

# Journal of the Senate

FIRST REGULAR SESSION

---

**FIFTIETH DAY—MONDAY, APRIL 13, 2015**

---

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“He covers the heavens with clouds, prepares rain for the earth, and makes grass grow on the hills.” (Psalm 148:8)

Creator God, we receive Your rain with thanksgiving for its waters to the earth and its nourishment to the land, so all we need grows and we are the benefactors of Your gracious gifts to us. We realize that it takes a little sun when the rain ends to create a rainbow and the sign of Your promise and presence is seen so we may be confident in Your love of us and desire for us to be fruitful and helpful to others. 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 for Thursday, April 9, 2015 was read and approved.

Photographers from Rural Missouri were given permission to take pictures in the Senate Chamber.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Emery offered Senate Resolution No. 767, regarding Mayor Keith Divine, which was adopted.

Senator Schupp offered Senate Resolution No. 768, regarding Jackson Frederick George Grumke, Bridgeton, which was adopted.

Senator Schupp offered Senate Resolution No. 769, regarding Jeffrey Stiffman, which was adopted.

Senator Kehoe offered Senate Resolution No. 770, regarding Mallorie Smith, Jefferson City, which was adopted.

Senator Kraus offered Senate Resolution No. 771, regarding Amy Krinke, which was adopted.

Senator Nasheed offered Senate Resolution No. 772, regarding the One Hundredth Birthday of William A. Jackson, St. Louis, which was adopted.

Senator Hegeman offered Senate Resolution No. 773, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ronnie Kerns, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 774, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dennis Rosenbohm, Rock Port, which was adopted.

Senator Hegeman offered Senate Resolution No. 775, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ray Hammett, Trenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 776, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Roger Messner, Graham, which was adopted.

Senator Keaveny offered Senate Resolution No. 777, regarding John Schulte, which was adopted.

Senator Schaefer offered Senate Resolution No. 778, regarding the One Hundredth Birthday of Ralph Shower, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 779, regarding Elizabeth Dyer, Blackwell, which was adopted.

Senator Romine offered Senate Resolution No. 780, regarding Vivian Louise Valley, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 781, regarding Cheryl Ann Belt, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 782, regarding Donna L. McGuffey, Blackwell, which was adopted.

Senator Romine offered Senate Resolution No. 783, regarding Dr. Glenda Milner, Mineral Point, which was adopted.

Senator Romine offered Senate Resolution No. 784, regarding Dr. Gary W. Milner, Mineral Point, which was adopted.

Senator Romine offered Senate Resolution No. 785, regarding Susan Schaefer, Park Hills, which was adopted.

Senator Hegeman offered Senate Resolution No. 786, regarding Lieutenant Colonel Paul Robert Jones, Fairfax, which was adopted.

Senator Schaefer offered Senate Resolution No. 787, regarding the 2014-2015 Class 5 state champions Rock Bridge High School girls basketball program, which was adopted.

Senator Schupp offered Senate Resolution No. 788, regarding Kyla Gersten, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 789, regarding Abigail Miller, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 790, regarding Haley Abramson, Saint Louis, which was adopted.

Senator Sater offered Senate Resolution No. 791, regarding the Showboat Branson Belle, which was adopted.

Senator Sater offered Senate Resolution No. 792, regarding Patricia Henderson, Monett, which was adopted.

Senator Nasheed offered Senate Resolution No. 793, regarding the One Hundredth Birthday of Reverend Joel K. Davis, St. Louis, which was adopted.

Senator Parson offered Senate Resolution No. 794, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Douglas Giles, Richland, which was adopted.

Senator Parson offered Senate Resolution No. 795, regarding the Fiftieth Wedding Anniversary of Dean and Carolyn Jett, Green Ridge, 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 **SS**, as amended, for **HB 384** and has taken up and passed **SS** for **HB 384**, 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 passed **HCS** for **HB 272**, entitled:

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to the higher education academic scholarship program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Dempsey appointed Senator Silvey to replace Senator Kehoe on the conference committee on **SCS** for **HCS** for **HB 4**.

#### **REFERRALS**

President Pro Tem Dempsey referred **SB 155** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **SCR 37** and **HCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### THIRD READING OF SENATE BILLS

**SB 244**, introduced by Senator Schmitt, entitled:

An Act to amend chapter 409, RSMo, by adding thereto seven new sections relating to the financial exploitation of certain elderly and disabled individuals.

Was taken up.

Senator Kraus assumed the Chair.

On motion of Senator Schmitt, **SB 244** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS** for **SB 456**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 456

An Act to repeal sections 301.140, 301.190, and 407.581, RSMo, and to enact in lieu thereof three new sections relating to the ownership of motor vehicles.

Was taken up by Senator Kehoe.

On motion of Senator Kehoe, **SCS** for **SB 456** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf

Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS for SB 445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 445

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to sulfur dioxide ambient air quality monitoring.

Was taken up by Senator Romine.

