

SECOND REGULAR SESSION

SENATE BILL NO. 934

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS FOSTER AND CAUTHORN.

Read 1st time January 15, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3398S.021

AN ACT

To repeal sections 163.172 and 313.820, RSMo, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 163.172 and 313.820, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 163.172 and 313.820, to read as follows:

163.172. 1. In school year 1994-95 and thereafter, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in the school year 1996-97, for any full-time teacher with a master's degree and at least ten years teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars.

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average salary data, [and] national average salary data **and a history of the cost to the state for the minimum salary for teachers program.**

3. **As used in this section, the following terms mean:**

(1) "Full-time", a teacher working under school district contract for all school days and hours eligible for attendance of students;

(2) "Master's degree or its equivalent", at a minimum, a bachelor's degree plus at least thirty-two additional hours of course work which results in at least one additional certification;

(3) "Regular school term", a minimum of one hundred seventy-four days and one thousand forty-four hours of pupil attendance possible for students;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(4) "Salary", the salary and minimum salary supplement amounts which appear on the teacher's contract for the regular school term. Such term does not include supplements for extra duties, summer school, career ladder, or extensions of the contract year;

(5) "Teacher", all certificated school district personnel paid pursuant to the school district teacher salary schedule.

4. All school **district employee salary and personnel policy** information shall be public information.

[4. As used in this section, the term "salary" shall be defined as the salary figure which appears on the teacher's contract and as determined by the local school district's basic salary schedule and does not include supplements for extra duties.]

5. The minimum salary for any fully certificated teacher employed on a less than full-time basis by a school district, state school for the severely handicapped, the Missouri School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts provided in subsections 1 and [2] **11** of this section.

[6. Beginning with the 1996-97 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of fulfilling the minimum salary requirements for public school teachers in those districts meeting the qualifications established in subsection 7 of this section. The appropriation shall be sufficient to ensure that all qualifying districts are able to comply with the minimum salary requirements of this section. The department of elementary and secondary education shall determine, prior to each school year, those districts which shall be eligible to receive funds in this subsection during the school year. A qualifying district shall be eligible to receive funds appropriated in this subsection only during the first three years following the district's qualifying for such funds.

7. To qualify to begin receiving funds in subsection 6 of this section, a school district shall meet all of the following criteria:

(1) A portion of the real property of the district shall have been removed from the tax rolls due to the impact of state or federal government action;

(2) The district shall have received no more state aid on a per pupil basis for each of the last three school years, exclusive of categorical funding, than the district received for the 1992-93 school year;

(3) The salaries paid to all teachers in the district for the school year prior to qualification shall be totally compacted at the eighteen thousand dollar per year minimum established in this section;

(4) The district shall have in its employ for the school year prior to qualification one or more teachers with a master's degree and at least ten years' teaching experience in a public

school or a combination of public schools;

(5) The district shall be financially distressed or have a history of deficit spending which, if continued, will cause the district to become financially distressed within three years;

(6) The district had an enrollment of no greater than four hundred pupils for the preceding school year; and

(7) The district shall have levied an operating levy for school purposes of not less than two dollars seventy-five cents per one hundred dollars of assessed valuation for the previous year and shall continue to levy at no less than that rate.

8. For any school year in which a school district receives funds pursuant to subsections 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less than the amount it expended on teacher salaries in the school year immediately prior to the school year in which it first receives such funds.

9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of another school district to such school district during or after the school year immediately prior to the school year in which the annexing district first receives such funds; nor shall any school district annexed to a school district receiving funds pursuant to subsections 6 and 7 of this section also receive funds pursuant to subsection 6 of this section by virtue of such annexation if such annexation occurred during or after the school year immediately prior to the school year in which the annexing school district first receives such funds.]

6. Beginning with the 2002-2003 school year, for districts choosing to participate in the program receiving funds pursuant to subsection 8 of this section, the minimum salary for a full-time teacher shall be at least twenty-six thousand five hundred dollars, the minimum salary for the full-time teacher with at least five years of previous experience shall be at least thirty-one thousand five hundred dollars, the minimum salary for a full-time teacher with at least nineteen years of previous experience or a full-time teacher with at least a master's degree or its equivalent and at least ten years previous experience shall be at least thirty-six thousand five hundred dollars, the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least nineteen years of previous experience shall be at least forty-one thousand five hundred dollars, and the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least twenty-four years of previous experience shall be at least forty-six thousand five hundred dollars.

