Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—FRIDAY, MAY 17, 2019

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

"Yet, O Lord, you are Father; we are the clay, and you are our potter; we are all the work of your hand." (Isaiah 64:8)

Creator God, You have created all that exists and have molded and formed us to be Your children. Help us this day to be renewed in mind, body and spirit so that we are ready to face the challenges that certainly will come during this closing day and provide us the strength and ability to do what is helpful. As the final gavel is struck may we know that with Your help we have done what was truly necessary and right this session. 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 Rowden announced photographers from St. Louis Public Radio, St. Louis Post Dispatch and Jefferson City News Tribune were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator O'Laughlin offered Senate Resolution No. 968, regarding Shane M. Bilka, Arnold, 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 adopted the Conference Committee Report on **SS** for **HCS No. 2** for **HB 499**, and has taken up and passed **CCS** for **SS** for **HCS No. 2** for **HB 499**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 399**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 399**.

Emergency clause adopted.

REPORTS OF STANDING COMMITTEES

Senator Rowden, 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 21** and **SS** for **SB 391**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **HCS** for **HB 604**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 21** and **SS** for **SB 391**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

Senator Cunningham requested unanimous consent of the Senate to return **SCS** for **HB 355** as it was inadvertently referred, which request was granted.

HOUSE BILLS ON SECOND READING

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

HB 1006—Government Reform.

HCS for **HB 656**—Local Government and Elections.

SECOND READING OF CONCURRENT RESOLUTIONS

HCR 4—Rules, Joint Rules, Resolutions and Ethics.

BILLS DELIVERED TO THE GOVERNOR

SB 21 and **SS** for **SB 391**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

PRIVILEGED MOTIONS

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 147**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11 as amended, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 147;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 147 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ David Sater	/s/ Jered Taylor
/s/ Doug Libla	/s/ J. Eggleston
/s/ Justin Brown	/s/ Shane Roden
/s/ Jason Holsman	Gretchen Bangert
/s/ Brian Williams	Wes Rogers

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel

Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O'Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			

NAYS—Senators

Arthur	Curls	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, **CCS No. 2** for **HCS** for **SCS** for **SB 147**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147

An Act to repeal sections 32.056, 136.055, 144.070, 300.155, 301.010, 301.020, 301.030, 301.032, 301.067, 301.191, 302.020, 302.170, 302.341, 302.720, 302.768, 304.153, 304.281, and 307.350, RSMo, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O'Laughlin	Onder	Riddle	Romine	Rowden	Sater
Schatz	Wallingford	White	Wieland—25			

NAYS—Senators

Arthur	Curls	May	Nasheed	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 604** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HCS** for **HB 604** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

Senator Wallingford moved that **SCS** for **HB 355** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 355** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Sater moved that the Senate request the House grant further conference on **SB 358**, as amended, which motion prevailed.

Senator Hoskins, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 399** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 399

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 399;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 399 be Third Read and Finally Passed.

FOR THE HOUSE:	FOR THE SENATE:
/s/ Chuck Basye	/s/ Denny Hoskins
/s/ Dave Muntzel	/s/ Bill Eigel
/s/ Becky Ruth	/s/ Bob Onder
/s/ Mark Ellebracht	/s/ Jill Schupp
/s/ Robert Sauls	/s/ Gina Walsh

Senator Hoskins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, **CCS** for **SS** for **SCS** for **HCS** for **HB 399**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 399

An Act to repeal sections 192.007, 208.909, 208.918, 208.924, 208.930, 376.690, 376.1040, 376.1042, and 376.1224, RSMo, and to enact in lieu thereof seventeen new sections relating to healthcare, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Sifton—1

Absent with leave—Senators—None

Vacancies—None

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

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

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

Senator Schatz, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS No. 2** for **HB 499** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 499

The Conference Committee appointed on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499;

2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 499;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute No. 2 for House Bill No. 499 be Third Read and Finally Passed.

FOR THE HOUSE:	FOR THE SENATE:
/s/ Aaron Griesheimer	/s/ Dave Schatz
/s/ Jeff Knight	/s/ Bill Eigel
/s/ Becky Ruth	/s/ Doug Libla
/s/ Maria Chappelle-Nadal	/s/ S. Kiki Curls
/s/ Kevin Windham	/s/ Brian Williams

Senator Schatz moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators

Burlison Eigel—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Schatz, **CCS** for **SS** for **HCS No. 2** for **HB 499**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 499

An Act to repeal sections 136.055, 301.010, 301.067, 302.574, 304.580, 304.585, 304.590, 304.894, and 479.500, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senators

Burlison Eigel—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Libla moved that **SCS** for **SB 89**, with **HA 1**, **HA 2**, **HA 3** and **HA 4**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O'Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

HA 2 was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HA 3 was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator May—1

Absent with leave—Senators—None

Vacancies—None

HA 4 was taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	White	Wieland	Williams—32			

NAYS—Senator Eigel—1

Absent—Senator Walsh—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Libla, **SCS** for **SB 89**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Burlison	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hough	Koenig	Libla	Luetkemeyer
May	Onder	Riddle	Rizzo	Romine	Rowden	Schatz
Schupp	Sifton	Wallingford	Walsh	White	Wieland	Williams—28

NAYS—Senators

Eigel	Hoskins	Nasheed	O'Laughlin—4

Absent—Senators

Bernskoetter	Sater—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Hough assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Emery moved that **HB 113**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Emery, **SS No. 2** for **SCS** for **HB 113** was withdrawn, rendering **SA 1** moot.

Senator Emery offered **SS No. 3** for **SCS** for **HB 113**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 113

An Act to repeal sections 32.056, 190.092, 190.335, 195.140, 210.1014, 217.195, 221.111, 311.660, 311.710, 311.720, 313.004, 313.255, 337.068, 556.061, 558.019, 567.050, 572.010, 572.100, 610.021, and 650.035, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and section 190.462 as truly agreed to and finally passed by senate substitute for senate committee substitute for senate bill no. 291, one hundredth general assembly, first regular session, and to enact in lieu thereof thirty-nine new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Pages 85-86, Section 572.010, Page 85, Lines 23-28, Page 86, Lines 1-3 of said page, by striking said lines and inserting in lieu thereof the following: "or equipment **[**that**]** **not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313 that:**

(a) Contains a random number generator where prize payout percentages are controlled or adjustable;

(b) Is used in any scenario where cash prizes are involved or any prize is converted to cash or monetary credit of any kind related to the use of the gambling device; or

(c) Is used or usable in the playing phases of any gambling"; and

Further amend said bill, page 88, section 572.100, lines 14-15 of said page, by striking "sections 313.800 to 313.840" and inserting in lieu thereof the following: "**chapter 313**".

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

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 9, Section 49.266, Line 40, by inserting after all of said line the following:

"**67.1100. 1. Every city, town, and village in this state is authorized to create a "Text-to-Donate" program within such city, town, or village. Each such city, town, or village that creates such a program shall create a fund within the city, town, or village treasury to receive funds that are specifically designated for the purpose of reducing the number of homeless persons, as defined in subdivision (5) of section 67.1062, in the city, town, or village which created the fund.**

2. Any city, town, or village that creates a text-to-donate fund pursuant to subsection 1 of this section shall provide a telephone number by which a person may donate to the fund by sending a text message to the designated telephone number.

3. Any city, town, or village that has created a text-to-donate fund shall be entrusted with the administration, promotion, donations to, and distribution from the fund. Distributions from such fund shall only be to pay for services which are aimed at reducing the population of homeless persons in that city, town, or village.

4. The general assembly shall make a one-time appropriation to each city, town, or village in a sufficient amount to authorize each city, town, or village to provide initial signage promoting a newly created text-to-donate fund. The signage shall be placed in areas that have a high population of homeless persons. Any further expenditures by a city, town, or village to promote the program within such city, town, or village shall be paid out of the fund created by such city, town, or village."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 12, Section 190.092, Line 24, by striking the word "biannually" and inserting in lieu thereof the following: "**annually**".

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

Senator Emery offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 39, Section 217.850, Line 21, by striking the first occurrence of the word "over" and inserting in lieu thereof the following: "**of**".

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

Senator Rowden offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Bill No. 113, Page 58, Section 313.255, Line 27, by inserting after all of said line the following:

"321.320. 1. Except as otherwise provided in this section, if any property, located within the boundaries of a fire protection district, is included within a city having a population of forty thousand inhabitants or more, which city is not wholly within the fire protection district, and which city maintains a city fire department, the property is excluded from the fire protection district.

2. Notwithstanding any provision of law to the contrary, unless otherwise approved by a majority vote of the governing body of the municipality and a majority vote of the governing body of the fire protection district, or otherwise approved by a majority vote of the qualified voters in the municipality and a majority vote of the qualified voters in the fire protection district, a fire protection district serving an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, including simplified boundary changes, shall, following the annexation:

(1) Continue to provide fire protection services, including emergency medical services to such area;

(2) Levy and collect any tax upon all taxable property included within the annexed area authorized under chapter 321;

(3) Enforce any fire protection and fire prevention ordinances adopted and amended by the fire protection district in such area.

3. All costs associated with placing an annexation on the ballot within a municipality that involves an area that is served by a fire protection district shall be borne by the municipality.

