of this section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

577.060. 1. A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident, he leaves the place of the injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and driver's license number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

2. For the purposes of this section, all peace officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

3. Leaving the scene of a motor vehicle accident is a class A misdemeanor, except that it shall be:

(1) A class D felony if the accident resulted in:

[(1)] (a) Physical injury to another party; [or]

[(2)] (b) Property damage in excess of one thousand dollars; or

[(3)] (c) If the defendant has previously pled guilty to or been found guilty of a violation of this section;

or

(2) A class C felony if a death has occurred as a result of the accident.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schatz offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1733, Page 1, Section A, Line 4, by inserting after all of said line the following:

“301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the [motor carrier and railroad safety division] **highways and transportation commission** of the department of [economic development] **transportation**. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer as defined in section 301.010 or semitrailer [which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly] may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The

permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.”; and

Further amend the title and enacting clause accordingly.

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

Senator Riddle assumed the Chair.

Senator Kraus moved that **SS** for **HB 1733**, as amended, be adopted, which motion prevailed.

Senator Kraus moved that **SS** for **HB 1733**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred **SS** for **HB 1733**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Schmitt moved that **HCS** for **HB 1584**, with **SCS**, be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 1584**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1584

An Act to repeal section 84.720, RSMo, section 559.600 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 559.600 as enacted by house bill no. 1550, ninety-fourth general assembly, second regular session, and to enact in lieu thereof two new sections relating to private entities providing public safety services, with an existing penalty provision.

Was taken up.

Senator Hegeman assumed the Chair.

Senator Schmitt moved that **SCS** for **HCS** for **HB 1584** be adopted.

Senator Parson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1584, Page 3, Section 559.600, Line 21, by inserting after all of said line the following:

“590.750. 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. Licensed corporate security advisors who are not also commissioned by the department shall not have the power of arrest for violations of the criminal code, except as otherwise provided by law.

2. The director shall have the [sole] authority to commission corporate security advisors. No person shall hold a commission as a corporate security advisor without a valid peace officer license. The director [shall] **may** commission corporate security advisors as he or she deems appropriate, taking into consideration the education, training, and experience of each individual in relation to the powers of peace officers and the limitations on the powers of peace officers in regard to the constitutional rights of citizens to be secure in

their persons and property. Each individual commissioned by the department shall be issued a commission by the director of the department [and before entering into the performance of his or her duties shall subscribe before the clerk of a circuit court of this state an oath, in the form prescribed by Article VII, Section 11 of the Constitution of Missouri, to support the Constitution and laws of the United States and this state; to faithfully demean himself or herself in the office; and to faithfully perform the duties of the office. The executed oath of office, along with a copy of the individual's commission, shall be filed with the director until the commission is terminated or revoked].

3. The authority and jurisdiction of a corporate security advisor shall be limited [only by] **to the geographical limits of the [state] property owned or leased by the corporation and then only when the corporate security advisor is on duty**, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government **and then only within the physical boundaries of the property owned or leased by the corporation and only when the corporate security advisor is on duty**.

4. The department shall establish a minimum amount of liability insurance to be provided by the prospective or current employer of the corporate security advisor, and require the employer to provide a statement that the corporate security advisor will be included in the policy as a named insured.

5. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

6. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

7. Any corporate security advisor licensed as of February 1, 2014, shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked.

8. All applications for corporate security advisor licenses shall be made upon such forms and in such manner as the director shall prescribe. The department shall charge a fee for issuance of a license under this section in an amount, not to exceed two hundred **ten** dollars, established by regulation promulgated in accordance with the provisions of chapter 536.

9. Nothing in this section is intended to nor shall it be construed as a waiver of sovereign immunity or the acknowledgment or creation of any liability on the part of the state for personal injury, death, or property damage. The department of public safety and the director shall have immunity from civil liability arising out of the commissioning of corporate security advisors under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Parson moved that the above amendment be adopted.

At the request of Senator Schmitt, **HCS** for **HB 1584**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### **CONCURRENT RESOLUTIONS**

Senator Curls moved that **SCR 42** be taken up for adoption, which motion prevailed.

On motion of Senator Curls, **SCR 42** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

**SCR 50**, introduced by Senator Nasheed, entitled:

Relating to recognition of September as Suicide Prevention Awareness Month in Missouri.

Was taken up.

On motion of Senator Nasheed, **SCR 50** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the concurrent resolution passed.

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

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

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

**SCR 65**, introduced by Senator Schaefer, entitled:

Relating to ride to work day in Missouri.

Was taken up.

On motion of Senator Schaefer, **SCR 65** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the concurrent resolution passed.

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

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

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

### PRIVILEGED MOTIONS

Senator Riddle moved that the Senate refuse to concur in **HCS** for **SB 639**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sater moved that the Senate refuse to concur in **HCS** for **SB 677**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 613**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Richard referred **SR 2062** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard assumed the Chair.

## **REPORTS OF STANDING COMMITTEES**

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 2104**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 1675**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 2381**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HB 1577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 1433**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 1930**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 2202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Silvey, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 2376**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1713**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1898**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HB 2380**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **RESOLUTIONS**

Senator Sater offered Senate Resolution No. 2075, regarding Lynn Tatum, Pineville, which was adopted.

Senator Libla offered Senate Resolution No. 2076, regarding Larry Ward, which was adopted.

Senator Libla offered Senate Resolution No. 2077, regarding Kathy Mooney Shelton, which was adopted.

Senator Libla offered Senate Resolution No. 2078, regarding Dustin Hicks, which was adopted.

Senator Libla offered Senate Resolution No. 2079, regarding the Jacob Goodin Auction Service, which was adopted.

Senator Libla offered Senate Resolution No. 2080, regarding Elvin and Jane Kingree, which was adopted.

