

The Second Regular Session of the One Hundredth Missouri General Assembly convened yesterday, January 8, 2020, at 12:00 pm, pursuant to the constitution of the state of Missouri.

Interestingly, neither the Speaker of the House Elijah Haahr nor the President Pro Tempore of the Missouri Senate Dave Schatz gave opening addresses. But, based on media reports and caucus press conferences, the Republican majority will address gun violence, criminal justice reform, illegal gambling, and state legislative redistricting in the next few weeks.

At the close of pre-filing of legislation Tuesday (01.07.2020), more than 1,100 bills had been submitted for consideration (a new record), and at the end of the second day of the new legislative session (01.09.2020), 1,269 bills and resolutions have been introduced. Accordingly, bills are now being referred to committees and committee hearings are being posted. As always, I will notify you of hearings on bills of interest as they are scheduled.

Please note that bills impacting our chapter (167.031 RSMO) have not yet been introduced.

Governor Mike Parson will deliver the State of the State address to the joint session of the legislature next Wednesday (01.15.2020) and outline his budget priorities for fiscal year 2021. To date, the Governor and legislative leaders have not agreed on the anticipated revenue available to the state for appropriation known as the “consensus revenue estimate” or CRE. Once that number is determined, the House Budget and Senate Appropriations Committees will adjust existing and proposed program budgets and balance the state budget as required by the constitution.

Please review the tracing report and let me know if you have any questions or concerns.

David

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HB1275 - Changes the laws regarding school reporting requirements to law enforcement

Sponsor: Rep. Sarah Unsicker (D)

Summary: This bill removes the requirement that, when a student is believed to have committed an act, if committed by an adult, would be assault in the third degree or harassment on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal immediately report such incident to the appropriate law enforcement agency and the superintendent. The principal must still report to law enforcement, the superintendent, and the parents of any victim as soon as reasonably practical when a student commits any offense specified in Subsection 2 of Section 160.261, RSMo.

Currently, when a pupil is discovered to have on his or her person, among the pupil's possessions, or placed elsewhere on the school premises any controlled substance or any weapon, the principal is required to report the discovery to the appropriate law enforcement agency immediately. This bill changes the requirement to being reported as soon as reasonably practical. Furthermore, the bill specifies that, any time a teacher becomes aware of such possession, he or she shall report such incident to the principal as soon as reasonably practical.

The bill provides civil immunity for school employees, superintendents, or their designees who provide information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed an act that, if committed by an adult, would be assault in the third degree or assault in the fourth degree.

This bill is similar to HCS HB 1803 (2018) and HB 62 (2019).

Introduced 12/02/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1338 - Establishes a tax deduction for educator expenses

Sponsor: Rep. Ann Kelley (R)

Summary: For all tax years beginning on or after January 1, 2021, this bill authorizes a tax deduction in the amount of 100% of unreimbursed educator expenses incurred by an eligible educator, not to exceed \$500. An eligible educator is defined as an individual who is a K12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

Educator expenses are expenses incurred as a result of the participation by the educator in professional development courses related to the curriculum in which the educator provides instruction, and expenses in connection with books, supplies, computer equipment and other equipment, and supplementary materials used by the eligible educator in the classroom.

This bill is the same as HB 299, HB 364, and SB 61 (2019).

Introduced 12/02/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1575 - Requires children in the City of St. Louis and Kansas City school districts to enroll in a school by the age of five

Sponsor: Rep. Judy Morgan (D)

Summary: Beginning in the 2021-22 school year, this bill requires a parent or guardian in the City of St.

Louis and the Kansas City school districts who chooses to enroll a child in a public, private, parochial, or parish school or full-time equivalent attendance in a combination of schools to do so by the time the child is age five. These provisions do not apply to home-schooled children.

This bill is similar to HB 538 (2019) and HB 1770 (2018).