4. The provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any city of the third classification with more than four thousand five hundred but fewer than five thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants;

(2) Any city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants; and

(3) Any city of the third classification with more than eleven thousand five hundred but fewer than thirteen thousand inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.

5. Notwithstanding any other provision of law to the contrary, the residents of an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

6. With regard to any newly annexed territory contained within a fire district boundary, a municipality has no obligation to respond to calls for service within such area."; and

Further amend the title and enacting clause accordingly.

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

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113**, as amended, be adopted, which motion prevailed.

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS No. 3** for **SCS** for **HB 113** to the Committee on Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 203**, entitled:

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 203, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"**82.462. 1. Except as provided in subsection 3 of this section, a person who is not the owner of real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned may enter upon the premises of the real property, without having a right to a mechanics lien pursuant to section 429.010, to do the following:**

(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;

(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:

(a) Secure the real property;

(b) Remove trash or debris from the grounds of the real property;

(c) Landscape, maintain, or mow the grounds of the real property;

(d) Remove or paint over graffiti on the real property.

2. A person who enters upon the premises and conducts the actions permitted in subsection 1 of this section and who makes a good faith determination based upon the inspection that the property is abandoned shall be:

(1) Immune from claims of civil and criminal trespass and all other civil liability therefor, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

(2) Barred from bringing a civil action against the property owner seeking damages as a result of physical injury, unless the property owner's act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

3. In the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter upon the premises of the real property under subsection 1 of this section if entry is barred by an automatic stay issued by a bankruptcy court.

4. As used in this section, "abandoned property" shall mean:

(1) A vacant, unimproved lot zoned residential or commercial for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance; or

(2) With respect to actions taken pursuant to this section by a creditor holding a lien interest in the property, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section and the creditor's debt secured by such lien interest has been continuously delinquent for not less than three months; or

(3) With respect to actions taken pursuant to this section by persons other than creditors, a property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section, and for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance, and for which either:

(a) Ad valorum property taxes are delinquent; or

(b) The property owner has failed to comply with any county or municipal ordinance requiring registration of vacant property, or the county or municipality has determined the structure to be uninhabitable due to deteriorated conditions;

5. This section shall apply only to real property located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, and in any city not within a county."; and

Further amend said bill, Page 1, Section 82.1025, Lines 1 to 11, by removing all of said lines from the bill and inserting in lieu thereof the following:

"82.1025. 1. **[**This Section applies**]** **Sections 82.1025, 82.1027 and 82.1030 apply** to a nuisance located within the boundaries of **[**any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of the first classification with more than

ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in**]** any city not within a county **[**and**] or** in any **home rule** city with at least three hundred fifty thousand inhabitants which is located in more than one county."; and

Further amend said bill and section, Page 4, Line 91, by inserting after all of said line the following:

"**9. Property owners bringing a lawsuit based on the prima facie case standard under subsections 5 and 7 of this section, or seeking attorney fees and expenses under subsection 8 of this section, shall be limited to lawsuits involving property ownership in any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county or any city not within a county and shall otherwise be limited to the general standards for nuisance applying to other political subdivisions under section 1 of this section.**"; and

Further amend said bill, Pages 8 - 10, Section 393.320, Lines 1 - 73, by removing all of said section and lines from the bill; 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 **SB 333**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representative to inform the Senate that the House has taken up and passed **SCS** for **SBs 12** and **123**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 180**.

Bill ordered enrolled.

On motion of Senator Rowden, the Senate recessed until 1:45 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 3** for **SCS** for **HB 113**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Emery moved that **SS No. 3** for **SCS** for **HB 113**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 3 for **SCS** for **HB 113**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Libla—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senator Libla—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

HCS for **HB 169**, with **SCS**, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up by Senator Romine.

SCS for **HCS** for **HB 169**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 169

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up.

Senator Romine moved that **SCS** for **HCS** for **HB 169** be adopted.

Senator Romine offered **SS** for **SCS** for **HCS** for **HB 169**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 169

An Act to repeal sections 160.545, 162.068, 162.203, 162.974, 163.018, 163.031, 167.125, 167.128, 167.171, 167.268, 167.645, 168.133, 168.221, 171.033, 177.086, 178.530, and 210.110, RSMo, and to enact in lieu thereof thirty-three new sections relating to elementary and secondary education, with an emergency clause for a certain section and an effective date for certain sections.

Senator Romine moved that **SS** for **SCS** for **HCS** for **HB 169** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 1, Section A, Line 11 of said page, by inserting immediately after said line the following:

"160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section **[**167.131**]** **167.895**, provided that the charter school is an approved charter school, as defined in section **[**167.131**]** **167.895**, and subject to all other provisions of section **[**167.131**]** **167.895**;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

(5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an

undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **[**and**]**

(3) Charter schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services**; and**

(4) A charter school may also give preference for admission to students who will be eligible for the free and reduced price lunch program in the upcoming school year.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, **except as allowed under subdivision (4) of subsection 2 of this section,** proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other

charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section **[**167.131**]** **167.895**, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter."; and

Further amend said bill, page 24, section 162.068, line 22 of said page, by inserting immediately after said line the following:

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

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

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

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

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

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

(2) Lapse the corporate organization of **all or part of** the unaccredited district and:

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district**, or a subset of schools,** and to have all powers and duties of any other general superintendent of schools in a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

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

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

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

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

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

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

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the **[**special administrative board**] governing board prior to lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, **[**the**] a** special administrative

board, **[**its**]** **any other form of governance appointed under this section, or the** members or employees **of the lapsed district, a special administrative board, or any other form of governance appointed under this section**. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board**[**, its**]** **or any other form of governance appointed under this section and the** members and employees **of the special administrative board or any other form of governance appointed under this section** members and employees.

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

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

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

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

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

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

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

Further amend said bill, Page 26, section 162.974, line 17 of said page, by inserting immediately after said line the following:

"**162.1323. 1. For purposes of this section, "attendance center" means a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education.**

2. (1) If an attendance center receives two or more consecutive annual performance report scores consistent with a classification of unaccredited, the district in which the attendance center is located shall notify the parent or guardian of any student enrolled in the attendance center of the annual performance report scores within fourteen business days.

(2) If the state board of education classifies any district as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district of the loss of accreditation within fourteen business days.

3. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.895 and 167.898, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy-to-understand manner.

4. (1) If the notice concerns an attendance center's annual performance report scores, the district shall post the notice in a conspicuous and accessible place in the attendance center.

(2) If the notice concerns a district's loss of accreditation, the district shall post the notice in a conspicuous and accessible place in each district attendance center.

5. The district shall send any notice described under this section to each municipality located within the boundaries of the district."; and

Further amend said bill, page 38, section 167.128, line 6 of said page, by inserting immediately after said line the following:

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

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. **[**The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district,**]** The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. **[**For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.**]** The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

[3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.**]**

167.132. 1. For purposes of this section, the following terms mean:

(1) "Receiving approved charter school", an approved charter school, as defined under section 167.895, receiving transfer students under section 167.895;

(2) "Receiving district", a school district receiving transfer students under section 167.895;

(3) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under section 167.895;

(4) "State adequacy target", the same meaning given to the term under section 163.011.

2. Notwithstanding any other provision of law, the tuition rate paid by a sending district to the receiving district or the receiving approved charter school for transfer students shall be the lesser of:

(1) The tuition rate set by the receiving district or the receiving approved charter school under the policy adopted in accordance with section 167.895; or

(2) The state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.

167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 **[**and**],** 167.131**, 167.132, and 167.895**.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand

pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."; and

Further amend said bill, page 42, section 167.171, line 24 of said page, by inserting immediately after said line the following:

"167.241. **1. Except as otherwise provided under this section,** transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence**[**; however,**]**.

2. In the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to **[**approved charter schools as defined in section 167.131,**]** school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

3. (1) For purposes of this subsection, "approved charter school" has the same meaning given to the term under section 167.895.

(2) For pupils covered by section 167.895, the district of residence shall be required to provide transportation only to school districts or approved charter schools designated by the department of elementary and secondary education or its designee. For pupils covered by section 167.895, the department of elementary and secondary education or its designee shall designate at least one accredited district or approved charter school to which the district of residence shall provide transportation. If the designated district or charter school reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education or its designee shall designate at least one additional accredited district or approved charter school to which the district of residence shall provide transportation."; and

Further amend said bill, page 52, section 167.645, Line 20 of said page, by inserting after all of said line the following:

"**167.890. 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all students enrolled in districts other than their resident districts as provided under section 167.895 and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.**

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

167.895. 1. For purposes of this section and section 167.898, the following terms mean:

(1) "Approved charter school", a charter school that has existed for less than three years or a charter school with a three-year average score consistent with a classification of accredited without provisions on its annual performance report;

(2) "Attendance center", a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education;

(3) "Available receiving district", a school district able to receive transfer students under this section;

(4) "Receiving district", a school district receiving transfer students under this section;

(5) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under this section.

2. (1) Any student may transfer to another public school in the student's district of residence if such student is enrolled in and has attended, for the full semester immediately prior to requesting the transfer, an attendance center:

(a) That is located within an unaccredited district; and

(b) That has an annual performance report score consistent with a classification of unaccredited.

However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet the admissions requirements in order to attend.

