

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“My child, give me your heart, and let your eyes observe my ways.” (Proverbs 23:26)

Heavenly Father, we pray that we will open our eyes and ears to see those about us and hear ways that we may help where we are most needed and provide support for one another as we can. Help us, Lord, use our time and energy in the most effective ways from what we have learned of You. 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.

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

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1411, regarding the Twenty-fifth Wedding

Anniversary of Evren and Laurie Senol, Town and Country, which was adopted.

Senator Riddle offered Senate Resolution No. 1412, regarding the Ninetieth Birthday of Barbara Arnold, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1413, regarding Kaiya Thompson, which was adopted. The Senate observed a moment of silence in memory of Luke Hoyer.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1041—By Schaaf.

An Act to amend chapter 105, RSMo, by adding thereto two new sections relating to elected official communications.

SB 1042—By Onder.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to concession agreements entered into by political subdivisions.

SB 1043—By Cierpiot.

An Act to repeal sections 26.220, 26.225, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof nine new sections relating to the joint election of governor and lieutenant governor, with a contingent effective date.

SB 1044—By Romine.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to school administrators.

SB 1045—By Romine.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to school employee retirement systems.

SB 1046—By Crawford.

An Act to repeal section 455.513, RSMo, and to enact in lieu thereof one new section relating to child protection orders.

SB 1047—By Sater.

An Act to amend chapter 173, RSMo, by adding thereto five new sections relating to private college campus police.

SB 1048—By Rowden.

An Act to repeal sections 109.210 and 610.027, RSMo, and to enact in lieu thereof three new sections relating to records maintained by public bodies, with penalty provisions.

SJR 35 —By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of

article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to elective state officers.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Parson.

RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 1414, regarding Eagle Scout Nicholas Edward Gladbach, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1415, regarding Eagle Scout Alec William Land, Jefferson City, which was adopted.

Senator Riddle offered Senate Resolution No. 1416, regarding the 2017-2018 Class One State Champion Monroe City High School Football Panthers, which was adopted.

Senator Nasheed offered Senate Resolution No. 1417, regarding the death of Almer Ruth Ridgner, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1418, regarding Cordell Michael Edwards II, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Munzlinger, **SB 918**, with **SCS**, was placed on the Informal Calendar.

Senator Curls moved that **SB 787**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 787

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

Was taken up.

Senator Curls moved that **SCS** for **SB 787** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 787** was declared perfected and order printed.

Senator Munzlinger moved that **SB 918**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 918**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 918

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals,

with an emergency clause.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 918** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 918**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 918

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

Senator Munzlinger moved that **SS** for **SCS** for **SB 918** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 918** was declared perfected and order printed.

Senator Crawford moved that **SB 951** be taken up for perfection, which motion prevailed.

On motion of Senator Crawford, **SB 951** was declared perfected and order printed.

Senator Dixon moved that **SBs 632** and **675**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 632** and **675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 632 and 675

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, and 135.630, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations.

Was taken up.

Senator Dixon moved that **SCS** for **SBs 632** and **675** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 8, Section 135.600, Line 63, by striking all of said line and inserting in lieu thereof the following:

“fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in”; and

Further amend said bill, page 12, section 135.630, line 73, by striking all of said line and inserting in lieu thereof the following:

“beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in the order”; and

Further amend said bill, said section, said page, line 78, by striking the word **“claimed”** and inserting in lieu thereof the word **“authorized”**.

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

Senator Schupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 12, Section 135.630, Line 99, by inserting after “9.” the following:

“(1) No taxpayer shall receive a tax credit under this section for a contribution to a pregnancy resource center that does not provide medically accurate information.

(2) For purposes of this subsection, the term “medically accurate information” shall mean information that is:

(a) Verified or supported by the weight of medical research conducted in compliance with accepted scientific methods;

(b) Recognized as correct and objective by leading medical organizations with relevant expertise or government agencies, such as the:

a. American Medical Association;

b. American Congress of Obstetricians and Gynecologists;

c. American Public Health Association;

d. American Academy of Pediatrics;

e. American College of Physicians;

f. American Academy of Family Physicians;

g. Centers for Disease Control and Prevention;

h. Food and Drug Administration;

i. National Cancer Institute;

j. American Psychological Association; or

k. National Institute for Health; or

(c) Recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization, such as the:

a. Joint Commission on Accreditation of Healthcare Organizations (JCAHO);

b. National Committee for Quality Assurance (NCQA);

c. American Accreditation HealthCare Commission or Utilization Review Accreditation Commission (AAHC/URAC); or

d. Accreditation Association for Ambulatory HealthCare (AAAHC).