On motion of Senator Romine, **SCS for SB 445** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson
Wieland—33							

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 524**, introduced by Senator Cunningham, entitled:

An Act to repeal sections 362.111, 369.159, and 370.073, RSMo, and to enact in lieu thereof three new sections relating to contractual fees charged by certain financial institutions.

Was taken up.

On motion of Senator Cunningham, **SB 524** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

### SENATE BILLS FOR PERFECTION

Senator Curls moved that **SB 190**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 190**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 190

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to public mass transportation sales taxes.

Was taken up.

Senator Curls moved that **SCS** for **SB 190** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 190** was declared perfected and ordered printed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 42**, with **SCS**, entitled:

An Act to repeal sections 160.011, 162.081, 162.1250, 163.036, 167.121, 167.131, 167.241, and

177.031, RSMo, and to enact in lieu thereof twenty-five new sections relating to elementary and secondary education, with an emergency clause.

Was taken up by Senator Pearce.

SCS for HCS for **HB 42**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 42

An Act to repeal sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof forty-four new sections relating to elementary and secondary education, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 42** be adopted.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 53, Section 167.642, Line 4, by striking the following: “has not”; and further amend lines 5-6, by striking said lines and inserting in lieu thereof the following: “**is two years or more below grade level as measured by quantifiable student performance data designated by the local district to satisfy the requirements of this section. The term “quantifiable student performance data” shall be as defined in subsection 2 of section 161.096.**”.

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

Senator Dixon assumed the Chair.

Senator Pearce offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 62, Section 167.826, Line 160, by inserting at the end of said line the following: “**For each of the first two full school years that a receiving district or a receiving charter school charges a rate of tuition that is seventy percent or less of the per-pupil cost of maintaining the sending district’s grade level grouping as calculated under subdivision (1) of this subsection and accepts a minimum of twenty-five transfer students under this section, if the aggregate scores for student growth of all transfer students in the receiving district or receiving charter school meet or exceed targets established in the state accountability system, the receiving district or charter school shall earn additional credit in academic achievement on its annual performance report. The department of elementary and secondary education shall promulgate an administrative rule to implement the provisions of this subdivision. 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.”.**

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

Senator Schaaf offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 1, In the Title, Line 3, by inserting immediately after “162.081,” the following: “162.471, 162.481, 162.491,”; and further amend line 4, by inserting immediately after “RSMo,” the following: “and sections 162.025, 162.481 and 162.491 as enacted by senate substitute for senate committee substitute for house committee substitute no. 2 for house bill no. 63, ninety-eighth general assembly, first regular session,”; and further amend said line, by striking “forty-four” and inserting in lieu thereof the following: “forty-eight”; and

Further amend said bill and page, section A, line 2, by inserting immediately after “162.081,” the following: “162.471, 162.481, 162.491,”; and further amend line 3, by inserting immediately after “RSMo,” the following: “and sections 162.025, 162.481 and 162.491 as enacted by senate substitute for senate committee substitute for house committee substitute no. 2 for house bill no. 63, ninety-eighth general assembly, first regular session,”; and further amend said line, by striking “forty-four” and inserting in lieu thereof the following: “forty-eight”; and further amend line 5, by inserting immediately after “160.425,” the following: “160.671,”; and further amend said line, by inserting immediately after “162.081,” the following: “162.471, 162.481, 162.491,”; and

Further amend said bill, page 34, section 160.425, line 78, by inserting immediately after said line the following:

**“160.671. 1. A school board member of any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat may be removed by the voters in a recall election. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.**

**2. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115 and with the secretary of the school board. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:**

**(1) The name of the board member sought to be recalled;**

**(2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall; and**

**(3) The names and business or residential addresses of at least one but not more than five proponents of the recall who are registered voters in the district.**

**3. Within seven days after the filing of the notice of intention, the board member may file with the election authority and the secretary of the school board a statement, not exceeding two hundred words in length, which may include an answer to the statement of the proponents. If a statement is**



filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention. The statement is intended solely to be used for the information of the voters. No insufficiency in form or substance of such statements shall affect the validity of the election proceedings.

4. Before any signature may be affixed to a recall petition, the petition is required to bear all of the following:

(1) A request that an election be called to elect a successor to the board member at the next school board election;

(2) A copy of the notice of intention, including a general statement of the grounds for which removal is sought;

(3) The statement of the board member sought to be recalled, if any exists. If the board member has not filed a statement, the petition shall so state; and

(4) A place for each signer to affix his or her signature, printed name, and residential address, including any address in a city, town, village, or unincorporated community.

5. Each section of the petition, when submitted to the election authority, shall have attached to it an affidavit signed by the person circulating such section of the petition, setting forth all of the following:

(1) The printed name of the affiant;

(2) The residential address of the affiant;

(3) That the affiant circulated that section of the petition and saw the appended signatures be written;

(4) That according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name it purports to be;

(5) That the affiant is a registered voter in the school district; and

(6) The dates between which all of the signatures to the petition were obtained.