(2) The school board of each unaccredited district shall determine the capacity at each of the district's attendance centers that has an annual performance report score consistent with a classification of accredited. The district's school board shall be responsible for coordinating transfers within the district as allowed under this subsection.

(3) The school board of each unaccredited district shall annually report to the department of elementary and secondary education or its designee the number of available slots in attendance centers within the district that have annual performance report scores consistent with a classification of accredited, the number of students who request to transfer within the district, and the number of such transfer requests that are granted.

3. (1) Any student who is eligible to transfer within his or her district under subsection 2 of this section but who is unable to do so due to a lack of capacity in the attendance centers in his or her district of residence may apply to the department of elementary and secondary education or its designee to transfer to:

(a) An attendance center:

a. That is located within an accredited district that is located in the same or an adjoining county; and

b. That has an annual performance report score consistent with a classification of accredited; or

(b) An approved charter school located in another district in the same or an adjoining county.

(2) A student who is eligible to begin kindergarten or first grade at an attendance center:

(a) That is located within an unaccredited district;

(b) That has an annual performance report score consistent with a classification of unaccredited; and

(c) That offers classes above the second grade level

may apply to the department of elementary and secondary education or its designee for a transfer to a school described under paragraph (a) or (b) of subdivision (1) of this subsection if he or she resides in the attendance area of the attendance center described under this subdivision on March first preceding the school year of first attendance. A student who does not apply by March first for enrollment in any school year after the 2019-20 school year shall be required to enroll and attend the attendance center described under this subdivision for one semester to become eligible.

(3) If a student who is eligible to transfer under this subsection chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets the admissions requirements.

(4) Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer.

(5) Except as provided under subsection 7 of this section, any student who transfers but later withdraws shall lose eligibility to transfer.

(6) The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.

4. (1) No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

(2) No student who is eligible to begin kindergarten or first grade at an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

5. (1) (a) No provisionally accredited district shall be eligible to receive transfer students.

(b) Except as provided under paragraph (c) of this subdivision, no attendance center that has an annual performance report score consistent with a classification of provisionally accredited shall be eligible to receive transfer students.

(c) A transfer student who chooses to attend an attendance center that has an annual performance report score consistent with a classification of provisionally accredited and that is located within his or her unaccredited district of residence shall be allowed to transfer to such attendance center if there is an available slot.

(2) (a) No unaccredited district shall be eligible to receive transfer students.

(b) No attendance center that has an annual performance report score consistent with a classification of unaccredited shall be eligible to receive transfer students.

(3) No district or attendance center that has received two consecutive annual performance reports consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students shall be eligible to receive any transfer students, irrespective of its state board of education classification designation; except that, any student who was granted a transfer to such a district or attendance center prior to the effective date of this section may remain enrolled in that district or attendance center.

6. Notwithstanding the provisions of subsection 5 of this section, a student may transfer to an attendance center:

(1) That is located within an unaccredited or provisionally accredited district; and

(2) That has an annual performance report score consistent with a classification of accredited

if the attendance center applies for and is granted a waiver by the department of elementary and secondary education or its designee to allow the attendance center to accept transfer students.

7. If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses its status as an approved charter school, any students who previously transferred to the district or charter school shall receive the opportunity to remain enrolled in the district or charter school or to transfer to another district or approved charter school without losing their eligibility to transfer.

8. For a receiving district, no acceptance of a transfer student shall require any of the following actions, unless the board of education of the receiving district has approved the action:

(1) The hiring of additional classroom teachers;

(2) The construction of additional classrooms; or

(3) A class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards.

9. (1) By July 15, 2019, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the 2019-20 school year.

(2) By February first annually, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the following school year.

(3) An available receiving district or approved charter school eligible to receive transfer students under this section shall publish the number set under this subsection and shall not be required to accept any transfer students under this section that would cause it to exceed the published number.

10. (1) Each available receiving district shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(2) Each approved charter school eligible to receive transfer students under this section shall adopt a policy establishing a tuition rate for transfer students by February first annually.

(3) A sending district shall pay the receiving district or the approved charter school the amount specified under section 167.132 for each transfer student.

11. A student whose transfer application has been denied by a receiving district shall have the right to appeal the decision of the receiving district to the department of elementary and secondary education. The appeal shall be taken within fifteen days after the decision of the department and may be taken by filing notice of appeal with the department. Such appeal shall be heard as provided in chapter 536.

12. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, or if an attendance center within an unaccredited district improves its annual performance report score from a score that is consistent with a classification of unaccredited to a score that is consistent with a classification of provisionally accredited or accredited, any resident student of the unaccredited district who has transferred to an approved charter school or to an accredited district in the same or an adjoining county, as allowed under subsection 3 of this section, shall be permitted to continue his or her educational program in the receiving district or charter school through the completion of middle school, junior high school, or high school, whichever occurs first; except that, a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.

13. Notwithstanding the provisions of subsection 10 of this section, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the unaccredited district shall remain responsible for paying the excess cost to the receiving district. If the receiving district is a component district of a special school district, the unaccredited district, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation in accordance with this section. The special school district may contract with an unaccredited district, including any metropolitan district, for the provision of transportation of a student with a disability or the unaccredited district may provide transportation on its own.

14. A special school district shall continue to provide special education and related services, with the exception of transportation under this section, to a student with a disability transferring from an attendance center with an annual performance report score consistent with a classification of unaccredited that is within a component district to an attendance center with an annual performance report score consistent with a classification of accredited that is within the same or a different component district within the special school district.

15. If any metropolitan school district is classified as unaccredited, it shall remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county to a metropolitan school district may contract with the metropolitan school district for the reimbursement of special education services under sections 162.705 and 162.710 provided by the special school district for transfer students who are residents of the unaccredited district.

16. Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district shall

not be responsible for providing transportation to a student transferring under this section. An unaccredited district may contract with a receiving district that is not part of a special school district under sections 162.705 and 162.710 for transportation of students with disabilities.

17. If a seven-director school district or urban school district is classified as unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services under sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the unaccredited district.

167.898. 1. (1) By July 15, 2019, and by January first annually, each accredited district, any portion of which is located in the same county as or in an adjoining county to an unaccredited district, shall report to the department of elementary and secondary education or its designee the number of available enrollment slots by grade level.

(2) By July 15, 2019, and by January first annually, each unaccredited district shall report to the department of elementary and secondary education or its designee the number of available enrollment slots in the schools of its district that have received annual performance report scores consistent with a classification of accredited.

(3) By July 15, 2019, and by January first annually, each approved charter school that is eligible to receive transfer students under section 167.895 shall report to the department of elementary and secondary education or its designee the number of available enrollment slots.

2. The department of elementary and secondary education or its designee shall make information and assistance available to parents or guardians who intend to transfer their child to an accredited district or to an approved charter school as described under section 167.895.

3. The parent or guardian of a student who intends to transfer his or her child to an accredited district or to an approved charter school as described under section 167.895 for enrollment in that district or charter school in any school year after the 2019-20 school year shall send initial notification to the department of elementary and secondary education or its designee by March first for enrollment in the subsequent school year.

4. The department of elementary and secondary education or its designee shall assign those students who seek to transfer to an accredited district or to an approved charter school as described under section 167.895. When assigning transfer students to approved charter schools, the department of elementary and secondary education or its designee shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to institute a lottery procedure for determining the admission of resident students. The department of elementary and secondary education or its designee shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who already attends a school with an annual performance report score consistent with a classification of accredited and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, the student shall receive first priority the following school year. The department of elementary and secondary education or its designee shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:

(1) The student's or parent's choice of the receiving school;

(2) The best interests of the student;

(3) The availability of transportation funding, as provided under section 167.241; and

(4) Distance and travel time to a receiving school.

The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school.

5. (1) The department of elementary and secondary education or its designee may deny a transfer to a student who in the most recent school year has been suspended from school two or more times or who has been suspended for an act of school violence under subsection 2 of section 160.261. A student whose transfer is initially precluded under this subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a statement from the student's current school that the student is not disruptive. A student who is denied a transfer under this subsection has the right to an in-person meeting with an employee of the department of elementary and secondary education or its designee.

(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend said bill, page 85, section B, lines 9-16 of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section B. Because of the high number of school days lost due to inclement weather this year and because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, the enactment of sections 167.895 and 167.898 and the repeal and reenactment of section 171.033 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 enactment of sections 167.895 and 167.898 and the repeal and reenactment of section 171.033 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 169, Page 64, Section 168.221, Line 4 of said page, by inserting immediately after said line the following:

"**170.020. 1. (1) The department of elementary and secondary education, through its school counseling section, shall be authorized to establish a voluntary pilot program, beginning in the 2020-21 school year, to provide social and emotional health education in elementary schools in the state. The purpose of the pilot program shall be to determine whether and how to implement an elementary social and emotional health education program statewide.**

(2) The department, through its employees who work in the school counseling section, is authorized to select from among applications submitted by the public elementary schools a minimum of sixteen public elementary schools for participation in the pilot program. The department shall develop an application process for public elementary schools to apply to participate in the pilot program. The local school board for each elementary school selected to be in the pilot program shall agree to implement and fully fund an elementary social and emotional health program in such school and to continue to provide such elementary social and emotional health education program for a period no less than three years. The local school district may employ a social and emotional health teacher or certified school counselor to provide such program for the elementary school.