Senator Libla offered Senate Resolution No. 2081, regarding the 2015-2016 Bloomfield High School basketball team, which was adopted.

Senator Libla offered Senate Resolution No. 2082, regarding Mike Davis, which was adopted.

Senator Libla offered Senate Resolution No. 2083, regarding Richard Rich, Poplar Bluff, which was adopted.

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

### **RECESS**

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



## REFERRALS

President Pro Tem Richard referred **SCS** for **SB 613** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Kehoe announced photographers from the Missouri net and The Missouri Times 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 **SB 660**.

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 607**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to public assistance programs.

With House Amendment Nos. 1, 2, 3, 4 and 5.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 607, Page 2, Section 208.800, Lines 1-3, by deleting all of said section and lines from the bill; and

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

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 607, Page 2, Section 208.800, Line 3, by inserting after all of said section and line the following:

“208.952. 1. There is hereby established [the] **a permanent** “Joint Committee on [MO HealthNet] **Public Assistance**”. The committee shall have [as its purpose the study of] the **following purposes**:

**(1) Studying, monitoring, and reviewing the efficacy of the public assistance programs within the state;**

**(2) Determining the level and adequacy of resources needed [to continue and improve the MO HealthNet program over time] for the public assistance programs within the state; and**

**(3) Developing recommendations to the general assembly on the public assistance programs within the state and on promoting independence from safety net programs among participants as may be appropriate.**

**The committee shall receive and obtain information from the departments of social services, mental health, health and senior services, and elementary and secondary education, and any other department as applicable, regarding the public assistance programs within the state including, but**

**not limited to, MO HealthNet, the supplemental nutrition assistance program (SNAP), and temporary assistance for needy families (TANF). Such information shall include projected enrollment growth, budgetary matters, trends in childhood poverty and hunger, and any other information deemed to be relevant to the committee's purpose.**

**2. The directors of the department of social services, mental health, and health and senior services shall each submit an annual written report to the committee providing data and statistical information regarding the caseloads of the department's employees involved in the administration of public assistance programs.**

3. The committee shall consist of ten members:

(1) The chair and the ranking minority member of the house **of representatives** committee on the budget;

(2) The chair and the ranking minority member of the senate committee on appropriations [committee];

(3) The chair and the ranking minority member of the **standing** house **of representatives** committee [on appropriations for health, mental health, and social services] **designated to consider public assistance legislation and matters;**

(4) The chair and the ranking minority member of the **standing** senate committee [on health and mental health] **designated to consider public assistance legislation and matters;**

(5) A representative chosen by the speaker of the house of representatives; and

(6) A senator chosen by the president pro [tem] **tempore** of the senate.

No more than [three] **four** members from each [house] **chamber** shall be of the same political party.

[2.] **4.** A chair of the committee shall be selected by the members of the committee.

[3.] **5.** The committee shall meet [as necessary] **at least twice a year. A portion of the meeting shall be set aside for the purpose of receiving public testimony. The committee shall seek recommendations from social, economic, and public assistance experts on ways to improve the effectiveness of public assistance programs, to improve program efficiency and reduce costs, and to promote self-sufficiency among public assistance recipients as may be appropriate.**

[4. Nothing in this section shall be construed as authorizing the committee to hire employees or enter into any employment contracts.

5. The committee shall receive and study the five-year rolling MO HealthNet budget forecast issued annually by the legislative budget office.]

**6. The committee is authorized to hire staff and enter into employment contracts including, but not limited to, an executive director to conduct special reviews or investigations of the public assistance programs within the state in order to assist the committee with its duties. Staff appointments shall be approved by the president pro tempore of the senate and the speaker of the house of representatives. The compensation of committee staff and the expenses of the committee shall be paid from the joint contingent fund or jointly from the senate and house of representatives contingent funds until an appropriation is made therefor.**

7. The committee shall **annually conduct a rolling five-year forecast of the public assistance programs within the state and** make recommendations in a report to the general assembly by January first each year, beginning in [2008] **2018**, on anticipated growth [in the MO HealthNet program] **of the public assistance programs within the state**, needed improvements, anticipated needed appropriations, and suggested strategies on ways to structure the state budget in order to satisfy the future needs of [the program] **such programs**.

[208.985. 1. Pursuant to section 33.803, by January 1, 2008, and each January first thereafter, the legislative budget office shall annually conduct a rolling five-year MO HealthNet forecast. The forecast shall be issued to the general assembly, the governor, the joint committee on MO HealthNet, and the oversight committee established in section 208.955. The forecast shall include, but not be limited to, the following, with additional items as determined by the legislative budget office:

- (1) The projected budget of the entire MO HealthNet program;
- (2) The projected budgets of selected programs within MO HealthNet;
- (3) Projected MO HealthNet enrollment growth, categorized by population and geographic area;
- (4) Projected required reimbursement rates for MO HealthNet providers; and
- (5) Projected financial need going forward.

2. In preparing the forecast required in subsection 1 of this section, where the MO HealthNet program overlaps more than one department or agency, the legislative budget office may provide for review and investigation of the program or service level on an interagency or interdepartmental basis in an effort to review all aspects of the program.]”; and

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

### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 607, Page 2, Section 208.800, Line 3, by inserting after all of said section and line the following:

**“208.1030. 1. An eligible provider, as described in subsection 2 of this section, may, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, receive MO HealthNet supplemental reimbursement to the extent provided by law.**

**2. A provider shall be eligible for Medicaid supplemental reimbursement if the provider meets the following characteristics during the state reporting period:**

- (1) Provides ground emergency medical transportation services to MO HealthNet participants;**
- (2) Is enrolled as a MO HealthNet provider for the period being claimed; and**
- (3) Is owned, operated, or contracted by the state or a political subdivision.**