7. The "Minimum Teacher's Salary Fund" is hereby created in the state treasury to fund the minimum teacher salaries provided for in this section and shall consist of moneys transferred pursuant to section 313.820, RSMo. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund at the end of the

biennium shall not lapse to general revenue.

8. Beginning with the 2002-2003 school year, the general assembly shall make an annual appropriation to the minimum teacher's salary fund established in subsection 7 of this section for the purpose of paying public school teacher minimum salary supplements in those districts meeting the qualifications established in subsection 9 of this section and seeking to receive payments pursuant to this subsection. If the appropriation of the general assembly is insufficient to pay the total cost of all salary supplements, the minimum salary amounts of subsection 6 of this section shall be prorated until the amount appropriated is sufficient to make the payments to all participating school districts.

9. To make application and qualify to begin receiving funds pursuant to subsection 8 of this section, a school district shall meet all of the following criteria:

(1) Levy a tax rate in the current year in incidental and teachers funds totaling no less than the operating levy for school purposes for the 2000-2001 school year after all reductions and rollbacks, excluding reductions to the district tax rate ceiling as required by article X, section 22 of the Missouri Constitution;

(2) Make no increase in any voluntary tax rate rollback for operations compared to the 2001 property tax year;

(3) Make no transfer of revenue or balance from either incidental or teachers funds to either debt service or capital projects funds in excess of statutory authority;

(4) Employ all teachers in accordance with district policy with at least one teacher paid according to the district's salary schedule at less than the minimum salary as specified in subsection 6 of this section;

(5) Make no reduction in any salary amount in the district's teacher salary schedule compared to the district's 2001-2002 teacher salary schedule unless the district is financially stressed as identified by the department of elementary and secondary education;

(6) Beginning with school year 2002-2003, determine the salary of any teacher who is a new employee to a school district by placement on the district's salary schedule using all of the teacher's previous years of public school teaching experience; and

(7) Beginning with school year 2002-2003, for any school district which is not financially stressed, pay each returning teacher a salary for the regular school term which is no less than the salary paid that teacher during the previous school term on a full-time employee equivalent basis.

10. Reductions or penalties to state aid payments to school districts pursuant to subsection 8 of this section paying minimum salary supplements to teachers shall

occur under the following conditions:

(1) Annually the amount by which total supplemental assignment and extra duty salaries, not including career ladder supplements, paid teachers by a district exceed eight and one-half percent of total salaries for the regular school term plus minimum salary supplements shall be subtracted from state payments made the following year pursuant to subsection 8 of this section;

(2) The amount of end-of-year fund balance in incidental and teachers funds combined in excess of the greater of fifteen percent of expenditures in these funds or the 2000-2001 end-of-year fund balance in these funds shall be subtracted the following year from state payments paid pursuant to subsection 8 of this section and if necessary from state aid paid pursuant to section 163.031.

11. Future increases in minimum salaries established pursuant to subsection 6 of this section for teachers shall be contingent upon decreases in total state payments to all districts made pursuant to subsection 8 of this section. The second fiscal year following a fiscal year in which state cost of funding the minimum salary program pursuant to subsection 8 of this section is eighty-five percent or less of the full funding cost for the first school year of the state funding of minimum salaries for teachers pursuant to subsection 8 of this section, the value of each level of minimum salary provided in subsection 6 of this section shall be increased by one thousand dollars.

12. Expenditures related to state minimum salary revenue received by a district shall not be used to determine compliance with any other provisions of law including compliance with section 165.016, RSMo.

13. The state board of education shall issue rules and regulations as necessary for the efficient and effective implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

14. State minimum salary supplements paid pursuant to subsection 8 of this section may be funded from transfers pursuant to section 313.820, RSMo, to the excellence in education fund created pursuant to section 160.268, RSMo.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of

[two] **three** dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, **one dollar shall be deposited to the credit of minimum teacher's salary fund created pursuant to section 163.172, RSMo**, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.