(3) The department, through its employees who work in the school counseling section, and local school districts shall collaborate to establish the instructional model for each elementary social and emotional health education program. Any such an instructional model shall use the Missouri Comprehensive School Counseling Program; be grade-appropriate; include instruction in an organized classroom, including instruction on how to set and achieve positive goals and how to utilize coping strategies to handle stress; and shall have an increased emphasis on protective factors, such as problem-solving skills, social support, and social connectedness through positive relationships and teamwork.

(4) The department, through its school counseling section, shall provide for a program evaluation regarding the success and impact of the pilot program upon completion of the third year of the pilot program and shall report the results of such evaluation to the relevant house and senate committees on health and mental health and education.

2. The department shall maintain an adequate number of full-time employees trained in social and emotional health education or certified in school counseling and distributed or accessible throughout the state to provide accountability for program delivery of social and emotional health education, to continue to develop and maintain pertinent social and emotional health education instructional models and standards, to assist local school districts on matters related to social and emotional health education, and to coordinate regional and statewide activities supporting K-12 social and emotional health education programming.

3. Nothing in this section shall be construed to require public elementary schools to participate in the pilot program."; and

Further amend the title and enacting clause accordingly.

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

Senator Schupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 8, Section 160.545, Line 21 of said page, by inserting immediately after said line the following:

"161.700. 1. This section shall be known as the "Holocaust Education and Awareness Commission Act".

2. There is hereby created a permanent state commission known as the "Holocaust Education and Awareness Commission". The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term "holocaust" shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered **[**in Nazi concentration camps**]** **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 169, Page 26, Section 163.018, Line 27, by inserting after the word "contract", the following "**for no ore than ten years in the aggregate**".

Senator Schupp moved that the above amendment be adopted.

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

Senator Arthur offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No.169, Page 7, Section 160.545, Lines 12-13, by striking "a public community college" and inserting

in lieu thereof the following: "**an institution of higher education**".

Senator Arthur moved that the above amendment be adopted.

At the request of Senator Romine, **HCS** for **HB 169**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

At the request of Senator White, **HCS** for **HB 160**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 584**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **HB 599**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HB 1029** was placed on the Informal Calendar.

At the request of Senator Sater, **HB 257** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 563** was placed on the Informal Calendar.

HCS for **HB 266**, with **SCS**, entitled:

An Act to amend chapter 185, RSMo, by adding thereto one new section relating to Missouri historical theater designations.

Was taken up by Senator Hoskins.

SCS for **HCS** for **HB 266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 266

An Act to amend chapters 9 and 185, RSMo, by adding thereto two new sections relating to state designations.

Was taken up.

Senator Hoskins moved that **SCS** for **HCS** for **HB 266** be adopted.

Senator Wieland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

"**9.285. September ninth of each year is hereby designated and shall be known as "Diffuse Intrinsic Pontine Glioma Awareness Day" in honor of Adleigh, a young Missourian who lost her battle with this terminal form of childhood cancer. Citizens of this state are encouraged to recognize this day with appropriate events and activities to raise awareness and educate others about this disease.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Riddle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 2, Section 185.070, Line 43 of said page, by inserting after all of said line the following:

"**261.500. 1. The provisions of this section shall be known and may be cited as the "Missouri Solar Pollinator Habitat Act".**

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

(1) "Native perennial vegetation", perennial Missouri wildflowers, shrubs, grasses, or other plants that serve as beneficial habitat, forage, or migratory waystations for pollinators;

(2) "Pollinators", any bees, birds, butterflies, or other animals or insects, including any wild or managed insects, that pollinate flowering plants;

(3) "Solar site", a ground-mounted solar system for generating electricity that is at least one acre in size;

(4) "Vegetation management plan", a written document that includes short-term and long-term site management practices that will provide and maintain native perennial vegetation.

3. The University of Missouri extension service, in consultation with other state and nongovernmental agencies with expertise in pollinators, shall publish a scorecard that sets forth criteria for making a claim that a solar site is pollinator-friendly or provides benefits to pollinators. The scorecard shall be available on the website of the University of Missouri extension service within six months of the effective date of this section.

4. An owner of a solar site may follow practices at the solar site that provide native perennial vegetation and foraging habitat beneficial to pollinators.

5. An owner of a solar site implementing site management practices under this section may claim that the site is pollinator-friendly or provides benefits to pollinators only if the site and the site's vegetation management plan adhere to the criteria set forth in the University of Missouri extension service's scorecard described under subsection 3 of this section.

6. An owner making a claim that a solar site is pollinator-friendly or provides benefits to pollinators shall make the solar site's completed scorecard and vegetation management plan available to the public and provide a copy to the University of Missouri extension service and a nonprofit solar industry trade association of this state.

311.025. 1. To qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, a product shall be a spirit that meets the following conditions:

(1) The product shall be mashed, fermented, distilled, aged, and bottled in Missouri; and

(2) The product shall be aged in oak barrels manufactured in Missouri.

2. Beginning January 1, 2020, to qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, all corn used in the mash must be Missouri-grown corn."; and

Further amend the title and enacting clause accordingly.

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

Senator Schupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

"161.700. 1. This section shall be known as the "Holocaust Education and Awareness Commission Act".

2. There is hereby created a permanent state commission known as the "Holocaust Education and Awareness Commission". The commission shall be housed in the department of elementary and secondary education and shall promote implementation of holocaust education and awareness programs in Missouri in order to encourage understanding of the holocaust and discourage bigotry.

3. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission shall be:

(1) The commissioner of higher education;

(2) The commissioner of elementary and secondary education;

(3) The president of the University of Missouri system; and

(4) Nine members of the public, representative of the diverse religious and ethnic heritage groups populating Missouri.

4. The holocaust education and awareness commission may receive such funds as appropriated from public moneys or contributed to it by private sources. It may sponsor programs or publications to educate the public about the crimes of genocide in an effort to deter indifference to crimes against humanity and human suffering wherever they occur.

5. The term "holocaust" shall be defined as the period from 1933 through 1945 when six million Jews and millions of others were murdered **[**in Nazi concentration camps**]** **by Nazi Germany and its collaborators** as part of a structured, state-sanctioned program of genocide.

6. The commission may employ an executive director and such other persons to carry out its functions."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section A, Line 2, by inserting after all of said line the following:

"**9.117. May twenty-sixth of each year shall be known as "Battle of St. Louis Memorial Day" in the state of Missouri. Citizens of this state are encouraged to participate in appropriate events and**

activities to commemorate the only battle of the American Revolution fought in what would become the state of Missouri."; and

Further amend the title and enacting clause accordingly.

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

Senator Walsh assumed the Chair.

Senator May offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 266, Page 1, Section 9.240, Line 4, by inserting after all of said line the following:

"**9.286. The month of October shall be known and designated as "Eczema Awareness Month". The citizens of this state are encouraged to participate in appropriate activities and events to increase awareness of this chronic, inflammatory skin disease.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Hoskins moved that **SCS** for **HCS** for **HB 266**, as amended, be adopted, which motion prevailed.

On motion of Senator Hoskins, **SCS** for **HCS** for **HB 266**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senators

Burlison	Emery—2

Absent—Senator Romine—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 959**, with **SCS**, entitled:

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

Was taken up by Senator Cierpiot.

SCS for **HCS** for **HB 959**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 959

An Act to repeal section 407.825, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle franchise practices act.

Was taken up.

Senator Cierpiot moved that **SCS** for **HCS** for **HB 959** be adopted.

Senator Cierpiot offered **SS** for **SCS** for **HCS** for **HB 959**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 959

An Act to repeal sections 347.048 and 407.825, RSMo, and to enact in lieu thereof three new sections relating to regulation of certain business organizations.

Senator Cierpiot moved that **SS** for **SCS** for **HCS** for **HB 959** be adopted.

Senator Luetkemeyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 2, Section 347.048, Line 20 of said page, by inserting after all of said line the following:

"351.360. 1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person **and the offices of president, chief executive officer, and chairman of the board of directors may each be held by different persons**.

2. All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or, in the absence of such provision, as may be determined by resolution of the board of directors.

3. Any act required or permitted by any of the provisions of this chapter to be done by the president of the corporation may be done instead by the chairman of the board of directors, if any, of the corporation if the chairman of the board has previously been designated by the board of directors or in the bylaws to be the chief executive officer of the corporation, or to have the powers of the chief executive officer coextensively with the president, and such designation has been filed in writing with the secretary of state and such notice attested to by the secretary of the corporation."; and

Further amend the title and enacting clause accordingly.

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

Senator Cierpiot moved that **SS** for **SCS** for **HCS** for **HB 959**, as amended, be adopted, which motion prevailed.

On motion of Senator Cierpiot, **SS** for **SCS** for **HCS** for **HB 959**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schupp	Sifton	Wallingford	Walsh	White
Williams—29						

NAYS—Senators

Burlison Eigel—2

Absent—Senators

Romine Schatz—2

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 126** and has taken up and passed **SS** for **SCS** for **HB 126**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HCS** for **HB 1088** and has taken up and passed **SS** for **HCS** for **HB 1088**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 4** for **SB 224**, entitled:

An Act to amend supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCR 14**.