10. ”.

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

Senator Rowden offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 3, Section 135.341, Line 37, by striking all of said line and inserting in lieu thereof the following:

“one million dollars [in any tax year] **for all fiscal years ending on or before June 30, 2019, and one million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019.** The amount”; and

Further amend said bill and said section, Page 4, Line 60, by inserting after the word “may” on said line the word “**not**”.

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

Senator Dixon moved that **SCS** for **SBs 632** and **675**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SBs 632** and **675**, as amended, was declared perfected and ordered printed.

Senator Crawford moved that **SB 806** be taken up for perfection, which motion prevailed.

On motion of Senator Crawford, **SB 806** was declared perfected and order printed.

Senator Hoskins moved that **SB 882** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SS** for **SB 882**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 882

An Act to repeal section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education savings program.

Senator Hoskins moved that **SS** for **SB 882** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS** for **SB 882** was declared perfected and ordered printed.

SB 681 was placed on the Informal Calendar.

Senator Wallingford moved that **SB 695**, be taken up for perfection, which motion prevailed.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 695, Page 1, In the Title, Lines 3-4, by striking said lines and inserting in lieu thereof the following: “relating to boards and commissions.”; and

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

“26.305. 1. Notwithstanding any provision of law to the contrary, when the governor makes an appointment to any state board or commission when the senate is not in session, the governor shall

notify the Missouri senate of the appointment in writing. No appointee shall be sworn in or serve in his or her official duties in the position until such time as the senate has been notified of the appointment. Once the appointment has been made and the senate is notified, the governor is prohibited from withdrawing or rescinding the appointment unless such action is authorized by the Missouri senate. In order to withdraw or rescind an appointment, when the senate reconvenes, the governor may request an appointment be sent back without prejudice. However, if the senate rejects the request or does not approve the request and the time frame by which the senate was to consider the original appointment expires without the senate giving its advice and consent, the appointee shall be deemed rejected and prohibited from being reappointed. Nothing in this section shall prohibit the governor from removing a member of a board or commission with written notice and hearing on charges of malfeasance, misfeasance, or nonfeasance in office.

2. If an appointee who has been appointed when the senate is not in session chooses to resign from his or her position prior to receiving the advice and consent of the senate, the governor shall notify the senate of the resignation and request for the nomination to be sent back without prejudice. However, if the senate rejects the request or does not approve the request, and the time frame by which the senate was to consider the original appointment expires, the appointee shall be deemed rejected and prohibited from being reappointed.

3. The governor shall be prohibited from reappointing an appointee that was appointed prior to the effective date of this section if the appointee was appointed when the senate was not in session and resigned his or her position prior to receiving the advice and consent of the senate.

4. No person whose appointment requires the advice and consent of the senate shall have the authority to act prior to receiving the advice and consent of the Senate:

(1) If such person is reappointed to a position by the governor while the senate is not in session; and

(2) Such person's prior appointment to such position on the administrative board or commission failed, for any reason, to receive the advice and consent of the senate.

5. Notwithstanding any provision of law to the contrary, at all meetings of any state board or commission only members that have received the advice and consent of the senate shall be counted for purposes of determining the existence of a quorum.”; and

Further amend said bill, page 2, section 161.026, line 39, by inserting after all of said line the following:

“161.032. The members of the board shall be citizens of high moral standards and recognized ability in their respective business or profession, who have resided in the state for not less than five years immediately preceding their appointment, and not more than one of whom shall be a resident of the same county or congressional district. At no time shall more than four members be of the same political party **and at no time shall more than two members be classified as “independent”**. No member of the board shall be connected, either as an official or as an employee, with any public, private, or denominational school, college or university, nor be the holder of or a candidate for any public office.

161.042. Each member shall take an oath to support the constitution of the United States and of this state and to faithfully demean himself or herself in office. **Each board member shall be sworn in during open session of the state board of education. The oath shall be administered by the president or vice**

president of the state board of education.