**3. An eligible provider's Medicaid supplemental reimbursement under this section shall be calculated and paid as follows:**

**(1) The supplemental reimbursement to an eligible provider, as described in subsection 2 of this section, shall be equal to the amount of federal financial participation received as a result of the claims submitted under subdivision (2) of subsection 6 of this section;**

**(2) In no instance shall the amount certified under subdivision (1) of subsection 5 of this section, when combined with the amount received from all other sources of reimbursement from the MO HealthNet program, exceed one hundred percent of actual costs, as determined under the Medicaid state plan for ground emergency medical transportation services; and**

**(3) The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to MO HealthNet participants by eligible providers on a per-transport basis or other federally permissible basis. The department of social services shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized and shall not make any payment under this section prior to obtaining that approval.**

**4. An eligible provider, as a condition of receiving supplemental reimbursement under this section, shall enter into and maintain an agreement with the department's designee for the purposes of implementing this section and reimbursing the department of social services for the costs of administering this section. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid with funds from the governmental entities described in subdivision (3) of subsection 2 of this section and certified to the state as provided in subsection 5 of this section.**

**5. Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement under this section on behalf of an eligible provider owned or operated by the entity, as described in subdivision (3) of subsection 2 of this section, the governmental entity shall do the following:**

**(1) Certify in conformity with the requirements of 42 CFR 433.51 that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;**

**(2) Provide evidence supporting the certification as specified by the department of social services;**

**(3) Submit data as specified by the department of social services to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and**

**(4) Keep, maintain, and have readily retrievable any records specified by the department of social services to fully disclose reimbursement amounts to which the eligible provider is entitled and any other records required by the Centers for Medicare and Medicaid Services.**

**6. The department of social services shall be authorized to seek any necessary federal approvals for the implementation of this section. The department may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. Section 1396, et seq.**

**(1) The department of social services shall submit claims for federal financial participation for**

the expenditures for the services described in subsection 5 of this section that are allowable expenditures under federal law.

(2) The department of social services shall, on an annual basis, submit any necessary materials to the federal government to provide assurances that claims for federal financial participation shall include only those expenditures that are allowable under federal law.

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

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

(1) Provides ground emergency medical transport services to MO HealthNet managed care participants pursuant to a contract or other arrangement with MO HealthNet or a MO HealthNet managed care plan; and

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

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

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

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

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

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

increased capitation payments under this section on a retroactive basis as permitted by federal law.

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

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

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

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

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

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

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 607, Page 2, Section 208.065, Line 31, by inserting after all of said section and line the following:

“208.152. 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as [defined] **described** in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children’s diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than

eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term “temporary leave of absence” shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians’ services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(8) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(9) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(10) Home health care services;

(11) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician

to the MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(12) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(13) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(15) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and



for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(16) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(17) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(18) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per

hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(19) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(20) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(21) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(22) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(24) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of

MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as [defined] **described** in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term “hospice care” means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. 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 subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part

of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division[,] may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

**14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.”; and**

Further amend said bill and page, Section 208.800, Line 3, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to ensure the provision of vital health care services for MO HealthNet recipients, the repeal and reenactment of section 208.152 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.152 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

## HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 607, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

**“167.267. Certified music therapists who have completed the education and clinical training requirements established by the American Music Therapy Association and passed the Certification Board for Music Therapists certification examination shall be deemed as certified by the department of elementary and secondary education for the purposes of providing services identified in an individualized family service plan in the first steps program under sections 160.900 to 160.925.”;** and

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

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

**REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HBs 1646, 2132 and 1621**, with **SCS**; **HCS** for **HBs 2234 and 1985**; and **SB 884**, begs leave to report that it has considered the same and recommends that the bills do pass.

**HOUSE BILLS ON THIRD READING**

Senator Schmitt moved that **HCS** for **HB 1584**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

**SA 1** was again taken up.

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

Senator Parson offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1584, Page 3, Section 559.600, Line 21, by inserting after all of said line the following:

“590.750. 1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. Licensed corporate security advisors who are not also commissioned by the department shall not have the power of arrest for violations of the criminal code, except as otherwise provided by law.

2. The director shall have the [sole] authority to commission corporate security advisors. No person shall hold a commission as a corporate security advisor without a valid peace officer license. The director [shall] **may** commission corporate security advisors as he or she deems appropriate, taking into consideration the education, training, and experience of each individual in relation to the powers of peace officers and the limitations on the powers of peace officers in regard to the constitutional rights of citizens to be secure in their persons and property. Each individual commissioned by the department shall be issued a commission

by the director of the department [and before entering into the performance of his or her duties shall subscribe before the clerk of a circuit court of this state an oath, in the form prescribed by Article VII, Section 11 of the Constitution of Missouri, to support the Constitution and laws of the United States and this state; to faithfully demean himself or herself in the office; and to faithfully perform the duties of the office. The executed oath of office, along with a copy of the individual's commission, shall be filed with the director until the commission is terminated or revoked].

3. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state **and then only when the corporate security advisor is on duty**, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government **and then only when the corporate security advisor is on duty**.

4. The department shall establish a minimum amount of liability insurance to be provided by the prospective or current employer of the corporate security advisor, and require the employer to provide a statement that the corporate security advisor will be included in the policy as a named insured.

5. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor.

6. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190.

7. Any corporate security advisor licensed as of February 1, 2014, shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked.

8. All applications for corporate security advisor licenses shall be made upon such forms and in such manner as the director shall prescribe. The department shall charge a fee for issuance of a license under this section in an amount, not to exceed two hundred **ten** dollars, established by regulation promulgated in accordance with the provisions of chapter 536.