Concurrent Resolution enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 182**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 182**.

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 adopted the Conference Committee Report on **SB 17**, and has taken up and passed **CCS** for **SB 17**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 275**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 275, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

"to health care."; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 275, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee **for each standard workweek of up to and including thirty-eight hours worked. For each handicapped worker employed by a sheltered workshop for less than a thirty-eight-hour week or a six-hour day, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee**.

2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:

(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and

(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop's number of hours submitted to the department for the preceding calendar month.

3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

192.385. 1. There is hereby established in the department of health and senior services the "Senior Services Growth and Development Program" to provide additional funding for senior services provided through the area agencies on aging in this state.

2. Beginning January 1, 2020, two and one-half percent, and beginning January 1, 2021, and each year thereafter, five percent of the premium tax collected under sections 148.320 and 148.370, excluding any moneys to be transferred to the state school moneys fund as described in section 148.360, shall be deposited in the fund created in subsection 3 of this section.

3. (1) There is hereby created in the state treasury the "Senior Services Growth and Development Program Fund", which shall consist of moneys collected under this section. The director of the department of revenue shall collect the moneys described in subsection 2 of this section and shall remit such moneys to the state treasurer for deposit in the fund, less one percent for the cost of collection. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of health and senior services for enhancing senior services provided by area agencies on aging in this state.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. This fund is not intended to supplant general revenue provided for senior services.

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

4. The department of health and senior services shall disburse the moneys from the fund to the area agencies on aging in accordance with the funding formula used by the department to disburse other federal and state moneys to the area agencies on aging.

5. At least fifty percent of all moneys distributed under this section shall be applied by area agencies on aging to the development and expansion of senior center programs, facilities, and services.

6. All area agencies on aging shall report, either individually or as an association, annually to the department of health and senior services, the department of insurance, financial institutions and professional registration, and the general assembly on the distribution and use of moneys under this section. The board of directors and the advisory board of each area agency on aging shall be responsible for ensuring the proper use and distribution of such moneys.

7. The department of health and senior services may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void."; and

Further amend said bill, Page 2, Section 332.361, Line 45, by inserting after all of said section and line the following:

"**334.1135. 1. There is hereby established a joint task force to be known as the "Joint Task Force on Radiologic Technologist Licensure".**

2. The task force shall be composed of the following:

(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;

(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;

(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;

(4) A physician appointed by the Missouri State Medical Association;

(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;

(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;

(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;

(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;

(9) A physician appointed by the Missouri Academy of Family Physicians;

(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;

(11) A physician appointed by the Missouri Radiological Society;

(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and

(13) The director of the Missouri state board of nursing, or his or her designee.

3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:

(1) An analysis of the risks associated if radiologic technologists are not licensed;

(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;

(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;

(4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;

(5) Reasonable exemptions to licensure;

(6) Continuing education and training;

(7) Penalty provisions; and

(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.

4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the task force's duties.

5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration."; 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 **SS** for **SCS** for **SJRs 14 & 9**.

Bill ordered enrolled.

President Kehoe assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 547** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 564**, with **SCS**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

Was taken up by Senator Koenig.

SCS for **HCS** for **HB 564**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 564

An Act to repeal sections 214.276, 256.477, 317.015, 324.086, 324.217, 324.262, 324.265, 324.496, 324.523, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.046, 335.066, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.030, 338.055, 338.065, 338.185, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-five new sections relating to professional registration, with penalty provisions.

Was taken up.

Senator Koenig moved that **SCS** for **HCS** for **HB 564** be adopted.

Senator Koenig offered **SS** for **SCS** for **HCS** for **HB 564**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 564

An Act to repeal sections 161.700, 198.082, 209.334, 214.276, 256.477, 313.812, 317.015, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.280, 326.289, 326.310, 327.131, 327.221, 327.312, 327.381, 327.401, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 333.151, 334.414, 334.530, 334.613, 334.616, 334.655, 334.715, 334.920, 335.175, 336.030, 336.110, 337.020, 337.035, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 339.040, 339.100, 339.511, 339.532, 340.228, 340.264, 340.274, 340.300, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and to enact in lieu thereof seventy-eight new sections relating to state administrative agencies, with penalty provisions.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 25, Section 324.012, Line 10, by striking "directly"; and further amend line 13 by striking "specific"; and

Further amend said bill and section, page 29, lines 6-7, by striking "**but in no event more than four months after receiving the petition from the applicant**" and inserting in lieu thereof the following: "**or when the licensing authority establishes a quorum, whichever is sooner**".

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

Senator Riddle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 140, Section 334.920, Line 9 of said page, by inserting after all of said line the following:

"**334.1135. 1. There is hereby established a joint task force to be known as the "Joint Task Force on Radiologic Technologist Licensure".**

2. The task force shall be composed of the following:

(1) Two members of the senate, one of whom shall be appointed by the president pro tempore and one by the minority leader of the senate;

(2) Two members of the house of representatives, one of whom shall be appointed by the speaker and one by the minority leader of the house of representatives;

(3) A clinic administrator, or his or her designee, appointed by the Missouri Association of Rural Health Clinics;

(4) A physician appointed by the Missouri State Medical Association;

(5) A pain management physician appointed by the Missouri Society of Anesthesiologists;

(6) A radiologic technologist appointed by the Missouri Society of Radiologic Technologists;

(7) A nuclear medicine technologist appointed by the Missouri Valley Chapter of the Society of Nuclear Medicine and Molecular Imaging;

(8) An administrator of an ambulatory surgical center appointed by the Missouri Ambulatory Surgical Center Association;

(9) A physician appointed by the Missouri Academy of Family Physicians;

(10) A certified registered nurse anesthetist appointed by the Missouri Association of Nurse Anesthetists;

(11) A physician appointed by the Missouri Radiological Society;

(12) The director of the Missouri state board of registration for the healing arts, or his or her designee; and

(13) The director of the Missouri state board of nursing, or his or her designee.

3. The task force shall review the current status of licensure of radiologic technologists in Missouri and shall develop a plan to address the most appropriate method to protect public safety when radiologic imaging and radiologic procedures are utilized. The plan shall include:

(1) An analysis of the risks associated if radiologic technologists are not licensed;

(2) The creation of a Radiologic Imaging and Radiation Therapy Advisory Commission;

(3) Procedures to address the specific needs of rural health care and the availability of licensed radiologic technologists;

(4) Requirements for licensure of radiographers, radiation therapists, nuclear medicine technologists, nuclear medicine advanced associates, radiologist assistants, and limited x-ray machine operators;

(5) Reasonable exemptions to licensure;

(6) Continuing education and training;

(7) Penalty provisions; and

(8) Other items that the task force deems relevant for the proper determination of licensure of radiologic technologists in Missouri.

4. The task force shall meet within thirty days of its creation and select a chair and vice chair. A

majority of the task force shall constitute a quorum, but the concurrence of a majority of total members shall be required for the determination of any matter within the task force's duties.

5. The task force shall be staffed by legislative personnel as is deemed necessary to assist the task force in the performance of its duties.

6. The members of the task force shall serve without compensation, but may, subject to appropriation, be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. The task force shall submit a full report of its activities, including the plan developed under subsection 3 of this section, to the general assembly on or before January 15, 2020. The task force shall send copies of the report to the director of the division of professional registration."; and

Further amend the title and enacting clause accordingly.

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

Senator Burlison offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 31, Section 324.012, Line 20 of said page, by inserting after all of said line the following:

"**324.025. 1. The provisions of this section shall be known and may be cited as the "Expanded Workforce Access Act of 2019".**

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

(1) "Apprenticeship", a program that meets the federal guidelines set out in 29 C.F.R. Part 29 and 29 U.S.C. Section 50;

(2) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;

(3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession.

3. Beginning January 1, 2020, within the parameters established under the federal Labor Standards For the Registration of Apprenticeship Programs under 29 CFR Part 29 and 29 U.S.C. Section 50, each state licensing authority shall grant a license to any applicant who meets the following criteria:

(1) Successfully completed the eighth grade;

(2) Completed an apprenticeship approved by the division of professional registration or the United States Department of Labor, or otherwise permitted under state or federal law. This apprenticeship may be completed under the supervision of a state-licensed practitioner or at a state-licensed school; and

(3) Passed an examination, if one is deemed to be necessary, by the appropriate licensing authority.

4. (1) The appropriate licensing authority shall establish a passing score for any necessary examinations under the apprenticeship program which shall not exceed any passing scores that are otherwise required for a non-apprenticeship license for the specific profession.

(2) If there is no examination requirement for a non-apprenticeship license, no examination shall be required for applicants who complete an apprenticeship.

(3) The number of working hours required for a competency-based apprenticeship or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational hours otherwise required for a non-apprenticeship license for the specific profession.

5. Any department with oversight over a licensing authority may promulgate all necessary rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. The provisions of this section shall not apply to any occupation set forth in section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945."; and

Further amend the title and enacting clause accordingly.

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

Senator May offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 13, Section 256.477, Line 17 of said page, by inserting immediately after said line the following:

"301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to

the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.

3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. **(1)** Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification card along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term "inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes.

(2) The provisions of this subsection shall not apply in any city not within a county, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, and any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.