6. A recall petition shall be filed with the election authority and secretary of the school board not more than one hundred eighty days after the filing of the notice of intention.

7. The qualified signatures of at least three hundred registered voters shall be required for the submission of a petition.

8. Within thirty days after the date of filing the petition, the election authority shall examine and ascertain whether the petition is signed by the requisite number of voters. The election authority shall file with the petition a certificate showing the results of the examination. The election authority shall give the proponents a copy of the certificate upon their request.

9. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certification by filing additional petition sections containing all of the information required by this section. Within ten days after the supplemental copies are filed, the election authority shall file with them a certificate stating whether or not the petition as supplemented is sufficient.

**10. If the election authority finds the signatures on the petition, together with the supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the sufficiency of the petition to the school board prior to its next meeting. The certificate shall contain the following:**

- (1) The name of the member whose recall is sought;**
- (2) A copy of the petition with at least three hundred signatures;**
- (3) The total number of signatures on the petition; and**
- (4) The number of valid signatures on the petition.**

**11. Following the school board’s receipt of the certificate, the election authority shall order an election to be held on the next election day as specified in section 115.123 but the election shall be held not less than forty-five days from the date the school board receives the petition.**

**12. At any time prior to fifty days before the election, the member sought to be recalled may offer his or her resignation. If his or her resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. At such time, the vacancy shall be filled as provided in section 162.471, except that the member who resigned shall not fill the vacancy.**

**13. If a majority of the voters vote in favor of retaining the member, the member shall remain in office and shall not be subject to another recall election during his or her term of office. If a majority of voters vote to remove the member, his or her successor shall be chosen by the county commission of any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat as provided in section 162.471.**

**14. The provisions of this section shall expire on December 31, 2021.”; and**

Further amend said bill, page 42, section 162.081, line 148, by inserting immediately after said line the following:

“162.471. **1.** The government and control of an urban school district is vested in a board of seven directors. Each director shall be a voter of the district who has resided within this state for one year next preceding his election or appointment and who is at least twenty-four years of age. All directors, except as otherwise provided in section 162.481 and section 162.492, hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board, except as provided in section 162.492 **and in subsection 2 of this section**, shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold his office until the next school board election, when his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

**2. All vacancies occurring in the school board of any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat shall be filled by appointment of the county commission of a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat. If the vacancy occurred because of a recall under section 160.671, the member who was recalled shall not fill the vacancy. The person appointed by the**

**county commission shall hold office until the next school board election, when his or her successor shall be elected for the remainder of the unexpired term.**

162.481. 1. Except as otherwise provided in this section **and in section 162.492**, all elections of school directors in urban **school** districts shall be held biennially at the same times and places as municipal elections.

2. [In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.] Except as otherwise provided in subsections **3, 4, and 5** of this section, hereafter when a seven-director district becomes an urban **school** district, the directors of the prior seven-director district shall continue as directors of the urban **school** district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban **school** district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban **school** district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban **school** district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban **school** district have been elected under this subsection, their successors shall be elected for terms of six years.

[4.] **3.** In any school district in [any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census] **which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

**4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until**

**their successors are duly elected and qualified for all directors elected on and after August 28, 2001.**

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

**6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.**

162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, **except as provided in subsection 4 of this section.**

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

**4. In any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.”; and**

Further amend said bill, page 88, section 2, line 4, by inserting immediately after said line the following:

**“[162.025. No person shall be a candidate for a member or director of the school board in any district in this state if such person has previously been employed by the district as the district’s superintendent.]**

[162.481. 1. Except as otherwise provided in this section **and in section 162.492**, all elections of school directors in urban **school** districts shall be held biennially at the same times and places as municipal elections.

2. [In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The

directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.] Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when a seven-director district becomes an urban **school** district, the directors of the prior seven-director district shall continue as directors of the urban **school** district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban **school** district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban **school** district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

[4.] **3.** In any school district in [any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census] **which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

**4.** For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms

expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

**6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.]**

[162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, **except as provided in subsection 4 of this section.**

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

**4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.]**

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

Senator Holsman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 86, Section 1, Line 34, by inserting immediately after the word “operation” the following: “, **subject to any deeds of trust that secure any financing of improvements to the property**”.