9. Nothing in this section is intended to nor shall it be construed as a waiver of sovereign immunity or the acknowledgment or creation of any liability on the part of the state for personal injury, death, or property damage. The department of public safety and the director shall have immunity from civil liability arising out of the commissioning of corporate security advisors under this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schmitt moved that **SCS** for **HCS** for **HB 1584**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HB 1584**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Holsman—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

### PRIVILEGED MOTIONS

Senator Sater moved that the Senate refuse to concur in **HCS** for **SB 607**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1976**, with **SCS**, entitled:

An Act to repeal sections 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof six new sections relating to motor vehicle services, with a penalty provision.

Was taken up by Senator Munzlinger.

**SCS** for **HCS** for **HB 1976**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1976

An Act to repeal sections 304.154, 385.200, 385.206, 385.300, and 385.306, RSMo, and to enact in lieu thereof six new sections relating to motor vehicle services, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **HCS** for **HB 1976** be adopted.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1976, Page 3, Section 304.154, Line 9, by inserting after the word “year,” the following: “**excluding any federal holidays,**”.

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

Senator Wallingford assumed the Chair.

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

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1976, Page 3,



Section 304.154, Line 8, by inserting after “available” the following: **“to a customer to make arrangements”**; and further amend line 8, by striking “twelve” and inserting in lieu thereof the following: **“ten”**; and further amend line 9, by striking “Saturday” and inserting in lieu thereof the following: **Friday**”.

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

Senator Parson offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1976, Page 3, Section 304.153, Line 73, by inserting after all of said line the following:

**“8. The provisions of this section shall not apply to counties of the third or fourth classification.”**; and

Further amend said bill, page 5, section 304.154, line 57, by inserting after all of said line the following:

**“6. The provisions of subdivisions (3), (4), (6), and (10) of subsection 1 of this section, subsections 2, 4, and 5 of this section, and a provision in subdivision (1) of subsection 1 of this section requiring towing companies to display an address in a location visible from the street or road shall not apply to counties of the third or fourth classification.”**

Senator Pearce assumed the Chair.

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

Senator Wasson offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1976, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“304.005. 1. As used in this section, the term “autocycle” means a three wheeled motor vehicle on which the drivers and passengers ride in a completely enclosed, tandem seating area that is equipped with air bag protection, a roll cage, safety belts for each occupant, and antilock brakes and that is designed to be controlled with a steering wheel and pedals.**

**2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear.**

**3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver’s license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger moved that **SCS for HCS for HB 1976**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS for HCS for HB 1976**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Pearce	Richard	Riddle	Romine	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Walsh	Wasson

Wieland—29

## NAYS—Senators

Parson	Sater	Wallingford—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**CONCURRENT RESOLUTIONS**

**SCR 45**, introduced by Senator Dixon, entitled:

Relating to the publishing of the Revised Statutes of Missouri.

Was taken up.

On motion of Senator Dixon, **SCR 45** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey

Wallingford Walsh Wasson Wieland—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the concurrent resolution passed.

On motion of Senator Dixon, title to the concurrent resolution was agreed to.

Senator Dixon moved that the vote by which the concurrent resolution passed be reconsidered.

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

**HOUSE BILLS ON THIRD READING**

**HCS** for **HBs 2234** and **1985** was placed on the Informal Calendar.

**HCS** for **HBs 1646, 2132** and **1621**, with **SCS**, entitled:

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof two new sections relating to civics education.

Was taken up by Senator Riddle.

**SCS** for **HCS** for **HBs 1646, 2132** and **1621**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1646, 2132 and 1621

An Act to repeal section 170.011, RSMo, and to enact in lieu thereof three new sections relating to civics education.

Was taken up.

Senator Riddle moved that **SCS** for **HCS** for **HBs 1646, 2132** and **1621** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **HCS** for **HBs 1646, 2132** and **1621** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 27, 2016

To the Senate of the 98th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Brian Jamison as a member of the Missouri Gaming Commission, submitted to you on April 26, 2016. Line 3 should be amended to read:

April 29, 2019, and until his successor is duly appointed and qualified; vice, Brian.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 27, 2016

To the Senate of the 98th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Larry D. Hale as a member of the Missouri Gaming Commission, submitted to you on April 26, 2016. Line 3 should be amended to read:

April 29, 2019, and until his successor is duly appointed and qualified; vice, Larry D.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 27, 2016

To the Senate of the 98th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

George Ratermann, Republican, 2804 Newbridge Court, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Ethics Commission, for a term ending March 15, 2020, and until his successor is duly appointed and qualified; vice, William Stoltz, term expired.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

President Pro Tem Richard referred the above addendums and appointment to the Committee on Gubernatorial Appointments.

### **SENATE BILLS FOR PERFECTION**

Senator Dixon moved that **SB 663**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

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

Senator Dixon offered **SS** for **SCS** for **SB 663**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 663

An Act to repeal sections 57.111, 192.2260, 192.2405, 211.059, 217.360, 217.670, 217.690, 217.722, 301.559, 304.351, 311.310, 327.272, 339.100, 400.9-501, 476.083, 477.650, 541.033, 542.296, 544.250, 545.400, 545.490, 562.014, 565.030, 565.032, 565.040, 566.210, 566.211, 566.212, 566.213, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, 595.226, 600.042, 600.090, 600.101, 610.026, 610.100, 632.520, and 650.055, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, 556.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 556.046 as enacted by senate bill no. 223, ninety-first general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 566.209 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, sections 577.010, 577.012, 577.013, and 577.014 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.037 as enacted by house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighty-two new sections relating to the administration of justice, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Senator Dixon moved that **SS** for **SCS** for **SB 663** be adopted.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 78, Section

478.252, Line 18 of said page, by inserting after all of said line the following:

“488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within [the thirty-first judicial circuit] **any judicial circuit composed of a single noncharter county** in all **civil and** criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge, **who shall deposit the funds in a separate account known as the “justice center fund”, to be established and maintained by the political subdivision.**

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, **planning**, construction, maintenance, and operation of any county or municipal judicial facility **or justice center** including, but not limited to, **architectural, engineering, and other plans and studies**, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying [such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively] **all funds received and expenditures made from their respective center funds.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 118, Section 569.090, Line 12 of said page, by inserting after all of said line the following:

“569.132. 1. This section shall be known and may be cited as the “Crop Protection Act”.