161.052. Any vacancy occurring in the term of office of any board member shall be filled [by appointment by the governor, by and with the advice and consent of the senate] **subject to the provisions of section 26.305**, for the unexpired term. [If a vacancy occurs while the general assembly is not in session, the governor shall make a temporary appointment until the next session of the general assembly, when he shall nominate some person to fill the office.]; and

Further amend said bill, page 3, section 161.072, line 20, by inserting after all of said line the following:

“161.082. 1. The board may act only when lawfully convened in a regular or special meeting, and it may speak only through its official records. No member of the board has any authority as an individual by reason of his official position.

2. At all meetings of the board, five members **that have received the advice and consent of the senate** are necessary to constitute a quorum for the transaction of business, but no official actions may be taken unless a majority of the whole board, **all of whom shall have received the advice and consent of the senate**, votes therefor.

3. If at any time a quorum of the board has not received the advice and consent of the senate, the state treasurer shall distribute all necessary appropriations to school districts pursuant to state and federal law.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Romine, **SB 695**, as amended, was declared perfected and ordered printed.

Senator Hummel moved that **SB 681** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Hummel, **SB 681** was declared perfected and ordered printed.

Senator Onder moved that **SBs 603, 576 and 898**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 603, 576 and 898, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 603, 576 and 898

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

Was taken up.

Senator Onder moved that **SCS for SBs 603, 576 and 898** be adopted.

Senator Onder offered **SS for SCS for SBs 603, 576 and 898**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 603, 576 & 898

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

Senator Onder moved that **SS** for **SCS** for **SBs 603, 576 and 898** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 3, Section 161.670, Line 22 of said page, by inserting immediately after the word “school” as it appears the second time on said line the following: “; **provided that this paragraph shall not be construed to require a student seeking to enroll in Missouri course access and virtual school program courses pursuant to this subdivision to have attended a public school during the prior semester if the student has a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the community during the previous semester**”.

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

Senator Romine offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 4, Section 161.670, Line 18, by inserting after the word “courses” the following: “**initially to the local school board which shall provide an enrollment decision within thirty calendar days and then**”.

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

Senator Munzlinger offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 1, In the Title, Line 4, by striking the word “course access in” and inserting in lieu thereof the following: “virtual”; and

Further amend said bill, page 12, section 167.121, line 5, by inserting after all of said line the following:

“173.1101. The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the “Access Missouri Financial Assistance Program”. The coordinating board and all approved private [and], public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution’s business.

173.1102. **1.** As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the

following terms mean:

(1) “Academic year”, the period from July first of any year through June thirtieth of the following year;

(2) “Approved private institution”, a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;

(c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) “Approved public institution”, an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(4) **“Approved virtual institution”, an educational institution that meets all of the following requirements:**

(a) Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;

(b) Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;

(c) Is accredited by a regional accrediting agency recognized by the United States Department of Education;

(d) Has established and continuously maintains a physical campus or location of operation within the state of Missouri;

(e) Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;

(f) Enrolls at least one thousand Missouri residents as degree or certificate seeking students;

(g) Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;

(h) Is organized as a nonprofit institution; and

(i) Utilizes an exclusively competency-based education model;

(5) “Coordinating board”, the coordinating board for higher education;

[(5)] (6) “Expected family contribution”, the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;

[(6)] (7) “Financial assistance”, an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;

[(7)] (8) “Full-time student”, an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private [or], public, **or virtual institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.**

2. The failure of an approved virtual institution to continuously maintain all of the requirements in paragraphs (a) to (i) of subdivision (4) of subsection 1 of this section shall preclude such institution’s students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.

173.1104. 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the

coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private [or], public, **or virtual** institution; and

(4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

173.1105. 1. An applicant who is an undergraduate postsecondary student at an approved private [or], public, **or virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri, [or] approved private institutions, **or approved virtual institutions**.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced

by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

173.1107. A recipient of financial assistance may transfer from one approved public [or], private, or **virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107."; and

Further amend the title and enacting clause accordingly.

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

Senator Onder offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 7, Section 161.670, Line 18, by striking the words "January 1," and inserting in lieu thereof the following: "**August 28**,".