Introduced 12/03/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1581 - Modifies provisions relating to parental consent for vaccinations

Sponsor: Rep. Keri Ingle (D)

Summary: This bill allows a minor to give consent for vaccinations, without needing a parent to give consent.

This bill is the same as HB 1075 (2019).

Introduced 12/03/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1717 - Requires any legislation originating in the House that adds a new requirement for public schools to include provisions that reduce an existing requirement for public schools

Sponsor: Rep. Herman Morse (R)

Summary: This bill prohibits representatives from requesting, or any legislative employee from drafting, any legislation in the form of an act or joint resolution that expands or creates a new duty, mandate, or requirement, for public schools unless it is accompanied with a provision reducing or eliminating an existing duty, mandate, or requirement for public schools.

Introduced 12/12/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1732 - Modifies provisions relating to elementary and secondary education

Sponsor: Rep. Phil Christofanelli (R)

Summary: This bill requires every superintendent and assistant superintendent to enter into a written employment contract with a school district before beginning employment. The requirements of the contract are described within the bill and only apply to contracts executed on or after the effective date of the bill.

This bill is the same as HCB 7 (2019).

Introduced 12/12/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1733 - Establishes the "Missouri Empowerment Scholarship Accounts Program."

Sponsor: Rep. Phil Christofanelli (R)

Summary: This bill creates the "Missouri Empowerment Scholarship Accounts Program" and specifies that any taxpayer may claim a tax credit, not to exceed 50% of the taxpayer's state tax liability, for any qualifying contribution to an educational assistance organization for all tax years beginning on or after January 1, 2021. The cumulative amount of tax credits issued in any one calendar year shall not exceed \$50 million. Each educational assistance organization shall meet certain requirements and provide specified information during an annual audit.

The State Treasurer shall provide a standardized format for a receipt to be issued by the educational assistance organization to indicate the value of a contribution received as well as a standardized format for educational assistance organizations to report the information. The State Treasurer or State Auditor may conduct an investigation if he or she possesses evidence of fraud committed by the educational assistance organization. The educational assistance organization may be barred from participating in the program if it is found to have intentionally and substantially failed to comply with certain requirements. In addition, the State Treasurer shall issue a report on the Missouri Empowerment Scholarship Accounts program five years after its effective date. Each educational assistance organization shall also annually administer tests to measure learning gains in math and English, and report these results along with graduation rates, college attendance, and a parental survey as specified in the bill. The state treasurer shall provide this data to the public via a state website after the 3rd year of collection.

A qualified student may receive a grant to be deposited in the student's Missouri Empowerment Scholarship Account if he or she is an elementary or secondary student, a resident of Missouri, and has attended a public school as specified in the bill, is entering Kindergarten or first grade, or is attending school for the first time. Missouri Empowerment Scholarship Accounts are renewable on an annual basis. Moneys deposited into the account shall be used for specified services and fees. If a qualified student withdraws from the program, is disqualified from the program, or graduates, the student's account shall be closed and remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students.

Beginning in the 2022-23 school year the bill requires the State Treasurer to conduct or contract for annual audits of empowerment scholarship accounts to ensure compliance. Any person who is found to have knowingly used moneys granted under the provisions of this bill other than the purposes provided, shall be guilty of a class A misdemeanor.

This bill is similar to HB 478 (2019).

Introduced 12/12/2019

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HB1926 - Prohibits public institutions of higher learning from discriminating against a religious student association or denying a religious student association any benefit available to any other student association

Sponsor: Rep. Hannah Kelly (R)

Introduced 01/02/2020

Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: H - Read Second Time

HJR73 - Proposes a constitutional amendment entitling all students to an adequate and equitable education and increasing the percentage of state revenue set aside for public schools

Sponsor: Rep. Judy Morgan (D)

Summary: Upon voter approval, this proposed Constitutional amendment would increase the minimum percentage of state revenue for public school education from 25% to 33% to help ensure adequate and equitable education.

This bill is the same as HJR 26 from (2019).