2. A person commits the offense of prohibited acts involving crops if he or she:

(1) Intentionally causes the loss of any crop;

(2) **Intentionally contaminates, weakens**, damages, vandalizes, or steals any property in or on land on which a crop is located;

(3) Obtains access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) Enters or otherwise interferes with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly obtains, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop; or

(6) Enters or remains on land on which a crop is located with the intent to commit an act prohibited by this section.

3. The offense of prohibited acts involving crops is a class A misdemeanor for each such violation unless:

(1) The loss or damage to the crop is seven hundred fifty dollars or more, in which case it is a class E felony;

(2) The loss or damage to the crop is one thousand dollars or more, in which case it is a class D felony;

(3) The loss or damage to the crop is twenty-five thousand dollars or more, in which case it is a class C felony;

(4) The loss or damage to the crop is seventy-five thousand dollars or more, in which case it is a class B felony.

4. Any person who has been damaged by a violation of this section shall have a civil cause of action under section 537.353.

5. Nothing in this section shall preclude any owner or operator injured in his or her business or on his or her property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the business may petition the court to permanently enjoin such persons from violating this section, and the court shall provide such relief.

6. The director of the department of agriculture shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required for the investigation.

7. The director may promulgate rules and regulations necessary for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.”; and

Further amend said bill, Page 180, Section 578.040, Line 12 of said page, by inserting after all of said line the following:

“578.416. No person shall:

(1) Intentionally cause the loss of any crop;

(2) **Intentionally contaminate, weaken,** damage, vandalize, or steal any property in or on a crop;

(3) Obtain access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) Enter or otherwise interfere with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly obtain, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;

(6) Enter or remain on land on which a crop is located with the intent to commit an act prohibited by this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer offered **SA 3**:

### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 94, Section 562.014, Line 12 of said page, by inserting after all of said line the following:

“563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person may not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual claiming a justification of using protective force under this section.



3. A person **who is not engaged in an unlawful activity** does not have a duty to retreat from [a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining. A person does not have a duty to retreat from private property that is owned or leased by such individual] **any place he or she has a right to be.**

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 100, Section 565.032, Line 25 of said page, by inserting immediately after “578.421” the following: “;

**(18) The murder was committed as an act of terrorism in that it was committed for the purpose of, or in a manner of, intimidating or coercing a civilian population, influencing the policy of a government by intimidation or coercion, or affecting the conduct of a government”.**

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

Senator Chappelle-Nadal offered **SA 5:**

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 81, Section 537.530, Line 18, by inserting after all of said line the following:

**“537.570. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the state of Missouri or any political subdivision thereof subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Missouri Constitution and laws of this state, or interferes or attempts to interfere, by threats, intimidation or coercion, with the exercise or enjoyment by any other person of rights secured by article I of the Missouri Constitution, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. A party injured by a violation of this section may bring a private civil action to enforce their rights under this section. The attorney general shall be authorized to bring a civil action on behalf of a party injured pursuant to this section.”; and**

Further amend said bill, page 94, section 562.014, line 12, by inserting after all of said line the following:

“563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, **and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer’s underlying intent or motivation.**

3. **In effecting an arrest or in preventing an escape from custody**, a law enforcement officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly force only:

(1) When deadly force is authorized under other sections of this chapter; or

(2) When [he or she] **the officer** reasonably believes that such use of deadly force is immediately necessary to effect the arrest **or prevent an escape from custody** and also reasonably believes that the person to be arrested:

(a) Has committed or attempted to commit a felony **offense involving the infliction or threatened infliction of serious physical injury**; or

(b) Is attempting to escape by use of a deadly weapon; or

(c) May otherwise endanger life or inflict serious physical injury **to the officer or others** unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, he is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, **and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer’s underlying intent or motivation.**

3. **In effecting an arrest or in preventing an escape from custody**, a law enforcement officer [in effecting an arrest or in preventing an escape from custody] is justified in using deadly force only:

(1) When such is authorized under other sections of this chapter; or

(2) When [he] **the officer** reasonably believes that such use of deadly force is immediately necessary to effect the arrest **or prevent an escape from custody** and also reasonably believes that the person to be

arrested:

(a) Has committed or attempted to commit a felony **offense involving the infliction or threatened infliction of serious physical injury**; or

(b) Is attempting to escape by use of a deadly weapon; or

(c) May otherwise endanger life or inflict serious physical injury **to the officer or others** unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.”; and

Further amend said bill, section B, page 209, line 13, by inserting after “632.520,” the following: “the repeal and reenactment of the first occurrence of section 563.046,”; and

Further amend said bill and page, section C, line 16, by inserting after “Section C.” the following: “Because of the need to clarify Missouri’s deadly force statute to align with supreme court precedent and”; and further amend line 18, by inserting after “citizens,” the following: “the repeal and reenactment of the second occurrence of section 563.046 of this act”; and further amend said section, line 23, by inserting after “constitution,” the following: “and the repeal and reenactment of the second occurrence of section 563.046 of this act”.

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Pages 80-81, Section 537.530, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Dixon moved that **SS** for **SCS** for **SB 663**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **SB 663**, as amended, was declared perfected and ordered printed.

#### HOUSE BILLS ON THIRD READING

Senator Kraus moved that, **HB 1631**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Onder assumed the Chair.