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

Senator Rowden assumed the Chair.

Senator Onder moved that **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 813**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 813**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 813

An Act to repeal section 574.010, RSMo, and to enact in lieu thereof one new section relating to the offense of peace disturbance, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS for SB 813** be adopted.

President Parson assumed the Chair.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 813, Page 2, Section 574.010, Lines 32-33, by striking all of said lines and inserting in lieu thereof the following: **“obstruction to acquiring or receiving emergency services as defined in section 190.100.”**

Senator Riddle moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 813**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 793** was placed on the Informal Calendar.

Senator Emery moved that **SB 727** be taken up for perfection, which motion prevailed.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 727, Page 1, In the Title, Line 2, by striking the word “the” from the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: “energy.”; and

Further amend said bill, page 2, section 620.3150, line 42, by inserting immediately after said line the following:

“5. A report shall be issued, along with the review required under this section, that shall detail any special rates approved under section 393.355 and any resulting economic impacts including, but not limited to, retained and new workforce data, changes in state tax revenue, and any effects to an applicable electrical corporation’s ratepayers.”

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

On motion of Senator Emery, **SB 727** was declared perfected and ordered printed.

SB 848 was placed on the Informal Calendar.

Senator Schatz moved that **SB 600**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 600, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 600

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

Was taken up.

Senator Schatz moved that **SCS for SB 600** be adopted.

Senator Schatz offered **SS for SCS for SB 600**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 600

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

Senator Schatz moved that **SS for SCS for SB 600** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 600, Page 1, In the Title, Line 4, by inserting after the word “organizations” the following: “, with penalty provisions”.

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

Senator Schatz moved that **SS for SCS for SB 600**, as amended, be adopted, which motion prevailed.

On motion of Senator Schatz, **SS for SCS for SB 600**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 769**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 769, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 769

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions involving public entities, with existing penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS for SB 769** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 769, Page 1, Section A, Line 4, by inserting after all of said line the following:

“8.301. 1. Neither the state nor any political subdivision thereof shall:

(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;

(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;

(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;

(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or

(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder’s experience modification factor.

2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and

Further amend said bill, page 13, section 165.271, line 34, by inserting after all of said line the following:

“386.205. 1. A public utility shall not:

(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;

(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;

(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;

(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or

(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder’s experience modification factor.

2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cunningham offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 769, Page 2, Section 30.270, Lines 43-44, by

striking said lines and inserting in lieu thereof the following: “and leasehold revenue bonds, provided such bonds are rated in **one of the four highest [category] rating categories** by at least one nationally recognized statistical rating agency;”.

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

President Pro Tem Richard assumed the Chair.

Senator Holsman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 769, Page 13, Section 165.271, Line 34, by inserting after all of said line the following:

“362.503. 1. Whenever any account with a bank is determined to have been inactive for a period of twelve or more months, such bank shall notify the person or depositor named on the account of such inactivity through first class mail postage prepaid marked “Address Correction Requested.”.

2. Notwithstanding any provision of law to the contrary, for any account with a bank that has been inactive for twelve months or more, such bank shall issue annual statements to the person or depositor named on the account. A bank may charge a service fee of up to five dollars for any statement issued under this subsection, provided that such fee shall be withdrawn from the inactive account.

3. Whenever any account with a bank is determined to have been inactive for a period of five years, the funds from such account shall be remitted to the abandoned fund account established under section 447.543.

4. For purposes of this section, the word “inactive” means a prescribed period during which there is no activity or contact initiated by the person or depositor named on the account.”; and

Further amend the title and enacting clause accordingly.

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

Senator Hegeman offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 769, Page 6, Section 30.270, Line 164, by inserting after all of said line the following:

“50.660. [1.] All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public

works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one[, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than six thousand dollars]. It is not necessary to obtain bids on any purchase in the amount of [four] **six** thousand [five hundred] dollars or less made from any one person, firm or corporation during any period of ninety days [or, if the county is any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand dollars or less]. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

[2. Notwithstanding the provisions of subsection 1 of this section to the contrary, advertising shall not be required in any county in the case of contracts or purchases involving an expenditure of less than six thousand dollars.]

