

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY— TUESDAY, APRIL 12, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be you therefore merciful, as your Father also is merciful.”
(Luke 6:36)

Gracious God, we know that many times we are more quick to judge than we are to forgive and You have taught us that this is the opposite of mercy; so we pray that our hearts may be warmed by Your love and our lives may reflect this love in our dealings with one another and those who seek much from us. And we pray for the Spirit-given graces that include our actions to express mercy, be slow in judgment and have a readiness to forgive. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senators Champion and Klindt offered Senate Resolution No. 1022, regarding Melissa Barnett, Maryville, which was adopted.

Senators Champion and Loudon offered Senate Resolution No. 1023, regarding Ashley Margason, Ballwin, which was adopted.

Senators Champion and Griesheimer offered Senate Resolution No. 1024, regarding Kayla Birke, Washington, which was adopted.

Senators Champion and Dolan offered Senate Resolution No. 1025, regarding Desirae Lewis, Moscow Mills, which was adopted.

Senators Champion and Scott offered Senate

Resolution No. 1026, regarding Erika Hixon, Warsaw, which was adopted.

Senators Champion and Purgason offered Senate Resolution No. 1027, regarding Joni Dixon, Hartville, which was adopted.

Senators Champion and Nodler offered Senate Resolution No. 1028, regarding Brittani Lindsey, Neosho, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1029, regarding Jessica Tollison, Union, which was adopted.

Senator Bartle offered Senate Resolution No. 1030, regarding Barbara Kates, Oak Grove, which was adopted.

Senator Loudon offered Senate Resolution No. 1031, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Drury, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, gasoline, one of the main products refined from crude oil, accounts for approximately 17% of the energy consumed in the United States; and

WHEREAS, the cost to produce and deliver gasoline to consumers includes the cost of crude oil to refiners, refinery processing costs, marketing and distribution costs, and finally the retail station costs and taxes. The prices paid by consumers at the pump reflect these costs, as well as the profits of refiners, marketers, distributors, and retail station owners; and

WHEREAS, in 2003, the price of crude oil averaged \$28.50 per barrel, and crude oil accounted for about 44% of the cost of a gallon of regular grade gasoline. In 2005, the price of a barrel of crude oil soared to an all-time high of more than \$58 per barrel, resulting in the average price of gasoline rising to more than \$2 per gallon. Gasoline prices are predicted to exceed \$2.50 per gallon in the peak summer months and may reach an incredible \$3 per gallon; and

WHEREAS, while federal, state, and local taxes account for approximately 27% of the cost of a gallon of gasoline, refining costs and profits comprise about 15% of the retail price of gasoline, and distribution, marketing, and retail dealer costs

and profits combined make up 14% of the cost of a gallon of gasoline, the primary component driving up the cost of gasoline prices in 2005 is the unprecedented price of crude oil; and

WHEREAS, events in the crude oil market have been a major factor in all of the recent rises in gasoline prices, including OPEC crude oil production cuts and turmoil in key oil producing countries; and

WHEREAS, in addition to the steep rise in crude oil prices, problems with petroleum infrastructure in the United States, such as refineries and pipelines, have contributed to the recent increased cost of gasoline. Refineries in the United States are operating at maximum capacity and are experiencing difficulty in keeping up with the demand for gasoline in this country; and

WHEREAS, in addition, some areas of the United States are required to use special oxygenated, reformulated, and low-volatility gasolines due to environmental programs aimed at reducing carbon monoxide, smog, and air toxins. Other environmental programs restrict the transportation and storage of gasoline; and

WHEREAS, with a number of states passing legislation to restrict the use of the gasoline additive MTBE, large changes to gasoline production and distribution are required; and

WHEREAS, with the recent unprecedented rise in crude oil prices and the problems with the petroleum infrastructure in the United States, it is imperative that the United States explore a number of avenues to reduce our nation's demand on foreign oil and increase the supply of gasoline in this country:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to investigate the recent sharp rise in gasoline prices in the United States and explore ways to reduce the price of gasoline, including utilization of alternate fuels; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

REPORTS OF STANDING COMMITTEES

Senator Shields, 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 **SS** for **SB 362**; and **SS** for **SCS** for **SBs 74** and **49**, 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.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 361** and **HB 684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 688**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 630**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 567**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 486**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 362**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Gibbons referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Scott requested unanimous consent of

the Senate to correct the report from the Committee on Financial and Governmental Organizations and Elections made April 11, 2005, by submitting the correct Senate Committee Substitute for **HB 678**, which request was granted.