Introduced 12/03/2019

Date:

Progress: Chamber 1: Filed

Last 01/08/2020

Action: H - Read First Time

HJR82 - Proposes a constitutional amendment to protect the integrity of interscholastic athletic contests

Sponsor: Rep. Robert Ross (R)

Introduced 12/17/2019

Date:

Progress: Chamber 1: Filed

Last 01/08/2020

Action: H - Read First Time

SB581 - Establishes the "Show Me a Brighter Future Scholarship Act"

Sponsor: Sen. Mike Cierpiot (R)

Summary: SB 581 - This act establishes the "Show Me a Brighter Future Scholarship Program".

For all fiscal years beginning on July 1, 2021, any taxpayer who makes a qualifying contribution to the Show Me a Brighter Future Scholarship Fund set forth in the act may claim a tax credit equal to 100% of the total contribution. The amount of the tax credit claimed by an individual taxpayer or a married couple filing jointly shall not exceed 50% of the taxpayer's state tax liability for the year in which the credit is claimed, nor shall a corporate taxpayer claim a tax credit in excess of 50% of such taxpayer's state tax liability for the year.

The State Treasurer shall certify the tax credit amount to the taxpayer. Such credit may be carried forward to any of the taxpayer's three subsequent tax years. No tax credits authorized under the program shall be transferred, sold, or assigned, and are not refundable.

The cumulative amount of tax credits that may be allocated to all taxpayers contributing to the scholarship fund in the first year of the program shall not exceed \$25 million. If the amount of the tax credits claimed in the first tax year exceeds 90% of the tax credits available, the amount of tax credits available shall increase by 10% in the subsequent year. Tax credits shall be allocated by the State Treasurer on a first come, first served basis.

A taxpayer who makes a contribution to the scholarship fund shall not designate the student who will receive a scholarship grant. (Section 135.732)

The State Treasurer shall adopt rules and procedures necessary to implement the provisions of this act, including rules setting forth the order of preference for scholarship awards, reporting requirements, responsibilities of a parent of an eligible student, and responsibilities of an eligible student's district of residence.

Scholarship grants shall be provided to eligible students with a qualified tuition savings account or an Achieving a Better Life Experience (ABLE) account.

Under this act, an eligible student is any student who is a member of a household whose total annual income does not exceed an amount equal to two times the income standard used to qualify for free and reduced price lunch, who has attended a public school in the preceding semester or is starting school in the state for the first time, or who is starting school in Missouri for the first time and is a sibling of a student already enrolled in the program.

The amount of scholarship grants awarded to eligible students shall be equal to the state adequacy target, and the amount of scholarship grants awarded to a special education eligible student shall be in an amount equal to the state adequacy target multiplied by 1.75.

Scholarship funds in a qualified tuition savings account shall only be used for payment of tuition at a qualifying school. Scholarship funds in an ABLE account shall only be used for tuition at a qualifying school, special education services, therapies, and transportation.

The State Treasurer may bar a parent from future participation in the program if the State Treasurer establishes that the parent has intentionally spent scholarship grant funds for a purpose other than that allowed under the act or by rule.

(Section 135.734)

JOSIE BUTLER

Introduced 12/02/2019

Date:

Progress: Chamber 1: Referred to Committee

Last 01/09/2020

Action: S - Referred to Senate Committee on Ways and Means

SB583 - Allows for an income tax deduction for educator expenses

Sponsor: Sen. Lauren Arthur (D)

Summary: SB 583 - For all tax years beginning on or after January 1, 2021, this act establishes a tax deduction in the amount of 100% of unreimbursed educator expenses incurred by an eligible educator, not to exceed \$500.

An eligible educator is defined as an individual who is a kindergarten through grade twelve teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

Educator expenses are defined as expenses incurred as a result of the participation by the educator in professional development courses related to the curriculum in which the educator provides instruction, and expenses in connection with books, supplies, computer equipment and other equipment, and supplementary materials used by the eligible educator in the classroom.