Senator Pearce assumed the Chair.

Senator Onder assumed the Chair.

Senator Nasheed offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1631, Page 1, Section 115.134, Lines 6-7, by striking all of said lines and inserting in lieu thereof the following: “**electronic signature of, each person who receives state or federally-funded assistance, including, but not limited to, SNAP, TANF, MoHealthNet, LIHEAP, Blind Pension Trust Fund, or child care subsidies, and who meets the qualifications to vote set out in**”; and further amend line 19 by striking the words “secretary of state” and insert in lieu thereof the following: “**department of revenue**”.

Senator Nasheed moved that **SA 1 to SA 1**, be adopted, and requested a roll call vote be taken. She was joined in her request by Senators Curls, Keaveny, Sifton and Walsh.

**SA 1 to SA 1** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed	Schupp	Sifton
Walsh—8						

NAYS—Senators

Brown	Cunningham	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Pearce	Richard	Riddle
Romine	Sater	Schaaf	Schaefer	Schatz	Schmitt	Silvey
Wallingford	Wasson	Wieland—24				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Kehoe assumed the Chair.

Senator Onder assumed the Chair.

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

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1631, Page 1, Line 2, by inserting after all of said line the following:

“115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment; **or**

(2) [While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3)] After conviction of a felony **connected with the right of suffrage** or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.”.

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

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

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1631, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

**“115.116. 1. As used in this section, “voter center” means a temporary voting location open only on election days in which a person can cast a ballot for any federal or statewide office or a municipal office without appearing at such person's precinct voting location.**

**2. Notwithstanding any other provision of law to the contrary, the board of election commissioners for any city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county may establish and run voter centers in addition to voter precincts on any primary, special, or general election day on which any citywide or statewide office, presidential primary, or special election is on the ballot. Voter centers shall not be authorized for any local district or political subdivision elections except for municipal elections. The number and location of voter centers may be determined by the board, which shall make a good faith effort to distribute such centers in an optimal manner throughout the city based on considerations such as geographic diversity, population density, and economic efficiency. The board may choose to allocate existing staff and resources to the voter centers in lieu of providing such support to individual precincts. The board may make use of facilities offered free of charge, such as businesses, churches, or community centers, to serve as the venue for voting centers.**

**3. Voting centers shall allow only for in-person voting on election day, and may make use of regular or provisional ballots for such in-person voting. Voting centers shall not accept absentee ballots if such ballots are cast before the election day. Election authorities shall make any necessary ballots available at the voter center and shall follow all rules regarding the storage and counting of ballots, including the use of provisional ballots. Voting centers shall be subject to all regulations governing elections in this chapter.**

**4. The secretary of state shall offer advice and assistance to any board establishing voter centers by establishing nonmandatory criteria that facilitate the operation of the voter centers. Such criteria may include a recommendation on the distribution of existing staff and resources to voter centers and recommending optimal venues for voting centers.”; and**

Further amend the title and enacting clause accordingly.

Senator Silvey offered **SA 1** to **SSA 1** for **SA 1**, which was read:

Senator Silvey offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 1631, Page 1, Lines 10-11, by striking all of said lines and inserting in lieu thereof the following: “**within a county may**”.

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

**SSA 1** for **SA 1**, as amended, was again taken up.

Senator Nasheed moved that **SSA 1** for **SA 1**, as amended, be adopted and requested a roll call vote be taken. She was joined in her request by Senators Holsman, Keaveny, Sifton and Walsh.

**SSA 1** for **SA 1**, as amended, failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed	Schupp	Sifton
Walsh—8						

NAYS—Senators

Brown	Cunningham	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Pearce	Richard	Riddle
Romine	Sater	Schaaf	Schaefer	Schatz	Schmitt	Silvey
Wallingford	Wasson	Wieland—24				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

**SA 1** was again taken up.

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

Senator Keaveny offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1631, Page 1, Section A, Line 3, by inserting after all of said line the following:

“115.225. 1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 115.225 to 115.235.

2. No electronic voting system shall be approved unless it:

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as a voter is lawfully entitled to vote for;

(3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;

(4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;

**(5) Permits each voter at a general election to vote for all candidates of one party by one punch or mark or to vote a split ticket, as a voter desires;**

(6) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;

[(6)] (7) Permits each voter at a presidential election to vote by use of a single punch or mark for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

[(7)] (8) Accurately counts all proper votes cast for each candidate and for and against each question;

[(8)] (9) Is set to reject all votes, except write-in votes, for any office and on any question when the number of votes exceeds the number a voter is lawfully entitled to cast;

[(9)] (10) Permits each voter, while voting, to clearly see the ballot label;

[(10)] (11) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. The provisions of this subdivision shall not be required for any system purchased prior to August 28, 2002.

3. The secretary of state shall promulgate rules and regulations to allow the use of a computerized voting system. The procedures shall provide for the use of a computerized voting system with the ability to provide a paper audit trail. Notwithstanding any provisions of this chapter to the contrary, such a system may allow for the storage of processed ballot materials in an electronic form.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.237. 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. In polling places using electronic voting systems, the ballot information may be arranged in vertical

or horizontal rows or on a number of separate pages or screens. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate, and each question shall be indicated clearly on the ballot.

3. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

4. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be provided by the election authority to permit each voter to write in the names of persons whose names do not appear on the ballot.

5. [No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

6.] The secretary of state shall promulgate rules that specify uniform standards for ballot layout for each electronic or computerized ballot counting system approved under the provisions of section 115.225 so that the ballot used with any counting system is, where possible, consistent with the intent of this section. Nothing in this section shall be construed to require the format specified in this section if it does not meet the requirements of the ballot counting system used by the election authority.

[7.] **6.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."'; and

Further amend the title and enacting clause accordingly.