SENATE BILLS FOR PERFECTION

SB 434 was placed on the Informal Calendar.

SB 55, with **SCS**, was placed on the Informal Calendar.

SB 236 was placed on the Informal Calendar.

SB 93, with **SCS**, was placed on the Informal Calendar.

SB 240 was placed on the Informal Calendar.

SB 241 was placed on the Informal Calendar.

SB 339, with **SCS**, was placed on the Informal Calendar.

SB 220 was placed on the Informal Calendar.

SB 470 was placed on the Informal Calendar.

SB 365 and **SB 204**, with **SCS**, were placed on the Informal Calendar.

SB 376 was placed on the Informal Calendar.

SB 64, with **SCS**, was placed on the Informal Calendar.

SB 90, with **SCS**, was placed on the Informal Calendar.

SB 214, with **SCS**, was placed on the Informal Calendar.

SB 321 was placed on the Informal Calendar.

SB 253, with **SCS**, was placed on the Informal Calendar.

SB 37, **SB 322**, **SB 78**, **SB 351** and **SB 424**, with **SCS**, were placed on the Informal Calendar.

SB 194 was placed on the Informal Calendar.

SB 254 was placed on the Informal Calendar.

SB 373 was placed on the Informal Calendar.

Senator Shields moved that **SB 287**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.415, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 166.260, 166.275, 167.126, 167.151, 167.332, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof thirty-six new sections relating to education, with an effective date and penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 287** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 287**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.415, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 166.260, 166.275, 167.126, 167.151, 167.332, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof thirty-seven new sections relating to education, with an effective date and penalty provisions.

Senator Shields moved that **SS** for **SCS** for **SB 287** be adopted.

Senator Koster assumed the Chair.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 22, Section 163.011, Line 21, by striking the words "greater than 1.1 or"; and further amend lines 22 and 23, by striking said lines and inserting in lieu thereof the following: "shall the".

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Shields, **SB 287**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, 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 **SS** for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

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

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 287**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

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

Senator Klindt offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 64, Section 163.044, Line 7, by striking the word "five" and inserting in lieu thereof the following: "**ten**".

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

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section B, Lines 45-46 of said page, by striking all of said section and inserting in lieu thereof the following:

"Section B. The provisions of the new formula shall take effect only upon a determination that the assessment practices utilized in determining the local property tax deduction under the new formula are fair and equitable. Such determination that the assessment practices are fair and equitable shall be affirmed by the state board of education.

The state board of education shall contract with experts who have performed research and analysis in assessment practices, who shall present a report to the state board of education based on their findings and recommendations. If the state board of education finds a ratio of assessed

valuation to fair market value is not less than eighty percent for all counties, the system shall be determined to be fair and reasonable.

The provisions of this act shall not go into effect until the state board of education makes a determination that the assessment practices are fair and equitable.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 3**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 120, Section 360.106, Line 6, by inserting after all of said line the following:

“Section 1. The joint committee on tax policy, as established in section 21.810, RSMo, shall review and analyze the local property tax assessment practices of this state. The committee shall make recommendations to the general assembly regarding its findings with regard to the state's assessment practices.”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 9, Section 160.415, Line 26, by inserting after all of said line, the following:

“160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall allocate one percent of moneys received pursuant to section

163.031, RSMo, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, [ninety percent of one percent] **eighteen million dollars** of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development as determined by rule and regulation of the state board of education with the advice of the commission established by section 160.510 and the advisory council provided by subsection 1 of section 168.015, RSMo. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of

this subsection shall constitute priority uses for such moneys. “Statewide areas of critical need for learning and development” shall include:

(1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;

(2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;

(3) Funding for family literacy programs;

(4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;

(5) Increasing parental involvement in the education of their children;

(6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;

(7) Implementing recommended curriculum frameworks as outlined in section 160.514;

(8) Training in new assessment techniques for students;

(9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;

(10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;

(11) Implementing and promoting programs to combat gang activity in urban areas of the state;

(12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;

(13) Expanding adult literacy services; and

(14) Training of members of boards of

education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, [ten percent of one percent] **two million dollars** of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the “Success Leads to Success” grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 26, Section 163.011, Line 5, by striking the words “the actual” and further amend lines 6 to 7 of said page, by striking said lines and inserting in lieu thereof the following: **“a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;”**.

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

Senator Loudon offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 5, Section 149.015, Line 26 of said page, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent[, publicly supported] **public** school.