This act is identical to SB 61 (2019) and HCS/HBs 299 & 364 (2019).

JOSH NORBERG

Introduced 12/02/2019
Date:

Progress: Chamber 1: Filed

Last 01/09/2020

Action: S - Read Second Time

SB707 - Establishes the Missouri Empowerment Scholarship Accounts Program

Sponsor: Sen. Andrew Koenig (R)

Summary: SB 707 - This act establishes the Missouri Empowerment Scholarship Accounts Program.

For all fiscal years beginning on or after July 1, 2021, a taxpayer may make a qualifying contribution to an educational assistance organization and claim a tax credit equal to 85% of the amount of the contribution. The amount of the tax credit claimed shall not exceed 50% of the taxpayer's state tax liability for the tax year for which the credit is claimed, and a taxpayer may carry the credit forward to any of the next four tax years. Tax credits authorized under the program may not be transferred, sold, or assigned, and are not refundable.

The annual cumulative amount of tax credits that may be allocated shall not exceed \$50 million. The State Treasurer shall establish a procedure to allocate the tax credits to the educational assistance organizations on a first come, first served basis. (Section 135.713)

An educational assistance organization shall meet certain requirements set forth in the act, including notifying the State Treasurer of its intent to provide scholarship accounts; being a 501(c)(3) organization; providing a receipt to taxpayers for contributions; ensuring that funds are used as specified in the act; distributing scholarship payments four times per year in an amount not to exceed the state adequacy target; carry forward no more than 25% of the revenue from contributions into the following fiscal year; providing the State Treasurer, upon request, with criminal background checks on all employees and board members; annually administer either the state achievement tests or nationally norm-referenced tests and provide such results to the parents of participating students and to the State Treasurer; conduct an annual parental satisfaction survey; and demonstrate financial accountability and viability, as described in the act.

Each educational assistance organization shall publicly report to the State Treasurer, by June first annually, the name and address of the organization, the total number and dollar amount of contributions during the previous calendar year, and the total number and dollar amount of scholarship accounts opened during the previous calendar year. (Section 135.714)

The State Treasurer shall provide standardized forms for program participants, and shall require a taxpayer to provide a copy of such receipt if claiming a tax credit under the program.

The State Treasurer or State Auditor may conduct an investigation of any educational assistance organization if it possesses evidence of fraud. In addition, the State Treasurer may bar an educational assistance organization from participating if the organization has failed to comply with program requirements.

The State Treasurer shall issue a report on the state of the program five years after it goes into effect, including information regarding the finances of the educational assistance organization,

and educational outcomes of qualified students. (Section 135.716)

The provisions of the Missouri Sunset Act shall not apply to the program. (Section 135.719)

A student is eligible to receive funds in a Missouri Empowerment Scholarship Account if he or she is identified as having a disability as set forth in the act, is a child of a parent in active military service, is a ward of the state, or can certify that he or she has been bullied. A high school student may be eligible to receive funds, if he or she is enrolled in a vocational education program at his or her high school or at an area vocational school, or in any job training or educational program offered by a labor organization.

A qualified student shall also have attended a public school under circumstances set forth in the act or be eligible to begin kindergarten. (Section 166.700)

A parent of a qualified student shall only use the money in the account for certain expenses related to the qualified student's education, as described in the act.

The parent of a qualified student shall sign an agreement with an educational assistance organization to enroll the qualified student in a qualified school to receive an education for the student in certain subjects; not enroll the student, other than a student that is in the custody of the state, in a school operated by the qualified student's district of residence or in a charter school; release the district of residence from the obligation of educating the student while the student is enrolled in the program; use the Missouri Empowerment Scholarship Account money for only specified purposes; and not use the funds for consumable education supplies or tuition at a private school located outside of the state.