10. If a scrap metal operator has knowledge that a motor vehicle or parts thereof described under subsection 9 of this section originated in any of the locations set forth in subdivision (2) of subsection 9 of this section, such operator shall not acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

11. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. 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, 2012, shall be invalid and void."; and

Further amend said bill, page 233, section 346.105, line 18 of said page, by inserting immediately after said line the following:

"**407.296. As used in sections 407.296 to 407.303, the following terms mean:**

(1) "Catalytic converter", a device designed for use in a vehicle for purposes of chemically converting harmful exhaust gases, produced by the internal combustion engine, into harmless carbon dioxide and water vapor;

(2) "Copper property", any insulated copper wire, copper tubing, copper guttering and downspouts, or any item composed completely of copper;

(3) "Copper property peddler", any person who sells or attempts to sell copper property and who is not either a licensed or certified tradesperson or does not hold a business license issued by a city, municipality, or county;

(4) "Ferrous metals", metals which contain iron and are magnetic;

(5) "HVAC component", any air conditioner evaporator coil or condenser used in connection with a residential, commercial, or industrial building;

(6) "Nonferrous metals", metals which do not contain significant amounts of iron and are not magnetic, such as aluminum, brass, lead, zinc, and copper;

(7) "Scrap metal dealer", any entity, including any person, firm, company, partnership, association, or corporation, located in this state who purchases products containing ferrous or nonferrous metals for recycling;

(8) "Vehicle repair shop", any commercial facility engaged in the repair or replacement of car, truck, van, motorcycle, or other motorized mechanical and exhaust components, whether as a primary or ancillary activity.

407.297. 1. No person shall engage in the business of a copper property peddler without first obtaining a license from the municipality or county and complying with the provisions of this section.

2. The municipality or county issuing the license shall determine the license fee. The license shall expire June thirtieth of each year. Each license shall bear a separate number, the name and address of the licensee, and telephone number of the licensee. The license shall be available only to the person in whose name it is issued and shall not be used by any person other than the original licensee. Any licensee who shall permit his or her license to be used by any other person, and any other person who shall use a license granted to another person, shall each be deemed guilty of a violation of this section.

3. Application for a license under this section shall be made in writing to the municipality or county and shall state the name, age, description, and address of the applicant. The application shall include a sworn statement setting forth each and every conviction of the applicant for violations of federal, state, or city laws, statutes, or ordinances. In addition, the applicant shall, at his or her expense, obtain a complete copy of the person's police record as indicated by the records of the city

police department and submit such record as part of the application. No license shall be granted to any person who has been convicted of burglary, robbery, stealing, theft, or possession or receiving stolen goods in the last twenty-four months prior to the date of the application.

4. The municipality or county shall have the power and authority to revoke any license under this section for any willful violation by a copper property peddler provided the licensee has been notified in writing at his or her place of business of the violations complained of and shall have been afforded a reasonable opportunity to having a hearing.

5. The provisions of this section shall not apply to a municipality or county that has enacted an ordinance for the licensing of copper property peddlers prior to August 28, 2019. Such municipality or county shall not be required to alter such ordinance to meet the requirements of this section.

407.298. 1. A scrap metal dealer shall pay for any copper property or HVAC component as follows:

(1) A scrap metal dealer shall not pay cash for copper property or HVAC component unless the seller presents or the scrap metal dealer has on file a valid business license, valid trade license, or trade certificate;

(2) Payment to any seller of copper property or HVAC component who presents a valid copper property peddler's license shall be by check. Checks shall be written to the licensee or certified tradesperson and may be delivered to the seller at the time of the sale;

(3) Payment to any seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or certificate or valid copper peddler's license shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component to the scrap metal dealer; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or a nonprofit or for profit business entity, the check may be payable to such entity. All checks issued to a seller of copper property or HVAC component who does not present or have on file a valid business license, valid trade license, or valid copper peddler's license shall be mailed via the United States mail to the address provided on the driver's license or picture identification provided by the seller;

(4) Checks shall not be converted to cash by a scrap metal dealer or by any related entity.

2. This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

407.299. 1. If a scrap metal dealer has actual knowledge that copper or HVAC component in its possession has been stolen, the dealer shall notify the local police department via 911 and provide any information in its possession relative to the seller or the sale transaction.

2. Following notice from the scrap metal dealer or if the police department has reasonable suspicion that the scrap metal dealer is in possession of stolen property, the police department may

issue to the scrap metal dealer a written notice placing a ten-day hold order on the property.

3. (1) It is unlawful for any person to knowingly present for sale to a scrap metal dealer stolen ferrous or nonferrous metal, including but not limited to, copper property or HVAC components. Any person who knowingly presents for sale stolen ferrous or nonferrous metal shall be guilty of an offense for each item of scrap metal and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.

(2) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or otherwise injure any personal or real property owned by a third party, including any fixtures or improvements, for the purpose of obtaining ferrous or nonferrous metals in any amount. Any person who willfully and maliciously cuts, mutilates, defaces, or otherwise injures any personal or real property owned by a third party for the purpose of obtaining ferrous or nonferrous metal shall be guilty of an offense for each item of scrap metal derived from such actions and shall upon conviction be subject to a fine of not less than five hundred dollars or by imprisonment for a period not to exceed ninety days or both fine and imprisonment.

(3) In addition to the penalties described in this subsection, a copper property peddler's license shall be revoked if he or she knowingly violates sections 407.296 to 407.300.

407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of material**, which includes ferrous and nonferrous metals,** subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:

(1) Copper, brass, or bronze;

(2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

(3) Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in section 350.010; whatever may be the condition or length of such metal;

(4) Catalytic converter; or

(5) Motor vehicle, heavy equipment, or tractor battery.

2. The record required by this section shall contain the following data:

(1) A copy of the driver's license or photo identification issued by the state or by the United States government or agency thereof to the person from whom the material is obtained;

(2) The current address, gender, **race, sex,** birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in subdivision (1) of this subsection;

(3) The date, time, and place of the transaction;

(4) The license plate number of the vehicle used by the seller during the transaction;

(5) A full description of the material, including the weight and purchase price**, any business license**

number or the copper property peddler's license (including the name of the issuing municipality), amount paid, and license plate number of the vehicle delivering the material. The information shall be completed in full without any missing data or information described in this subsection.

3. The records required under this section shall be maintained for a **[**minimum of twenty-four months**]** **period of three years** from when such material is obtained and shall be available for inspection by any law enforcement officer. **All records required under this section shall be photocopied and maintained for three years from the date of the transaction.**

4. Any person selling copper property who holds a valid business license or copper property peddler's license shall present a copy of such license to the scrap metal dealer.

5. A transaction receipt shall be issued and consist of the same information required under subsection 1 of this section and shall include the following statement: "By accepting payment from (insert name of scrap metal dealer), seller represents and warrants that the material documented by this receipt is owned by or was lawfully obtained, and the seller has the legal right to sell the material to (insert name of scrap metal dealer).". If the seller provides any documentation indicating that the person is in lawful possession of the scrap metal, or was otherwise lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such documentation and maintain it with the transaction information otherwise required by this section.

6. A scrap metal dealer, the agent employee, or representative of a scrap metal dealer shall not disclose personal information concerning a customer under this section without the consent of the customer unless the disclosure is made in response to a request from a law enforcement agency. A scrap metal dealer shall implement reasonable safeguards:

(1) To protect the security of the personal information required under subsection 1 of this section; and

(2) To prevent unauthorized access to or disclose of that information.

7. A scrap metal dealer shall not be liable to any customer for a disclosure of personal information if the scrap metal dealer has met the requirements set forth in subsection 5 of this section.

[4.**]** **8.** Anyone convicted of violating this section shall be guilty of a class B misdemeanor.

[5.**]** **9.** This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated material purchased or sold does not exceed fifty dollars, unless the material is a catalytic converter;

(2) Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(3) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

10. Hours of retail operation for scrap metal dealers shall be no earlier than 6:00 a.m. and no later than 7:00 p.m.

11. No scrap metal dealer shall purchase or otherwise receive from a person under the age of eighteen any ferrous or nonferrous metal other than aluminum cans.

12. A scrap metal dealer shall register with or subscribe to the alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Theft Alert system and maintain that registration or subscription.

407.302. 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including bleachers, guardrails, signs, street and traffic lights or signals, **certain cables used in high voltage transmission lines, historical markers,** and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

2. **No person shall knowingly sell or attempt to sell to a scrap metal dealer and no scrap metal dealer shall knowingly and willfully purchase the following:**

(1) New materials, such as those used in construction, or equipment or tools used by contractors unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner;

(2) HVAC components unless accompanied by written authorization from the business or property owner evidencing the seller has the legal right to sell the material;

(3) Catalytic converters unless purchased from a vehicle repair business.

3. Anyone convicted of violating this section shall be guilty of a class B misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator May moved that the above amendment be adopted.

Senator Emery raised the point of order that **SA 4** is out of order in that it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Hegeman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 564, Page 2, Section A, Line 18, by inserting after all of said line the following:

"36.155. 1. An employee may take part in the activities of political parties and political campaigns.