2. Except as otherwise provided in this section, charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]

(3) A community college located in the district;

(4) Any four-year college or university, public or private, with an approved teacher preparation program; or

(5) The mayor of a city not within a county or of a home rule city with more than four hundred thousand inhabitants and located in more than one county.

3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **Each school district in which charter schools are permitted shall establish procedures for offering the right of first refusal for sale or lease of any buildings owned by the school district when such buildings are not used by the district for their educational purposes or**

otherwise previously contractually obligated to another party.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not

charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 with regard to each charter school it sponsors.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure

requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located[, when] **and to the state board of education, within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which

will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school;

(2) A description of the charter school's educational program and curriculum;

(3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

(4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; [and]

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; **and**

(6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, **that the applicant is sufficiently qualified to operate the charter school**, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and**

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum,

teaching methods, and services. For purposes of this subsection, a “high-risk” student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. “Dropout” shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, [it] **the charter application** shall be submitted to the state board of education [which], **along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education** may, within [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter [only] on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 **or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.**

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, **county, or city** relating to health, safety, and **state** minimum educational standards, **as specified by the state board of education, including the**

requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the secretary of state's Internet web site in lieu of other publishing requirements**, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) **(a)** Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board

pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years **or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private.** The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education ninety days' written notice prior to the effective date of such agreement. **The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.**

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide**

information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, **which may require a change of methodology, a change in leadership, or both**, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the [board of directors] **governing board** of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's [board of directors] **governing board** may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420. Every charter school shall provide all information necessary to

confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] 10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. Any nonprofit corporation operating a charter school shall maintain a surety bond in

an amount not less than the total funds to be received by the charter school under section 160.415 in any given school year as determined by the department of elementary and secondary education.

160.410. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

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

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor

from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

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

(1) The school's charter;

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

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

The charter school may charge reasonable fees for furnishing copies of documents under this subsection.

Further amend said bill, Page 6, Section 160.415, Lines 18 to 28 of said page, by striking said line; and

Further amend said bill and section, Page 7,

Lines 1 to 16 of said page, by striking said lines and inserting in lieu thereof the following: “an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo. **If a charter school declares itself as a local education agency, the department of elementary and secondary education shall upon notice of the declaration reduce the payment made to the school district by the amount specified in this subdivision and pay directly to the charter school the annual amount reduced from the school district's payment.**

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child. **If a charter school declares itself a local education agency, the department of elementary and secondary education shall upon notice of the declaration withhold an amount equal to any other federal or state aid or local revenue for which the school would be eligible that would otherwise flow through the department of elementary and secondary education to the district and shall pay directly to the charter school such aid that the district receives on account of such child.**

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

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

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

[(5) The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]”; and further amend lines 25 and 26 of said page, by striking said lines and inserting in lieu thereof the following: “of overpayment or underpayment shall be adjusted [in its next payment] **equally in the next twelve payments** by the school district or the department of elementary”; and

Further amend said bill and section, Page 8, Line 4 of said page, by inserting at the end of said line the following: “**During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school educational setting.**”; and

Further amend said bill, Page 9, Section 160.415, Line 26 of said page, by inserting after all of said line the following:

“160.420. 1. **Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. **[A] The district's policy shall provide that any teacher who accepts a position at**

a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. **The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education.** Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and

competence when such is appropriate; and

(5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

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

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

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

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

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

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

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

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

Further amend said bill, Page 131, Section 166.260, Line 43 of said page, by inserting after all of said line the following:

“[167.349. In any school district to which any provisions of sections

167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies.]”;

and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Shields, **SB 287**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 43**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 53**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 155**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed

on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 243**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 528**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 618**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 119**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HBs 163, 213 and 216**, begs leave to report that it has considered the same and

recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 219**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 236**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 323**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 606**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 473**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 258**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1032, regarding the One Hundred Fiftieth Anniversary of La Plata, which was adopted.

Senator Purgason offered Senate Resolution No. 1033, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jim Franklin, Camden County, which was adopted.

Senator Kennedy offered Senate Resolution No. 1034, regarding Emily Meitz, St. Louis, which was adopted.

Senator Graham offered Senate Resolution No. 1035, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Bob Prins, Kentwood, Michigan, which was adopted.

Senator Kennedy offered Senate Resolution No. 1036, regarding Carol Baras, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1037, regarding Sondra D. "Sandy" Rangel, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 1038, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Bange, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1039, regarding Mr. and Mrs. Charles Edward Heath, Pleasant Valley, which was adopted.