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
- (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- (3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is [three thousand dollars or] over **six thousand dollars**, the commission shall post notice of the proposed purchase[. Where the estimated expenditure is five thousand dollars or over, The commission shall also] **and** advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is **over** six thousand dollars [or over], the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cunningham moved that **SCS for SB 769**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS for SB 769**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 727**; **SB 695**; **SCS for SBs 632** and **675**; **SS for SB 882**; **SB 681**; **SB 806**; **SCS for SB 787**; **SS for SCS for SB 918**; and **SB 951**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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 **HB 1464**, entitled:

An Act to repeal sections 138.445 and 153.030, RSMo, and to enact in lieu thereof two new sections relating to property taxation of telephone companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1288, 1377 & 2050**, entitled:

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations, with effective date July 1, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rowden assumed the Chair.

REFERRALS

President Pro Tem Richard referred **SCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SB 806** to the Committee on Fiscal Oversight.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 1419, regarding Sam Hrabovsky, Fulton, which was adopted.

INTRODUCTION OF GUESTS

Senator Holsman introduced to the Senate, Don Sutcliffe, Grandview.

Senator Libla introduced to the Senate, Hardy Billington, Tom Rankin, Karmen and Brandon Carson, and their children, Kamille and Keaton, Poplar Bluff; and Tyler Lappe, Cape Girardeau; and Kamille and Keaton were made honorary pages.

Senator Cunningham introduced to the Senate, Tressa Price, Melissa Williams and Deborah Pee, representatives of Agape House, Mountain View.

Senator Romine introduced to the Senate, teachers and students representing the Gifted Association of Missouri.

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Sam L. Page, Ballwin.

Senator Libla introduced to the Senate, Pastor Tom Graham and his wife, Cherie, and fourteen students from Westwood Baptist Academy, Poplar Bluff.

Senator Rowden introduced to the Senate, teachers and students from Rock Bridge High School and Hickman High School gifted programs, Columbia.

Senator Hoskins introduced to the Senate, Darlene Buckstead, Kevin Buckstead, Ryan Cox, Violet Corbett, Dona Phillips Proffitt, Jo Ellen Black, Jim Proffitt, Bill Robinson, Emma Downing, Cameron Lee, Logan Lee, Charlie Ebbesmeyer, Jeanne Ann Pollard and Michael Pollard, representatives of Missouri Farm Bureau.

Senator Emery introduced to the Senate, Sharon Arnold, and Kevin and Mary Fisher, representatives of Bates County Farm Bureau.

Senator Koenig introduced to the Senate, his parents, Paul and Diana Koenig, Ballwin; his aunt and uncle, Mark and Teresa Koenig, St. Charles; and his cousin, Ruth Timmy, Jefferson City.

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

SENATE CALENDAR

THIRTY-SECOND DAY—WEDNESDAY, FEBRUARY 28, 2018

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1021-Dixon and Wallingford	SB 1036-Koenig
SB 1022-Dixon	SB 1037-Wasson
SB 1023-Dixon	SB 1038-Dixon
SRB 1024-Dixon	SB 1039-Hegeman
SB 1025-Dixon	SB 1040-Cunningham
SB 1026-Nasheed, et al	SB 1041-Schaaf
SB 1027-Cierpiot	SB 1042-Onder
SB 1028-Wieland	SB 1043-Cierpiot
SB 1029-Curls	SB 1044-Romine
SB 1030-Curls	SB 1045-Romine
SB 1031-Curls	SB 1046-Crawford
SB 1032-Wallingford	SB 1047-Sater
SB 1033-Riddle	SB 1048-Rowden
SB 1034-Riddle	SJR 35-Cierpiot
SB 1035-Koenig	

HOUSE BILLS ON SECOND READING

HB 1620-Rehder	HB 1421-Pfautsch
HB 1389-Fitzpatrick	HCS for HB 1455
HB 1460-Evans	HCS for HB 1606
HB 1409-Fitzpatrick	HCS for HB 1940
HCS for HB 1685	HB 1291-Henderson
HCS for HB 1690	HB 1858-Christofanelli
HB 1598-Fraker	HB 1630-Evans
HB 1650-Cornejo	HCS for HB 1796
HB 1329-Remole	HCS for HB 1710
HB 1371-Sommer	HB 1608-Kelly (141)