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

Senator Wasson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 49, Section 162.1313, Line 7, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers’ and incidental funds

for a school district as reported to the proper officer of each county pursuant to section 164.011;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011 in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child’s parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target. Beginning on July 1, 2010, current operating expenditures shall be the amount in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target; **provided that, when used to recalculate the state adequacy target as provided in subdivision (18) of this section, any increase in state funding attributable to an individual district shall be limited to two hundred percent of the aggregate percentage increase in state funding for all of the performance districts used in the same recalculation;**

(4) “District’s tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar-value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the City of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the City of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, for school districts not eligible for and those that do not choose the USDA Community Eligibility Option, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations. For eligible school districts that choose the USDA Community Eligibility Option, the free and reduced lunch pupil count shall be the percentage of free and reduced lunch students calculated as eligible on the last Wednesday in January of the most recent school year that included household applications to determine free and reduced lunch count multiplied by the district’s average daily attendance figure;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged



three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080 except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in the calculation outlined in paragraph (a) of this subdivision. When a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to each affected district's local effort, so that each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or

dissolution and otherwise follow the procedures described in this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. “Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011 in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers’ and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092 and as reported on the final annual performance report for that district each year; for calculations to be utilized for payments in fiscal years subsequent to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of all public school districts;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers’ and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program or services plan and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily

attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations as provided in subsection 8 of section 163.031;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.018. 1. Notwithstanding the definition of average daily attendance in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced lunch and attend an early childhood education program that is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education shall be included in the district’s or charter school’s calculation of average daily attendance. The total number of such pupils included in the district’s or charter school’s calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced lunch between the ages of [three] **five** and eighteen who are included in the district’s or charter school’s calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become

applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, **and for any charter school located in said district**, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts **and charter schools**, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by

a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as

provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's

summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

e. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(b) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend

funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

8. Notwithstanding any provision of law to the contrary, **beginning on July 1, 2017**, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. **Beginning on July 1, 2017**, in no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted.

Senator Wasson offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 23, Section 163.031, Line 13, by striking “2017” and inserting in lieu thereof the following: “**2016**”; and further amend line 18 of said amendment by striking “2017” and inserting in lieu thereof the following: “**2016**”.

President Kinder assumed the Chair.

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

**SA 5**, as amended, was again taken up.

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

Senator Sifton offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 38, Section 161.1000, Line 52, by inserting after all of said line the following:

**“161.1005. 1. By July 1, 2016, the department shall employ a dyslexia therapist, licensed psychometrist, licensed speech-language pathologist, certified academic language therapist, or certified training specialist to serve as the department's dyslexia specialist. Such dyslexia specialist shall have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.**



**2. The department shall ensure that the dyslexia specialist has completed training and received certification from a program approved by the legislative task force on dyslexia and is able to provide necessary information and support to school district teachers.**

**3. The dyslexia specialist shall:**

**(1) Be highly trained in dyslexia and related disorders, including best practice interventions and treatment models;**

**(2) Be responsible for the implementation of professional development; and**

**(3) Serve as the primary source of information and support for districts addressing the needs of students with dyslexia and related disorders.**

**4. In addition to other duties assigned under subsection 3 of this section, the dyslexia specialist shall also assist the department with developing and administering professional development programs to be made available to school districts no later than the 2016-17 school year. The programs shall focus on educating teachers regarding the indicators of dyslexia, the science surrounding teaching a student who is dyslexic, and classroom accommodations necessary for a student with dyslexia.”; and**

Further amend said bill, page 85, section 210.861, line 104, by inserting after all of said line the following:

**“633.420. 1. For the purposes of this section, the term “dyslexia” means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Unless required by federal law, nothing in this definition shall require a student with dyslexia to be automatically determined eligible as a student with a disability.**

**2. There is hereby created the “Legislative Task Force on Dyslexia”. The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, general assembly, and relevant state agencies regarding matters concerning individuals with dyslexia including education and other adult and adolescent services.**

**3. The task force shall be comprised of eighteen members consisting of the following:**

**(1) Four members of the general assembly, with two members from the senate to be appointed by the president pro tempore and two members from the house of representatives to be appointed by the speaker of the house of representatives;**

**(2) The commissioner of education, or his or her designee;**

**(3) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;**

**(4) A representative from a state teachers association or the Missouri National Education Association;**

**(5) A representative from the International Dyslexia Association of Missouri;**

**(6) A representative from Decoding Dyslexia of Missouri;**

**(7) A representative from the Missouri Association of Elementary School Principals;**

**(8) A representative from the Missouri Council of Administrators of Special Education;**

**(9) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;**

**(10) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association, or a certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;**

**(11) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;**

**(12) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;**

**(13) One private citizen who has a child who has been diagnosed with dyslexia;**

**(14) One private citizen who has been diagnosed with dyslexia; and**

**(15) A representative of the Missouri State Council of the International Reading Association.**

**4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2015, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.**

**5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia including the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and legislature and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.**

**6. The recommendations and resource materials developed by the task force shall:**

**(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;**

**(2) Recommend an evidence-based reading instruction, with consideration of the National Reading**

**Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;**

**(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;**

**(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;**

**(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and**

**(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and general assembly.**

**7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly for that purpose or from other available funding.**

**8. The task force authorized under this section shall automatically sunset on August 31, 2017, unless reauthorized by an act of the general assembly.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Chappelle-Nadal offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 42, Page 65, Section 167.826, Line 252, by inserting after all of said line the following:

**“(4) When determining transportation arrangements under this subsection, neither the department of elementary and secondary education nor any education authority shall contract with or collaborate with any established regional association or cooperative of school districts located in any city not within a county or any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.”; and**

Further amend said bill, page 68, section 167.827, line 71, by inserting after all of said line the following:

**“6. When performing the requirements of this section or sections 167.830 to 167.845, neither the department of elementary and secondary education nor any education authority shall contract with or collaborate with any established regional association or cooperative of school districts located in any city not within a county or any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.”.**

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

Senator Pearce moved that **SCS** for **HCS** for **HB 42**, as amended, be adopted, which motion prevailed.