Senator Stouffer offered Senate Resolution No. 1040, regarding the birth of Mitchell Wayne Goodloe, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1041, regarding the birth of Abigail Christine Stoll, Corder, which was adopted.

Senator Stouffer offered Senate Resolution No. 1042, regarding the birth of Logan Michael Suttner, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 1043, regarding the birth of Dustin Dean White, Jr., which was adopted.

Senator Crowell offered Senate Resolution No. 1044, regarding John Hinton, Charleston, which was adopted.

Senator Green offered Senate Resolution No. 1045, regarding Teira Worthy, Jennings, which was adopted.

Senator Crowell offered Senate Resolution No. 1046, regarding Regina Rainey, Glenallen, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 287**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

Senator Days offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Lines 17 and 18, by striking said lines and renumber the subdivisions accordingly.

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

Senator Shields offered **SA 2** to **SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Lines 19-21, by striking said lines.

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

Senator Bray offered **SA 3** to **SA 6**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Line 22, by striking the opening bracket “[”]; and further amend page 2, lines 4 to 9 by striking all of said lines and inserting in lieu thereof the following: “purposes.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 3** to **SA 6** was withdrawn.

Senator Coleman raised the point of order that **SA 6**, as amended, is out of order as it goes beyond the scope and the purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Nodler assumed the Chair.

SA 6, as amended, was again taken up.

Senator Bray offered **SA 4** to **SA 6**, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section 160.400, Lines 4-9, by striking all of said lines and inserting in lieu thereof the following: “purposes.]”.

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

Senator Coleman offered **SA 5** to **SA 6**, which was read:

SENATE AMENDMENT NO. 5 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Line 21, by inserting immediately after said line the following “**In school districts where charter schools are operating, upon full accreditation of such school district, charters schools shall cease operation within two years of the date of full accreditation of such school district.**”; and

And further amend by renumbering subsequent subsection accordingly.

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

Senator Loudon moved that **SA 6**, as amended, be adopted, which motion prevailed.

Senator Graham offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 165.011, Page 95, Line 9 of said page, by inserting after all of said line the following:

“165.012. 1. Each school district shall annually report to the department of elementary and secondary education, within thirty days, the following district information as of December thirty-first of the current school

year;

(1) The district's unrestricted fund balance in the incidental fund and in the teacher's fund;

(2) The amount of tax anticipation borrowed funds placed in the incidental fund and in the teacher's fund since the beginning of the school year; and

(3) The net amount of transfer from the incidental fund and teacher's fund to the capital projects fund and to the debt service fund since the beginning of the school year.

2. For the 2005-2006 school year, each school district shall also provide the same information required under subsection 1 of this section as of December 31, 2003, and as of December 31, 2004.

3. The information reported under this section shall be included on the department's website, for the current school year and for each of the preceding four school years to the extent that such information was required to be reported under subsections 1 and 2 of this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Graham offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee for Senate Bill No. 287, Page 120, Section 360.106, Line 6, by inserting after all of said line:

"Section 1. If a school district has a combined balance remaining at the end of the most recently completed fiscal year in their teachers' and incidental funds of greater than twenty-five percent of the amount expended from such funds during the previous fiscal year, such amount in excess of twenty-five percent

shall be reduced from their subsequent year formula payment as determined under section 163.031, RSMo."; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 99, Section 165.016, Line 23, by inserting after all of said line the following:

"165.121. 1. The school board of each seven-director district shall cause an audit examination to be made at least biennially of all financial, transportation and attendance records of the districts. Such examination shall be made in accordance with generally accepted auditing standards applicable in the circumstances, including such reviews and tests of the system of internal check and control and of the books, records and other underlying data as are necessary to enable the independent accountant performing the audit to come to an informed opinion as to the financial affairs (including attendance and transportation transactions) of the district. An independent auditor who is not regularly engaged as an employee of the school board shall perform the audit and make a written report of his findings.

2. The board shall supply each member thereof with a copy of the report and in addition shall furnish one copy each to the state department of elementary and secondary education and to the superintendent of schools of the county in which the district is located. The cost of the audit and report shall be paid for out of the incidental fund of the district.