2. An employee may not:

(1) Use the employee's official authority or influence for the purpose of interfering with the results of an election;

(2) Knowingly solicit, accept or receive a political contribution from any person who is a subordinate employee of the employee;

(3) Run for the nomination, or as a candidate for election, to a partisan political office; or

(4) Knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the employing department of such employee or is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by the employing department of such employee.

3. An employee retains the right to vote as the employee chooses and to express the employee's opinion on political subjects and candidates.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, any employee that is not subject to the provisions of subsection 1 of section 36.030 or section 36.031 may run for the nomination, or as a candidate for election, to a county office."; and

Further amend the title and enacting clause accordingly.

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

Senator Hough offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 134, Section 334.655, Line 8 of said page, by inserting after all of said line the following:

"334.702. As used in sections 334.700 to 334.725, unless the context clearly requires otherwise, the following terms mean:

(1) "Athlete", **[**a person who participates in a sanctioned amateur or professional sport or recreational sport activity**]** **any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina**;

(2) "Athletic trainer", a **[**person**]** **health care professional** who meets the qualifications of section 334.708 and who, upon the direction of **[**the team physician and/or**]** **a** consulting physician**[**, practices prevention,**]** **licensed under this chapter, promotes health and wellness, provides injury and illness prevention, clinical evaluation and assessment,** emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes**, and oversees return to performance activity for athletes** in the manner, means, and methods0 deemed necessary to effect care **[**or**],** rehabilitation, **[**or both**]** **or function, and that are congruent with the athletic trainer's education, training, and competence**;

(3) "Athletic training student", a person enrolled in a professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education, or its successor agency;

[(3)**] (4)** "Board", the Missouri board for the healing arts;

[(4)**] (5)** "Committee", the **Missouri** athletic **[**trainers**] trainer** advisory committee;

[(5)**] (6)** "Division", the division of professional registration **within the department of insurance, financial institutions and professional registration**;

[(6) "Student athletic trainer", a person who assists in the duties usually performed by a licensed athletic trainer and who works under the direct supervision of a licensed athletic trainer.**]**

(7) "Physically active individual", any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

334.703. 1. An athletic trainer shall refer any individual whose medical condition is beyond the scope of the athletic trainer's education, training, and competence to a physician as defined in chapter 334.400.

2. Nothing in this section shall be construed as to limit the ability of athletic trainers to provide health care services in accordance with the provisions of this chapter.

334.704. No person shall hold himself or herself out as an athletic trainer **[**in this state**] or to be practicing athletic training, by title or description, including the words athletic trainer (AT), licensed athletic trainer (LAT), athletic therapist, or certified athletic trainer (ATC),** unless such person has been licensed as such under the provisions of sections 334.700 to 334.725.

334.706. 1. The board shall license applicants who meet the qualifications for athletic trainers, who file for licensure, and who pay all fees required for this licensure.

(1) The board may issue a temporary license to any person who is licensed as an athletic trainer in any other state or territory of the United States, who has attested that no professional license issued to him or her has ever been disciplined and who meets any other requirements established by the board.

(2) A temporary license shall be valid for six months from the date of issuance or until a permanent license is issued or denied and shall not be renewed.

(3) A temporary license may be denied pursuant to the cases and procedures set forth in section 334.715.

2. The board shall:

(1) Prescribe application forms to be furnished to all persons seeking licensure pursuant to sections 334.700 to 334.725;

(2) Prescribe the form and design of the licensure to be issued pursuant to sections 334.700 to 334.725;

(3) Set the fee for licensure and renewal thereof;

(4) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and of all athletic trainers licensed in this state;

(5) **[**Annually prepare**]** **Make available** a roster of the names and **business** addresses of all athletic trainers licensed in this state**[**, copies of which shall be made available upon request to any person paying the fee therefor**]**;

(6) **[**Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(7)**]** Appoint members of the Missouri athletic trainer advisory committee**[**;

(8) Adopt an official seal**]**.

3. The board may:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny**[**, suspend, or revoke**]** a license or licensure **or discipline a license**;

(2) Promulgate rules pursuant to chapter 536 in order to carry out the provisions of sections 334.700 to 334.725;

(3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

4. No rule or portion of a rule promulgated under the authority of sections 334.700 to 334.725 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

334.708. **[**1.**]** Any person seeking licensure pursuant to sections 334.700 to 334.725 after August 28, 2006, **[**must be a resident or in the process of establishing residency in this state and**]** **shall** have passed the **[**National Athletic Trainers Association**]** Board of Certification, **Inc.,** or its successor agency, examination.

[2. The board shall grant, without examination, licensure to any qualified nonresident athletic trainer holding a license or licensure in another state if such other state recognizes licenses or licensure of the state of Missouri in the same manner.**]**

334.710. 1. All applications for initial licensure pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by an initial licensure fee. All applications for renewal of licensure issued pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a renewal fee.

2. All fees of any kind and character authorized to be charged by the board shall be **[**paid to the director of revenue and shall be deposited by the state treasurer into the board for the healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer licensure program and for the enforcement of the provisions of sections 334.700 to 334.725**]** **collected and deposited pursuant to section 334.050**.

334.712. 1. Any person who meets the qualifications listed in section 334.708, submits his or her application and fees in accordance with section 334.710, and has not committed any act listed in section 334.715 shall be issued a license pursuant to sections 334.700 to 334.725.

2. Each license issued pursuant to sections 334.700 to 334.725 shall contain the name of the person to

whom it was issued, the date on which it was issued and such other information as the board deems advisable. All licenses issued pursuant to sections 334.700 to 334.725 shall expire on **[**January thirtieth of each year**] a schedule established by rule**."; and

Further amend said bill, Page 135, Section 334.715, Lines 19-21 of said page, by striking all of said lines and inserting in lieu thereof the following: "in the ethical standards of the National Athletic **[**Trainers**] Trainers'** Association or the **[**National Athletic Trainers Association**]** Board of Certification, **Inc.,** or its successor agency, as adopted and"; and further amend line 27 of said page, by inserting after "(3)" the following: "**Has practiced in the state of Missouri while no longer certified as an athletic trainer by the Board of Certification, Inc., or its successor agency; or**

(4)"; and

Further amend said bill and section, Page 137, Line 4 of said page, by inserting after all of said line the following:

"334.717. 1. There is hereby created the "Missouri Athletic Trainer Advisory Committee", to be composed of **[**five**] six** members to be appointed by the board.

2. The athletic trainer advisory committee shall:

(1) Assist the board in conducting **[**examinations**] evaluations** for applicants of athletic trainer licensure;

(2) Advise the board on all matters pertaining to the licensure of athletic trainers;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections **334.100,** 334.700 to 334.725**,** or regulations promulgated pursuant thereto and make recommendations to the board for action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties.

3. **[**Each**] The** athletic trainer advisory committee **[**member**]** shall **be comprised as such**:

(1) **Each member shall** be a citizen of the United States and a resident of the state of Missouri for five years **[**next**] immediately** preceding appointment **and remain a resident of the state of Missouri throughout the term**; and

(2) **[**Be comprised of**]** Three **members shall be** licensed athletic trainers **[**except for initial appointees**]**; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member**; and**

(5) One member shall be a member of the board.

4. **[**Except for the initial appointees,**]** Members shall hold office for terms of six years. **[**The board shall designate one member for a term expiring in 1984, one member for a term expiring in 1985, one member for a term expiring in 1986, one member for a term expiring in 1987, and one member for a term expiring in 1988.**]** In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

(1) Physicians and surgeons licensed by the state board of registration for the healing arts **as defined in this chapter**;

(2) **[**Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;

(3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in section 336.010;

(4)**]** Nurses licensed by the state board of nursing who confine their practice strictly to nursing **as defined in section 335.016**;

[(5)**] (3)** Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in section 331.010;

[(6)**] (4)** Podiatrists licensed by the state board of chiropody or podiatry who confine their practice strictly to that of a podiatrist, as defined in section 330.010;

[(7)**] (5)** Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in section 334.500;

[(8) Coaches and physical education instructors in the performance of their duties;

(9)**] (6)** Athletic training students who confine themselves strictly to their duties as defined in sections 334.700 to 334.725;

[(10)**] (7)** Athletic trainers**, holding a valid credential** from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' **[**stay**] visit, not to exceed thirty days in one calendar year,** in this state.

334.725. Any person who violates any provision of sections 334.700 to 334.725 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a class **[**C**] B** misdemeanor.

334.726. Any new amendments to sections 334.701 to 334.726, shall become effective thirty days after the effective date of such act."; and

Further amend said bill, Page 235, Section 436.230, Line 9 of said page, by inserting after all of said line the following:

"**[**334.719. Any person who is a resident of this state and who was actively engaged as an athletic trainer on September 28, 1983, shall be entitled to continue to practice as such but, within six months of that date, comply with the provisions of section 334.708 to 334.715. For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, a professional athletic organization, or any other bona fide athletic organization for the duration of the institutional year or the athletic organization's season, and one of his job responsibilities requires him to perform the duties of an athletic trainer.**]**"; and

Further amend the title and enacting clause accordingly.

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

Senator Hoskins offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 74, Section 326.289, Line 19 of said page, by inserting after "11." the following: "**Notwithstanding any other provision in this section, the board may obtain the following information regarding peer review from any approved American Institute for Certified Public Accountants peer review program:**

(1) The firm's name and address;

(2) The firm's dates of enrollment in the program;

(3) The date of acceptance and the period covered by the firm's most recently accepted peer review; and

(4) If applicable, whether the firm's enrollment in the program has been dropped or terminated.