Senator Pearce moved that **SCS** for **HCS** for **HB 42**, as amended, be read the 3rd time and was recognized to close.

President Pro Tem Dempsey referred **SCS** for **HCS** for **HB 42**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Dixon, **SB 433** was placed on the Informal Calendar.

Senator Schupp moved that **SB 328**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 328**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 328**

An Act to amend chapter 170, RSMo, by adding thereto two new sections relating to youth suicide awareness and prevention education.

Was taken up.

Senator Schupp moved that **SCS** for **SB 328** be adopted, which motion prevailed.

Senator Schmitt assumed the Chair.

On motion of Senator Schupp, **SCS** for **SB 328** was declared perfected and ordered printed.

### **HOUSE BILLS ON THIRD READING**

**HB 150**, introduced by Representative Fitzpatrick, entitled:

An Act to repeal sections 288.060, 288.122, and 288.330, RSMo, and to enact in lieu thereof three new sections relating to employment security.

Was taken up by Senator Kehoe.

Senator Munzlinger offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend House Bill No. 150, Page 3, Section 288.060, Line 83, by inserting after all of said line the following:

“288.120. 1. On each June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, the balance of an employer’s experience rating account, except an employer participating in a shared work plan under section 288.500, shall determine his contribution rate for the following calendar year as determined by the following table:

Percentage the Employer’s Experience Rating Account is to that Employer’s Average Annual Payroll		
Equals or Exceeds	Less Than	Contribution Rate
- -	-12.0	6.0%
-12.0	-11.0	5.8%

-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%
-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%
3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%

14.5	15.0	0.2%
15.0	--	0.0%

2. Using the same mathematical principles used in constructing the table provided in subsection 1 of this section, the following table has been constructed. The contribution rate for the following calendar year of any employer participating in a shared work plan under section 288.500 during the current calendar year or any calendar year during a prior three-year period shall be determined from the balance in such employer's experience rating account as of the previous June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, from the following table:

Percentage the Employer's Experience Rating  
Account is to that Employer's Average Annual Payroll

Equals or Exceeds	Less Than	Contribution Rate
--	-27.0	9.0%
-27.0	-26.0	8.8%
-26.0	-25.0	8.6%
-25.0	-24.0	8.4%
-24.0	-23.0	8.2%
-23.0	-22.0	8.0%
-22.0	-21.0	7.8%
-21.0	-20.0	7.6%
-20.0	-19.0	7.4%
-19.0	-18.0	7.2%
-18.0	-17.0	7.0%
-17.0	-16.0	6.8%
-16.0	-15.0	6.6%
-15.0	-14.0	6.4%
-14.0	-13.0	6.2%
-13.0	-12.0	6.0%
-12.0	-11.0	5.8%
-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%

-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%
3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	--	0.0%

3. Notwithstanding the provisions of subsection 2 of section 288.090, any employer participating in a shared work plan under section 288.500 who has not had at least twelve calendar months immediately preceding the calculation date throughout which his account could have been charged with benefits shall have a contribution rate equal to the highest contribution rate in the table in subsection 2 of this section, until such time as his account has been chargeable with benefits for the period of time sufficient to enable him to qualify for a computed rate on the same basis as other employers participating in shared work plans.

4. Employers who have been taxed at the maximum rate pursuant to this section for two consecutive years shall have a surcharge of one-quarter percent added to their contribution rate calculated pursuant to this section. In the event that an employer remains at the maximum rate pursuant to this section for a third or subsequent year, an additional surcharge of one-quarter percent shall be annually assessed, but in no case shall the surcharge authorized in this subsection cumulatively exceed one percent. Additionally, if an employer continues to remain at the maximum rate pursuant to this section an additional surcharge of one-half percent shall be assessed. In no case shall the total surcharge assessed to any employer exceed one and one-half percent in any given year.

**5. For a period of sixty days beginning August 28, 2015, an employer who reasonably believes that he or she has been assigned an erroneous experience rating as a result of the purchase of a company that has been discharged from bankruptcy shall have the right to file a timely appeal for recovery of overpayments for the last five years due to such erroneous assignment.”; and**

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted.

Senator Emery offered **SA 1 to SA 1:**

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Bill No. 150, Page 6, Line 3, by striking “August 28, 2015” and inserting in lieu thereof the following: “**with the effective date of this section**”; and further amend said amendment, line 6 by striking the words “that has been discharged from bankruptcy”.