3. The report shall contain the following information:

- (1) A statement of the scope of examination;
- (2) The auditor's opinion as to whether the

audit was made in accordance with generally accepted auditing standards applicable in the circumstances;

(3) The auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

(4) The auditor's opinion as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles applicable to school districts;

(5) The reason or reasons an opinion is not rendered with respect to items (3) and (4) in the event the auditor is unable to express an opinion with respect thereto;

(6) The auditor's opinion as to whether the district's budgetary and disbursement procedures conform to the requirements of chapter 67, RSMo;

(7) The auditor's opinion as to whether attendance and transportation records are so maintained by the district as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

(8) Financial statements presented in such form as to disclose the operations of each fund of the school district and a statement of the operations of all funds.

4. The school board shall furnish the state department of elementary and secondary education with its copy of the audit report not later than October thirty-first following the close of the fiscal period covered by the audit unless, for good cause shown prior to such date, the commissioner of education or some officer of the department of elementary and secondary education designated by him for this purpose grants an extension of time, not to exceed sixty additional days, for the filing of the report. In the event the report in the approved form is not filed within the period or extension thereof, further state aid to the district shall thereafter be withheld until the audit report has

been received by the department of elementary and secondary education.

5. Within thirty days of the receipt of the audit report the school board shall cause a summary of the report to be prepared which shall include, together with any other matter the board deems appropriate, the following:

(1) A summary statement of fund balances and receipts and disbursements by major classifications of each fund and all funds;

(2) A summary statement of the scope of the audit examination;

(3) The auditor's opinion on the financial statements included in the audit report.

Immediately upon the completion of the summary, the school board shall cause it to be published once in a newspaper within the county in which all or a part of the district is located which has general circulation within the district or, if there is none, then the board shall cause the summary to be posted in at least five public places within the district. The publication shall contain information as to where the audit report is available for inspection and examination. The report shall be kept available for such purposes thereafter.

6. The state Auditor shall have the authority to audit any public school district in the state.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section A, Line 2, by inserting after all of said line the following:

“138.200. 1. Each commissioner shall be a qualified voter and taxpayer, **a state-licensed real estate appraiser as defined in section 339.503,**

RSMo, and resident of the state for at least five years next preceding his appointment. At all times the state tax commission shall be so constituted that not more than two members shall be of the same political party. **The requirement that a commissioner be a state-licensed real estate appraiser shall apply only to persons first serving on the commission after July 1, 2006.**

2. In the event of a vacancy occurring while the general assembly is not in session, the governor may appoint a temporary member of the commission to serve until such time as a permanent appointment can be made with the advice and consent of the senate.

3. Each commissioner shall devote his full time and efforts to the discharge of his duties and shall not accept any private employment of any kind or nature while serving on the commission nor hold any other office under the laws of this state, or any city, or county, or city and county, in this state, nor any office under the government of the United States.

4. No commissioner or employee of the commission shall hold any position of profit, engage in any occupation or business interfering with, or inconsistent with, his duties as commissioner or employee. No person is eligible to appointment or shall hold the office of commissioner, or be appointed by the commission, or hold any office or position under the commission, who holds any official office or position or who is a stockholder or who is in any wise pecuniarily interested in any common carrier, public utility, or any other corporation whose original assessment is made by the commission, as provided by this chapter. The words "original assessment" as used herein shall not be held or construed to include the assessment of corporation franchise tax.

138.236. 1. Each state tax commissioner serving on **or after** August 13, [1984] **2006**, shall prepare and submit to the governor a report on the progress and status of the statewide reassessment program. Such report shall be submitted annually

by each commissioner [until the expiration of the term that he is serving on August 13, 1984].

2. For the performance of the duties imposed under the provisions of subsection 1 of this section, each commissioner shall receive a sum that, when added to the other compensation paid to that commissioner prior to August 13, [1984] **2006**, will equal the sum provided by adding together the compensation specified by sections 138.230, 138.235, 138.440, and 138.445. This sum shall be paid in the same manner as other compensation is paid."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 10** is out of order, as it goes beyond the scope of the bill.

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

Senator Graham offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section 166.260, Line 43 of said page, by inserting after all of said line, the following:

"Section 1. 1. This act shall be known as the No Assessor Left Behind Act.

2. The state tax commission shall ensure that all property assessments reach one hundred percent of market value by July 1, 2015 according to the following schedule:

(1) Assessments shall be no less than ninety percent of market value by July 1, 2006;

(2) For each succeeding year, the assessment percentage requirement shall increase by one percentage point until the requirement reaches one hundred percent of market value;

(3) County assessors shall meet the assessment percentage for all parcels of property and also for each of the following subgroups: agricultural real property, residential real property, commercial real property and tangible personal property;

(4) Any county assessor whose assessments do not meet the requirements of this subsection shall be declared “in need of improvement” and shall be subject to sanctions under subsection 3.