12."; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, Page 75, Line 4 of said page, by striking "11" and inserting in lieu thereof the following: "**12**".

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

Senator Wallingford offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 564, Page 31, Section 324.012, Line 20 of said page, by inserting after all of said line the following:

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

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) **"Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

(3) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical

board.

2. Any resident of Missouri **or any nonresident military spouse** who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with **any required application fee and** proof of current licensure in **[**the**] all** other **[**jurisdiction**] jurisdictions**, to the relevant oversight body in this state.

3. The oversight body in this state shall, within **[**six months**] ninety days** of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states **[**in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018**] and should any conflict arise between the provisions of this section and the provisions of any interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. Should a conflict arise between the provisions of this section and any federal law or rule, the provisions of the federal law or rule shall prevail**.

10. For the purposes of this section, nonresident military spouses shall be eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses, including the state board of registration for the healing arts; the state board of nursing; the board of pharmacy; the state committee of psychologists; the Missouri dental board; the Missouri board for architects, professional engineers, professional land surveyors, and professional landscape architects; the state

board of optometry; and the Missouri veterinary medical board."; and

Further amend said bill, Page 235, Section 436.230, Line 9 of said page, by inserting after all of said line the following:

"**[**324.008. 1. As used in this section, "nonresident military spouse" means a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis.

2. Except as provided in subsection 6 of this section and notwithstanding any other provision of law, any agency of this state or board established under state law for the regulation of occupations and professions in this state shall, with respect to such occupation or profession that it regulates, by rule establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty, so that, on a temporary basis, the nonresident military spouse may lawfully practice his or her occupation or profession in this state.

3. Notwithstanding provisions to the contrary, a nonresident military spouse shall receive a temporary courtesy license under subsection 2 of this section if, at the time of application, the nonresident military spouse:

(1) Holds a current license or certificate in another state, district, or territory of the United States with licensure requirements that the appropriate regulatory board or agency determines are equivalent to those established under Missouri law for that occupation or profession;

(2) Was engaged in the active practice of the occupation or profession for which the nonresident military spouse seeks a temporary license or certificate in a state, district, or territory of the United States for at least two of the five years immediately preceding the date of application under this section;

(3) Has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation or profession under Missouri law at the time the act was committed;

(4) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction;

(5) Authorizes the appropriate board or agency to conduct a criminal background check and pay for any costs associated with such background check;

(6) Pays any fees required by the appropriate board or agency for that occupation or profession; and

(7) Complies with other requirements as provided by the board.

4. Relevant full-time experience in the discharge of official duties in the military service or an agency of the federal government shall be credited in the counting of years of practice under subdivision (2) of subsection 3 of this section.

5. A temporary courtesy license or certificate issued under this section is valid for one hundred eighty days and may be extended at the discretion of the applicable regulatory board or agency for another one hundred eighty days on application of the holder of the temporary courtesy license or certificate.

6. This section shall not apply to the practice of law or the regulation of attorneys.

7. The appropriate board or agency shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly 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 August 28, 2011, shall be invalid and void.**]**"; and

Further amend the title and enacting clause accordingly.

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

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564**, as amended, be adopted, which motion prevailed.

Senator Koenig moved that **SS** for **SCS** for **HCS** for **HB 564**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SS** for **SCS** for **HCS** for **HB 564**, as amended, to the Committee on Fiscal Oversight.

HB 563, introduced by Representative Wiemann, entitled:

An Act to repeal sections 215.030 and 260.035, RSMo, and to enact in lieu thereof two new sections relating to employer eligibility in the Missouri State Employees' Retirement System.

Was taken up by Senator Wallingford.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 563, Page 1, In the Title, Line 2 by inserting after "RSMo," the following: "and section 169.560 as enacted by house bill no. 77, one hundredth general assembly, first regular session,"; and further amend line 3 by striking all of said line and inserting in lieu thereof the following: "relating to public employee retirement systems."; and

Further amend said bill and page, Section A, Line 1, by inserting after "RSMo," the following: "and section 169.560 as enacted by house bill no. 77, one hundredth general assembly, first regular session,"; and further amend line 2, by inserting after all of said line the following:

"169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position

or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college.

3. Notwithstanding any other provisions of the law to the contrary, for the 2019 calendar year, the amount to be paid by each community college to the board of trustees of the retirement system for funding purposes of the public education employee retirement system of Missouri shall be adjusted as follows:

(1) No later than August 30, 2019, the board of trustees of the retirement system shall calculate the amount paid by the college pursuant to this section from August 27, 2018, until the effective date of this act and provide the amount calculated to each college; and

(2) The amount to be remitted by each college for the remainder of the 2019 calendar year shall be reduced by the amount stated by the board of trustees of the retirement system.

The adjustment made pursuant to this subsection shall not affect any payments by the colleges to the board of trustees of the retirement system after December 31, 2019, nor shall such adjustments affect payments by the board of trustees of the retirement system to any retiree."; 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 Wallingford, **HB 563**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Brown moved that **SB 282**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 282**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal sections 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof seven new sections relating to the disposition of human remains.

Was taken up.

Senator Brown moved that **HCS** for **SB 282**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Brown, **HCS** for **SB 282**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Nasheed moved that **SCS** for **SB 203**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 203**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 203

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 82.1031, 88.770, and 393.320, RSMo, and to enact in lieu thereof seven new sections relating to property regulations in certain cities and counties.

Was taken up.

Senator Nasheed moved that **HCS** for **SCS** for **SB 203**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Williams—30					

NAYS—Senators

Burlison	Eigel—2

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Nasheed, **HCS** for **SCS** for **SB 203**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	White	Williams—31				

NAYS—Senator Burlison—1

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Luetkemeyer moved that **SS No. 4** for **SB 224**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS No. 4** for **SB 224**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 4 FOR
SENATE BILL NO. 224

An Act to amend supreme court rules 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Was taken up.

Senator Luetkemeyer moved that **HCS** for **SS No. 4** for **SB 224**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	O'Laughlin	Onder	Riddle	Rowden	Sater	Schatz
Wallingford	White—23					

NAYS—Senators

Arthur	Curls	Holsman	May	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Luetkemeyer, **HCS** for **SS No. 4** for **SB 224**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Libla	Luetkemeyer
Nasheed	O'Laughlin	Onder	Riddle	Rowden	Sater	Schatz
Wallingford	White—23					

NAYS—Senators

Arthur	Curls	Holsman	May	Rizzo	Schupp	Sifton
Walsh	Williams—9					

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Sater moved that **SB 275**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Romine—1

Absent with leave—Senator Wieland—1

Vacancies—None

HA 2 was taken up.

Senator Sater moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O'Laughlin	Onder	Riddle	Rizzo	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	White
Williams—29						

NAYS—Senators

Burlison Eigel—2

Absent—Senator

Nasheed Romine—2

Absent with leave—Senator Wieland—1

Vacancies—None

On motion of Senator Sater, **SB 275**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O'Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Williams—30					

NAYS—Senators

Burlison Eigel—2

Absent—Senator Nasheed—1

Absent with leave—Senator Wieland—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

President Pro Tem Schatz assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HB 126**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

President Kehoe assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Eigel moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Eigel, **HCR 18** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Koenig
Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Williams—32			

NAYS—Senators—None

Absent—Senator Hough—1

Absent with leave—Senator Wieland—1

Vacancies—None

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 adopted the Conference Committee Report on **SS** for **SCS** for **SB 230**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **SB 230**.

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 adopted the Conference Committee Report on **SCS** for **SB 83**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 83**.

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 adopted the Conference Committee Report on **HCS** for **SB 202**, as amended, and has taken

up and passed **CCS** for **HCS** for **SB 202**.

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 adopted the Conference Committee Report on **HCS** for **SB 36**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 36**.

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 adopted the Conference Committee Report on **HCS** for **SB 54**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 54**.

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 adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 147**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 147**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 297**.

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 adopted **SS No. 2**, as amended for **SCS** for **HCS** for **HB 604** and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 604**, as amended.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HB 355** and has taken up and passed **SCS** for **HB 355**, as amended.

On motion of Senator Rowden, the Senate recessed until 5:45 p.m.

RECESS

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

CONCURRENT RESOLUTIONS

Senator Curls moved that **HCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator Curls, **HCR 34** was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O'Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Williams—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wieland—1

Vacancies—None

RESOLUTIONS

Senator Bernskoetter offered Senate Resolution No. 969, regarding Margaret Thoenen, which was adopted.

Senator Bernskoetter offered Senate Resolution No. 970, regarding the Fiftieth Anniversary of Wonderland Camp, Rocky Mount, which was adopted.

Senator Hough offered Senate Resolution No. 971, regarding Jerry W. Burch, 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 adopted **SCS**, as amended for **HCS** for **HB 547** and has taken up and passed **SCS** for **HCS** for **HB 547**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HCS** for **HB 266** and has taken up and passed **SCS** for **HCS** for **HB 266**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 959** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 959**, as amended.

On motion of Senator Rowden, the Senate adjourned until 10:00 a.m., Tuesday, May 21, 2019.

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