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

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

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

Senator Walsh offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend House Bill No. 150, Page 3, Section 288.060, Line 51, by striking the word “and” as it appears the third time on said line; and further amend line 55, by inserting immediately after “quarter” the following: “; **and**

**(9) The provisions of this subsection shall become effective January 1, 2016”.**

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

Senator Keaveny offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend House Bill No. 150, Page 3, Section 288.060, Lines 53-55, by striking all of said lines and inserting in lieu thereof the following:

**“As used in this subsection, the phrase “Missouri average unemployment rate” means the average of the seasonally adjusted statewide unemployment rates as published by the United States Department**



of Labor, Bureau of Labor Statistics, for the time periods of January first through March thirty-first and July first through September thirtieth. The average of the seasonally adjusted statewide unemployment rates for the time period of January first through March thirty-first shall be effective on and after July first of each year and shall be effective through December thirty-first. The average of the seasonally adjusted statewide unemployment rates for the time period of July first through September thirtieth shall be effective on and after January first of each year and shall be effective through June thirtieth.”.

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

Senator Kehoe offered SA 4:

SENATE AMENDMENT NO. 4

Amend House Bill No. 150, Page 1, Section A, Line 3, by inserting after all of said line the following:

“288.036. 1. “Wages” means all remuneration, payable or paid, for personal services including commissions and bonuses and, except as provided in subdivision (7) of this section, the cash value of all remuneration paid in any medium other than cash. Gratuities, including tips received from persons other than the employing unit, shall be considered wages only if required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Sec. 3306, and shall be, for the purposes of this chapter, treated as having been paid by the employing unit. Severance pay shall be considered as wages to the extent required pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306(b). Vacation pay, **termination pay, severance pay** and holiday pay shall be considered as wages for the week with respect to which it is payable. **The total amount of wages derived from severance pay, if paid to an insured in a lump sum, shall be pro-rated on a weekly basis at the rate of pay received by the insured at the time of termination for the purposes of determining unemployment benefits eligibility.** The term “wages” shall not include:

(1) The amount of any payment made (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual under a plan or system established by an employing unit which makes provision generally for individuals performing services for it or for a class or classes of such individuals, on account of:

(a) Sickness or accident disability, but in case of payments made to an employee or any of the employee’s dependents this paragraph shall exclude from the term wages only payments which are received pursuant to a workers’ compensation law; or

(b) Medical and hospitalization expenses in connection with sickness or accident disability; or

(c) Death;

(2) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employing unit to, or on behalf of, an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;

(3) The amount of any payment made by an employing unit to, or on behalf of, an individual performing services for it or his or her beneficiary:

(a) From or to a trust described in 26 U.S.C. 401(a) which is exempt from tax pursuant to 26 U.S.C. 501(a) at the time of such payment unless such payment is made to an employee of the trust as remuneration

for services rendered as such an employee and not as a beneficiary of the trust; or

(b) Under or to an annuity plan which, at the time of such payments, meets the requirements of Section 404(a)(2) of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 404);

(4) The amount of any payment made by an employing unit (without deduction from the remuneration of the individual in employment) of the tax imposed pursuant to Section 3101 of the Federal Internal Revenue Code (26 U.S.C.A. Sec. 3101) upon an individual with respect to remuneration paid to an employee for domestic service in a private home or for agricultural labor;

(5) Remuneration paid in any medium other than cash to an individual for services not in the course of the employing unit's trade or business;

(6) Remuneration paid in the form of meals provided to an individual in the service of an employing unit where such remuneration is furnished on the employer's premises and at the employer's convenience, except that remuneration in the form of meals that is considered wages and required to be reported as wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Sec. 3306 shall be reported as wages as required thereunder;

(7) For the purpose of determining wages paid for agricultural labor as defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and for domestic service as defined in subsection 13 of section 288.034, only cash wages paid shall be considered;

(8) Beginning on October 1, 1996, any payment to, or on behalf of, an employee or the employee's beneficiary under a cafeteria plan, if such payment would not be treated as wages pursuant to the Federal Unemployment Tax Act.

2. The increases or decreases to the state taxable wage base for the remainder of calendar year 2004 shall be eight thousand dollars, and the state taxable wage base in calendar year 2005, and each calendar year thereafter, shall be determined by the provisions within this subsection. On January 1, 2005, the state taxable wage base for calendar year 2005, 2006, and 2007 shall be eleven thousand dollars. The taxable wage base for calendar year 2008 shall be twelve thousand dollars. The state taxable wage base for each calendar year thereafter shall be determined by the average balance of the unemployment compensation trust fund of the four preceding calendar quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the preceding calendar year), less any outstanding federal Title XII advances received pursuant to section 288.330, less the principal, interest, and administrative expenses related to any credit instrument issued under section 288.030, and less the principal, interest, and administrative expenses related to any financial agreements under subdivision (17) of subsection 2 of section 288.330. When the average balance of the unemployment compensation trust fund of the four preceding quarters (September thirtieth, June thirtieth, March thirty-first, and December thirty-first of the preceding calendar year), as so determined is:

(1) Less than, or equal to, three hundred fifty million dollars, then the wage base shall increase by one thousand dollars; or

(2) Six hundred fifty million or more, then the state taxable wage base for the subsequent calendar year shall be decreased by five hundred dollars. In no event, however, shall the state taxable wage base increase beyond twelve thousand five hundred dollars, or decrease to less than seven thousand dollars. For calendar year 2009, the tax wage base shall be twelve thousand five hundred dollars. For calendar year 2010 and each calendar year thereafter, in no event shall the state taxable wage base increase beyond thirteen thousand

dollars, or decrease to less than seven thousand dollars. For any calendar year, the state taxable wage base shall not be reduced to less than that part of the remuneration which is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation trust fund. Nothing in this section shall be construed to prevent the wage base from increasing or decreasing by increments of five hundred dollars.”; and

Further amend said bill and page, section 288.060, line 14, by inserting an opening bracket “[” immediately before the word “Termination”; and further amend said line by inserting a closing bracket “]” immediately after the word “or”; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Dempsey assumed the Chair.

Senator Sifton offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend House Bill No. 150, Pages 2-3, Section 288.060, Lines 36-55, by striking all of said lines and inserting in lieu thereof the following:

**“5. The duration of benefits payable to any insured worker during any benefit year shall be limited to:**

**(1) Thirty weeks if the Missouri average unemployment rate is six percent or higher;**

**(2) Twenty-five weeks if the Missouri average unemployment rate is under six percent; and**

**(3) Twenty weeks if the Missouri average unemployment rate is less than four and one half percent.**

**As used in this subsection, the phrase “Missouri average unemployment rate” means the average statewide unemployment rate during the three months of the most recent third calendar year quarter.”.**

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

Senator Kehoe moved that **HB 150**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Dempsey referred **HB 150**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

#### REPORTS OF STANDING COMMITTEES

Senator Richard, 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 **SCS for SB 328** and **SCS for SB 190**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2015.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 523**, entitled:

An Act to repeal section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, and to enact in lieu thereof two new sections relating to the operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 637**, entitled:

An Act to repeal section 162.720, RSMo, and section 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and to enact in lieu thereof two new sections relating to gifted education, with a delayed effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 982**, entitled:

An Act to repeal section 262.590, RSMo, and to enact in lieu thereof one new section relating to the duties of a University of Missouri extension council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 336**, entitled:

An Act to repeal sections 115.105 and 115.107, RSMo, and to enact three new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 636 & 645**, entitled:

An Act to amend chapter 409, RSMo, by adding thereto seven new sections relating to the financial exploitation of certain elderly and disabled individuals.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 926**, entitled:

An Act to repeal section 443.719, RSMo, and to enact in lieu thereof one new section relating to mortgage loan originators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **MESSAGES FROM THE GOVERNOR**

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

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
April 10, 2015

TO THE SECRETARY OF THE SENATE  
98th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No.12 entitled:

#### **AN ACT**

To repeal sections 262.900, 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof eight new sections relating to agriculture.

On April 10, 2015, I approved said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No.12.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
April 13, 2015

TO THE SECRETARY OF THE SENATE  
98th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Concurrent Resolution No. 4 establishing September 26th of each year as Mesothelioma Awareness Day in Missouri.

On April 13, 2015, I approved said Senate Concurrent Resolution No. 4.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### **INTRODUCTIONS OF GUESTS**

Senator Hegeman introduced to the Senate, line workers from various municipal, co-operative and investor owned utilities.

Senator Parson introduced to the Senate, Robert Breshears, Hermitage.

Senator Parson introduced to the Senate, Presiding Commissioner Michelle McLerran-Morgan, Benton County.

Senator Pearce introduced to the Senate, Nelson Heil and Bill Boelsen, Carroll County.

On behalf of Senator Kehoe, the President introduced to the Senate, Mallorie Smith; and her mother, Christina.

Senator Schupp introduced to the Senate, Marty Ott, St. Louis.

Senator Cunningham introduced to the Senate, Greg Donnley; and John Turner, Ozark County.

Senator Pearce introduced to the Senate, President Chuck Ambrose and Deborah Curtis, Chief Learning Officer, University Central Missouri.