Senator Keaveny moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Kraus, **HB 1631**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### **REFERRALS**

President Pro Tem Richard referred **HCS** for **HB 1713**, with **SCS** and **HCS** for **HB 2380**, with **SCS** to the Committee on Governmental Accountability and Fiscal Oversight.

### **RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 2084, regarding Eagle Scout Tucker Petersen, Kirksville, which was adopted.

Senator Pearce offered Senate Resolution No. 2085, regarding the Seventieth Wedding Anniversary of Charles and Earline Inman, Concordia, which was adopted.



Senator Pearce offered Senate Resolution No. 2086, regarding Marion Kimbrough, Norborne, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2087, regarding Power Process & Industrial, LLC, Marceline, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Brown introduced to the Senate, Missouri University of Science and Technology Football Coaches Kyle Shoemaker, Tyler Fenwick and Mike McFarland, Rolla.

Senator Schmitt introduced to the Senate, students from Twin Oaks Christian School, Ballwin.

Senator Riddle introduced to the Senate, Taylor Laughlin, Mokane.

Senator Kehoe introduced to the Senate, representatives of the Missouri Academy of Nutrition and Dietetics.

Senator Kraus introduced to the Senate, fourth grade students from Pleasant Lea Elementary School, Lee's Summit.

Senator Pearce introduced to the Senate, Mike and Edwina Moon and Jim Kilmer, Johnson County.

Senator Curls introduced to the Senate, Alex Curchin, Joplin; and Alex was made an honorary page.

Senator Curls introduced to the Senate, representatives of reStart, Inc., Kansas City.

Senator Brown introduced to the Senate, his wife, Kathy, their grandson, Tristin Brown, and Taylor Bell, Rolla.

Senator Brown introduced to the Senate, his son Justin, and Carl Swaters, Rolla.

Senator Pearce introduced to the Senate, teachers Mrs. Mittenburg, Ms. Matthews, Mrs. Pierce, Mrs. Allcorn, Mrs. Beile, Mr. Palmer, and fourth grade students from Martin Warren Elementary School, Warrensburg.

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

### **SENATE CALENDAR**

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**SIXTIETH DAY—THURSDAY, APRIL 28, 2016**

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### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HB 1534-Flanigan  
HCS for HB 2496

HCS for HB 1448  
HB 2028-Hoskins

HB 1852-Rowland  
 HB 2065-Berry  
 HB 2093-Chipman  
 HCS for HB 1928  
 HB 2237-Rowden  
 HCS for HB 2345  
 HB 1585-Hill  
 HCS for HB 1955

HB 1969-Anderson  
 HCS for HB 2057  
 HCS for HB 1561  
 HCS for HB 1679  
 HB 1468-Burlison  
 HB 1754-Bahr  
 HB 1867-Fitzpatrick

### THIRD READING OF SENATE BILLS

SCS for SBs 588, 603 & 942-Dixon and Curls  
 (In Fiscal Oversight)  
 SCS for SB 998-Romine (In Fiscal Oversight)  
 SCS for SBs 857 & 712-Romine  
 (In Fiscal Oversight)

SB 884-Munzlinger  
 SCS for SB 613-Cunningham, et al  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 1111-Brown  
 SB 795-Wallingford, with SCS

SB 1076-Parson, with SCS

### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 1855-Allen (Schaaf)<br>(In Fiscal Oversight)                       | 8. HCS for HB 1675, with SCS (Munzlinger)                       |
| 2. HCS for HBs 1366 & 1878, with SCS<br>(Schaefer) (In Fiscal Oversight) | 9. HCS for HB 2381 (Munzlinger)                                 |
| 3. HB 1565-Engler (Romine)<br>(In Fiscal Oversight)                      | 10. HB 1577-Higdon, with SCS (Riddle)                           |
| 4. HCS for HB 1696, with SCS (Riddle)<br>(In Fiscal Oversight)           | 11. HCS for HB 1433, with SCS (Sater)                           |
| 5. HB 1892-Rehder (Schatz)<br>(In Fiscal Oversight)                      | 12. HCS for HB 1930 (Riddle)                                    |
| 6. HB 1643-Hicks (Brown)   | 13. HCS for HB 2202, with SCS (Dixon)                           |
| 7. HB 2104-Alferman, with SCS (Schmitt)                                  | 14. HCS for HB 2376, with SCS (Wasson)                          |
|  | 15. HCS for HB 1713, with SCS (Emery)<br>(In Fiscal Oversight)  |
|  | 16. HCS for HB 1898   |
|  | 17. HCS for HB 2380, with SCS (Schatz)<br>(In Fiscal Oversight) |