HB 1247-Pike	HB 2044-Taylor
HB 1349-Black	HCS for HB 2034
HB 1355-Phillips	HCS for HB 1300
HB 1375-Ruth	HCS for HB 1572
HB 1481-Wiemann	HB 1887-Bahr
HB 1552-Neely	HCS for HB 1366
HB 1351-Beard	HB 1998-Bondon
HCS for HB 1597	HB 1383-Miller
HB 1660-Swan	HB 1558-Neely
HCS for HB 1663	HB 1809-Tate
HB 1675-Redmon	HCS for HB 1268
HB 1676-Redmon	HB 1464-Berry
HB 1905-Walker (3)	HCS for HBs 1288, 1377 & 2050

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight) | 9. SCS for SBs 632 & 675-Dixon |
| 2. SS for SB 699-Sifton (In Fiscal Oversight) | 10. SS for SB 882-Hoskins |
| 3. SS for SB 597-Riddle (In Fiscal Oversight) | 11. SB 681-Hummel |
| 4. SB 818-Brown (In Fiscal Oversight) | 12. SB 806-Crawford (In Fiscal Oversight) |
| 5. SCS for SB 574-Wallingford | 13. SCS for SB 787-Curls |
| 6. SCS for SB 644-Cunningham | 14. SS for SCS for SB 918-Munzlinger |
| 7. SB 727-Emery | 15. SB 951-Crawford |
| 8. SB 695-Wallingford | |

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|-----------------------------------|
| 1. SB 860-Koenig, with SCS | 11. SB 881-Eigel |
| 2. SB 592-Hegeman, with SCS | 12. SB 840-Rowden |
| 3. SB 774-Munzlinger | 13. SB 660-Riddle |
| 4. SB 752-Schatz, with SCS | 14. SB 892-Walsh, with SCS |
| 5. SB 861-Hegeman, with SCS | 15. SB 757-Schatz |
| 6. SB 596-Riddle, with SCS | 16. SB 909-Dixon |
| 7. SB 849-Kehoe and Schupp, with SCS | 17. SB 871-Romine |
| 8. SBs 617, 611 & 667-Eigel, with SCS | 18. SB 865-Kehoe |
| 9. SB 674-Koenig | 19. SBs 894 & 921-Libla, with SCS |
| 10. SB 767-Hoskins, with SCS | 20. SB 743-Sater |

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| 21. SB 780-Curls | 31. SB 704-Hegeman |
| 22. SB 800-Libla | 32. SB 870-Hegeman |
| 23. SB 796-Koenig | 33. SB 893-Sater, with SCS |
| 24. SB 814-Riddle, with SCS | 34. SB 953-Sater, with SCS |
| 25. SBs 627 & 925-Munzlinger, with SCS | 35. SB 850-Wallingford |
| 26. SB 707-Schatz, with SCS | 36. SB 672-Koenig, with SCS |
| 27. SB 683-Wasson | 37. SB 578-Romine |
| 28. SB 773-Hoskins | 38. SB 666-Onder |
| 29. SB 768-Hoskins | 39. SB 802-Nasheed, with SCS |
| 30. SB 837-Rowden | |

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 546-Munzlinger, with SS#2, SA 1 & SSA 2 for SA 1 (pending) | SB 602-Onder, with SCS |
| SB 547-Munzlinger, with SCS | SB 612-Koenig, with SCS, SS for SCS & SA 2 (pending) |
| SB 550-Wasson, with SCS | SB 663-Schatz, with SCS (pending) |
| SB 552-Dixon, with SS (pending) | SB 705-Riddle |
| SBs 555 & 609-Brown, with SCS | SB 730-Wallingford, with SCS & SA 1 (pending) |
| SB 561-Sater, with SA 1 (pending) | SB 751-Schatz |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) | SB 786-Schupp, with SA 3 (pending) |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending) | SB 793-Wallingford |
| SB 591-Hegeman, with SCS | SB 813-Riddle, with SCS & SA 1 (pending) |
| SB 598-Riddle, with SCS | SB 832-Rowden, with SCS |
| SB 599-Schatz | SB 848-Riddle |
| | SB 907-Kehoe, with SCS |
| | SB 912-Rowden, with SCS & SS#3 for SCS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

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