The scholarship accounts are renewable on an annual basis upon request of the parent of a qualified student. A qualified student shall remain eligible for renewal until the student completes high school. If a qualified student withdraws from the program by enrolling in a school other than a qualified school, or is disqualified from the program for violations specified in the act, the scholarship account shall be closed and any remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students. When a student withdraws from the program, the responsibility for providing an education for that student transfers back to the student's district of residence.

The funds remaining in the scholarship account at the end of a school year shall remain in the account for the following school year. Any funds remaining in the account after graduation shall be returned to the educational assistance organization for redistribution to other qualified students. (Section 166.705)

Beginning in the 2022-2023 school year, the educational assistance organization shall conduct or contract for an annual audit of accounts to ensure compliance. A parent may be disqualified from program participation if the State Treasurer determines that the parent is found to have committed an intentional program violation. The State Treasurer may refer cases of substantial misuse of moneys to the Attorney General. (Section 166.710)

A person commits a Class A misdemeanor if he or she is found to have knowingly used moneys for any purposes other than those set forth in the act. (Section 166.715)

These provisions are substantially similar to SS/SCS/SB 160 (2019), and are similar to HB 34 (2019), HCS/HB 478 (2019), SB 612 (2018), SS#2/SCS/SB 313 (2017) and to provisions contained in SCS/SB 32 (2017), SB 609 (2016), SB 531 (2015), and HCS/HBs 1589 & 2307 (2016).

Introduced 12/02/2019

Date:

Progress: Chamber 1: Filed

Last 01/08/2020

Action: S - Read First Time

SJR50 - Requires students participating in any single-gender event or activity organized by a statewide activity association to participate in the event corresponding to the student's biological sex

Sponsor: Sen. Cindy O'Laughlin (R)

Summary: SJR 50 - This proposed constitutional amendment, if approved by the voters, provides that students participating in any event or activity, that is a single-gender event, organized by any statewide activity association shall be required to participate in the event corresponding to the student's biological sex.

Introduced 12/02/2019

Date:

Progress: Chamber 1: Filed

Last 01/08/2020

Action: S - Read First Time

SJR55 - Provides for parents' exclusive right to control the upbringing of their children

Sponsor: Sen. Bill Eigel (R)

Summary: SJR 55 - This constitutional amendment, if approved by the voters, declares that every parent has a fundamental right to exercise exclusive control over all aspects of their minor children's lives without governmental interference, including, but not limited to, decisions regarding their minor children's custody, upbringing, education, religious instruction, discipline, physical and mental health care, and place of habitation. This fundamental right does not extend to any action by the parent that threatens clear, immediate, and substantial physical injury to their minor child, nor permit a parent to compel a minor child to have an abortion.

This amendment also declares that every parent has a fundamental right to require government entities to obtain the parent's explicit permission before soliciting or sharing information obtained from a minor child about the child or the child's family, unless the information is obtained during a criminal investigation or, if enrolled in public school, the child's knowledge of academic subjects.

This amendment guarantees that every parent shall have the fundamental right to decide what educational settings in which to place their child.

This amendment lists several circumstances in which government interference with parental rights will be justified, including:

- (1) When protecting a child from a clear, immediate, and substantial threat of physical injury;
- (2) When a parent has been found by a court to have knowingly exposed a child to physical neglect, abandonment, reckless endangerment, or sexual or physical abuse;
- (3) When a parent has been found by a court to be incapacitated or mentally incompetent;

(4) When a child has been emancipated by court order in accordance with state statutes;

(5) When a court has assumed jurisdiction over a minor child charged with or convicted of violating a criminal statute; and

(6) When a court of law has assigned parental rights to one parent or a non-biological parent as a result of mental incompetence, adoption, or marital dissolution.

Finally, this amendment permits any parent whose rights have been adversely affected to challenge the constitutionality of the infringing law, policy, or other government act and seek damages and attorney's fees.

This amendment is identical to SJR 38 (2016) and similar to HJR 56 (2014).

Introduced 12/18/2019

Date:

Progress: Chamber 1: Filed

Last 01/08/2020

Action: S - Read First Time