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SB 783-Onder

SENATE BILLS FOR PERFECTION

SB 575-Schaefer, with SCS, SS for SCS & SA 1 (pending)  
SB 580-Schaaf, with SCS & SA 2 (pending)  
SB 596-Kraus, with SCS  
SB 622-Romine, with SCS  
SB 644-Onder, with SCS  
SBs 662 & 587-Dixon, with SCS  
SB 680-Emery  
SB 686-Wallingford, with SCS  
SB 706-Dixon  
SB 719-Emery, with SCS  
SB 733-Dixon  
SB 734-Dixon  
SB 771-Onder  
SB 772-Onder, with SCS  
SB 774-Schmitt  
SB 775-Schaefer  
SB 785-Schaefer, with SCS, SS for SCS, SA 1, SSA 1 for SA 1, SA 1 to SSA 1 for SA 1 & point of order (pending)  
SB 788-Schatz, with SCS & SS for SCS (pending)  
SBs 789 & 595-Wasson, with SCS  
SB 792-Richard  
SB 793-Richard  
SB 798-Kraus, with SCS  
SB 802-Sater  
SB 805-Onder, with SCS  
SB 806-Onder, with SCS  
SB 812-Keaveny  
SB 816-Wieland, et al  
SB 825-Munzlinger, with SA 1 (pending)  
SB 830-Wasson, with SCS  
SB 848-Emery, with SCS  
SBs 851 & 694-Brown, with SCS  
SB 853-Brown  
SB 858-Romine, with SCS & SS for SCS (pending)  
SB 868-Wasson  
SB 871-Wallingford  
SB 883-Riddle  
SB 894-Munzlinger, with SS (pending)  
SB 896-Hegeman  
SB 898-Cunningham  
SB 908-Sater, with SCS  
SB 916-Schaefer  
SB 920-Schmitt and Kraus  
SB 951-Wasson, with SA 1 (pending)  
SB 964-Wallingford, with SCS (pending)  
SB 966-Schaaf  
SB 972-Silvey  
SB 980-Keaveny, with SCS, SS for SCS, SA 1 & SA 3 to SA 1 (pending)  
SB 995-Riddle  
SB 1003-Onder  
SB 1004-Onder  
SB 1005-Walsh  
SBs 1010, 958 & 878-Curls, with SCS  
SB 1012-Dixon  
SB 1014-Dixon  
SB 1026-Schatz, with SCS  
SB 1028-Silvey, et al, with SCS  
SB 1033-Pearce  
SB 1066-Curls  
SB 1074-Schmitt, with SCS  
SB 1075-Wallingford  
SB 1085-Pearce  
SB 1091-Riddle  
SB 1094-Kehoe, with SCS  
SB 1096-Dixon and Keaveny, with SS (pending)  
SB 1117-Wasson, with SCS  
SB 1120-Hegeman, et al  
SB 1131-Sifton  
SB 1144-Brown  
SJR 23-Sater, with SS (pending)  
SJR 35-Kraus, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HBs 1434 & 1600, with SCS (Walsh)	HCS for HBs 1780 & 1420 (Pearce)
HB 1435-Koenig (Kraus)	HB 1795-Haefner, with SCS (Sater)
HB 1452-Hoskins, with SCS (Pearce)	HCS for HB 1804, with SCS (Emery)
HB 1472-Dugger (Dixon)	HCS for HB 1850 (Wasson)
HB 1479-Entlicher (Romine)	HCS for HB 1904, with SCS (Wallingford)
HB 1530-Brown (57) (Munzlinger)	HB 2166-Alferman, with SCS, SS#2 for SCS, SA 1 & SSA 1 for SA 1 (pending) (Onder)
HB 1575-Rowden, with SCA 1 (Onder)	HCS for HB 2187, with SCS (pending) (Cunningham)
HB 1582-Kelley, with SCS (Kraus)	HB 2226-Barnes (Silvey)
HCS for HB 1599, with SCS (Sater)	HB 2230-Ross (Schatz)
HB 1619-McCaherty (Dixon)	HCS for HBs 2234 & 1985 (Pearce)
HB 1631-Alferman, with SCS, SS for SCS & SA 2 (pending) (Kraus)	HB 2257-Jones, with SCS (Wieland)
HCS for HB 1649, with SCS (Parson)	HCS for HB 2332, with SCS (Dixon)
HCS for HB 1658 (Onder)	HCS for HB 2397 (Romine)
HB 1678-Solon, with SCS (Pearce)	HB 2429-Dohrman, with SCS (Parson)
HCS for HB 1717 (Wallingford)	HB 2590-Plocher, with SCS (Keaveny)
HCS for HB 1729 (Munzlinger)	HCS for HB 2689 (Silvey)
SS for HB 1733-Davis (Kraus) (In Fiscal Oversight)	HJR 53-Dugger (Kraus)
HB 1745-Brattin, with SCS (Schatz)	

## CONSENT CALENDAR

## House Bills

Reported 4/14

HB 1681-Haahr (Dixon)	HB 1473-Dugger, with SCS (Wasson)
HB 2428-Swan (Pearce)	HCS for HB 1480 (Hegeman)
HB 2195-Hoskins (Pearce)	HB 1388-Roeber (Dixon)
HB 1539-Vescovo (Wieland)	HB 1593-Crawford (Hegeman)
HB 1538-Vescovo (Wieland)	HB 2591, HB 1958 & HB 2369-Richardson, with SCS (Libla)
HB 1559-McCann Beatty (Curls)	HB 2335-Houghton, with SCS (Riddle)
HB 2183-Roeber (Curls)	HB 1851-Alferman, with SCS (Schatz)
HCS for HB 2453, with SCS (Schaaf)	
HB 2480-Justus (Sater)	

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 657-Munzlinger, with HCS, as amended	SB 700-Schatz, with HA 1, as amended & HA 2
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SCS for SB 814-Wallingford, et al, with HCS

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

**In Conference**

SS for SB 621-Romine, with HCS, as  
amended

**Requests to Recede or Grant Conference**

SB 607-Sater, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SB 677-Sater, with HCS, as amended  
(Senate requests House recede or  
grant conference)

SB 639-Riddle, with HCS, as amended  
(Senate requests House recede or  
grant conference)

**RESOLUTIONS**

**Reported from Committee**

SCRs 53 & 44-Schaefer, with SCS  
SCR 54-Walsh  
SCR 55-Holsman  
SCR 56-Brown  
SCR 59-Emery  
SCR 60-Curls

SCR 61-Parson  
SCR 63-Curls and Munzlinger  
SCR 68-Schupp  
HCR 63-Taylor (Wieland)  
HCR 69-Miller (Brown)

**MISCELLANEOUS**

CCS for SCS for HCS for HB 2 (Schaefer)  
(Section 2.030/Appropriation 9235)

CCS for SCS for HCS for HB 10 (Schaefer)  
(Section 10.710/Appropriation 9859)

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