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

### **SENATE CALENDAR**

---

FIFTY-FIRST DAY—TUESDAY, APRIL 14, 2015

---

### **FORMAL CALENDAR**

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

HB 210-Conway (104)  
HB 511-Mathews  
HCS for HB 712

HCS for HBs 35 & 323  
HB 229-McCaherty  
HCS for HB 380

HB 1022-Gosen  
HB 410-Kelley  
HCS for HB 882  
HCS for HB 319  
HB 254-Crawford  
HCS for HB 1063  
HCS for HB 1019  
HCS for HB 272

HCS for HB 14  
HB 523-Burlison  
HCS for HB 637  
HB 982-Rowden  
HB 336-McGaugh  
HCS for HBs 636 & 645  
HCS for HB 926

THIRD READING OF SENATE BILLS

SCS for SBs 1, 22, 49 & 70-Pearce  
(In Fiscal Oversight)  
SCS for SB 56-Munzlinger  
(In Fiscal Oversight)  
SS for SB 201-Dixon  
(In Fiscal Oversight)

SB 203-Dixon (In Fiscal Oversight)  
SB 155-Nasheed (In Fiscal Oversight)  
SB 389-Silvey and Walsh  
(In Fiscal Oversight)  
SCS for SB 328-Schupp  
SCS for SB 190-Curls

SENATE BILLS FOR PERFECTION

1. SB 540-Libla  
2. SJR 12-Onder, with SCS  
3. SB 365-Schmitt  
4. SB 334-Nasheed  
5. SB 401-Schmitt and Richard  
6. SB 339-Munzlinger  
7. SB 87-Emery, with SCS  
8. SB 53-Schaaf  
9. SB 55-Munzlinger  
10. SB 500-Riddle  
11. SB 469-Munzlinger  
12. SB 400-Onder  
13. SB 416-Wasson  
14. SB 457-Sater  
15. SB 517-Wasson, with SCS  
16. SB 200-Dixon  
17. SB 91-Dixon, with SCS  
18. SB 112-Dixon, with SCS  
19. SB 321-Hegeman, with SCS

20. SB 304-Keaveny, with SCS  
21. SB 141-Parson  
22. SB 352-Schaefer  
23. SB 377-Schatz  
24. SB 305-Onder  
25. SB 369-Pearce  
26. SB 435-Walsh, with SCS  
27. SB 232-Kehoe, with SCS  
28. SB 366-Schmitt  
29. SB 299-Pearce  
30. SB 430-Curls  
31. SB 268-Pearce, with SCS  
32. SB 539-Brown, with SCS  
33. SB 488-Cunningham  
34. SB 69-LeVota, with SCS  
35. SB 561-Wasson  
36. SB 481-Onder, with SCS  
37. SB 567-Chappelle-Nadal, et al  
38. SB 145-Pearce, with SCS

- |                            |                             |
|----------------------------|-----------------------------|
| 39. SB 354-Sater, with SCS | 45. SB 225-Romine, with SCS |
| 40. SB 314-Wallingford     | 46. SB 373-Libla            |
| 41. SB 463-Dixon           | 47. SB 371-Munzlinger       |
| 42. SB 420-Schmitt         | 48. SB 317-Brown            |
| 43. SB 151-Sater           | 49. SB 474-Wallingford      |
| 44. SB 476-Kehoe           |                             |

### HOUSE BILLS ON THIRD READING

HB 92-Miller (Kehoe)

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 37-Romine, with SCS & SA 1 (pending)             | SBs 331 & 21-Libla, with SCS & SS for<br>SCS (pending)         |
| SB 59-Dixon   | SB 358-Kehoe   |
| SB 80-Dixon, with SCS                               | SB 372-Keaveny, with SCS (pending)                             |
| SB 142-Romine, with SCS & SS#2 for SCS<br>(pending) | SB 386-Keaveny, with SS & SA 1 (pending)                       |
| SB 159-Parson                                       | SB 424-Pearce, with SA 1 (pending)                             |
| SB 167-Schaaf, with SCS                             | SB 433-Dixon and Dempsey                                       |
| SB 199-Dixon, et al, with SCS                       | SB 452-Schmitt, et al, with SA 1 & point<br>of order (pending) |
| SB 227-Emery, with SS (pending)                     | SB 475-Dempsey   |
| SB 233-Kehoe, with SCS & SA 2 (pending)             | SJR 7-Richard and Wallingford                                  |
| SB 302-Riddle, with SCS (pending)                   |  |

### HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| SCS for HCS for HB 42 (Pearce)<br>(In Fiscal Oversight) | HB 150-Fitzpatrick (Kehoe)<br>(In Fiscal Oversight) |
|---|---|

### CONSENT CALENDAR

House Bills

Reported 4/9

HB 125-Black (Romine)



BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SCS for SB 11-Richard, with HA 1,  
HA 2, as amended, HA 3, as  
amended, & HA 4

SS#2 for SCS for SB 24-Sater, with HCS,  
as amended

HCS for HB 2, with SCS (Schaefer)

HCS for HB 3, with SCS (Schaefer)

HCS for HB 4, with SCS (Schaefer)

HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS (Schaefer)

HCS for HB 7, with SCS (Schaefer)

HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)

HCS for HB 10, with SCS (Schaefer)

HCS for HB 11, with SCS, as amended  
(Schaefer)

HCS for HB 12, with SS for SCS (Schaefer)

HCS for HB 13, with SCS (Schaefer)

RESOLUTIONS

Reported from Committee

SCR 13-Curls

SCRs 21, 19 & 23-Dixon, et al, with SCS

✓