3. (1) Assessors in need of improvement for one year shall receive supplemental services from the state tax commission to improve assessments.

(2) Assessors in need of improvement for two years shall allow property owners to request assessment of their property by another assessor not declared in need of improvement and located in an adjoining county.

(3) Assessors in need of improvement for three years shall be subject to restructuring or replacement by the state tax commission.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Graham, SA 11 was withdrawn.

Senator Wilson offered SA 12, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 57, Section 163.036, Line 13 of said page, by striking the opening bracket “[” on said line; and further amend line 14 of said page, by striking the words “number of eligible pupils” and inserting in lieu thereof **“weighted average daily attendance”**; and further amend line 15 of said page, by striking the closing bracket “]” after the word “year”.

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

Senator Coleman offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 10, Section 160.534, Line 6, by inserting immediately after said line the following:

“160.670. 1. A school board member in any school district may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, and the petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add his or her signature his or her place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements made on the paper are true as he or she believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

2. Within thirty days from the date of the 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 attach to the petition his or her certificate, showing the result of the examination. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his or her certificate shall show the amended petition to be insufficient, it shall be returned to the person filing the amended petition, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be

sufficient, the election authority shall submit the petition to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

3. 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 the voters vote to remove the member, his or her successor shall be chosen as provided in section 162.261, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 13 is out of order as it goes beyond the scope of the bill.

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

Senator Wilson offered SA 14, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 24, Section 163.011, Line 11 of said page, by inserting immediately after the word “districts” the following: “, **except that for any school district with a free and reduced lunch population of over seventy percent, the threshold amount shall be zero**”.

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

Senator Ridgeway offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 166.260, Page 131, Line 43 of said page, by inserting after all of said line the following:

“Section 1. Each school district shall

annually report to the department of elementary and secondary education, no later than September first of the current school year, the total compensation package, expressed in dollars, for each school administrator, including the superintendent, all assistant superintendents principals and assistant principals. If consultants are hired to do any of the above administrative duties, the district shall report the total compensation package of each such consultant. The disclosure shall be made separately for each individual administrator. The information reported under this section shall be included on the department’s website for the remainder of the school year and shall be maintained for the remainder of the school year on the district’s website, if the district maintains a website.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Engler offered SA 1 to SA 15, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 1, Line 3 of said section, by inserting after the word “package”: “, **including retirement benefits**”; and

Further amend line 6 of said section by inserting after the word “package”: “, **including retirement benefits**”.

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

Senator Ridgeway moved that SA 15, as amended, be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Graham offered SA 16, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section 166.260, Line 43 of said page, by inserting after all of said line, the following:

“Section 1. The state board of education shall annually determine the total amount of revenue estimated as necessary to fully fund the state school aid formula established pursuant to section 163.031, RSMo, for the following school year and shall report this amount to the governor, general assembly and commissioner of administration no later than January 1 of the current school year. The commissioner of administration shall transfer the entire amount of necessary revenue as determined by the state board of education from the general revenue fund to the state school moneys fund, which shall be used to fully fund the state school aid formula and for no other purpose.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Dougherty and Wilson.

SA 16 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—2

Senator Dougherty offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 10, Section 160.534, Line 6, by inserting immediately after said line the following:

“160.663. The department of health and senior services is authorized to receive and may investigate written complaints regarding indoor air quality made by any employee of any public school in the state. Upon receipt of such complaint, the department of health and senior services may investigate, determine the origin of the problem, and make recommendations to the school regarding mitigation of the problem.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 17 is out of order as it goes beyond the scope of the bill.

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

Senator Wilson offered SA 18, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 32, Section 163.011, Line 8, by inserting after “threshold” the following: “, plus the product of one and twenty-five hundredths times the average daily attendance for summer school”.

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

Senator Coleman offered SA 19:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287,

Page 108, Section 167.332, Line 11, by inserting immediately after all of said line the following:

“168.281. 1. After completion of satisfactory probationary service, appointments of employees shall become permanent subject to removal for any one or more causes herein described as well as to the right of the board to terminate services of all who attain the age of compulsory retirement fixed by the retirement system.

2. (1) No employee whose appointment has become permanent may be removed, aside from compulsory retirement, except for one or more of the following causes: Immorality, **felony conviction of a crime under any state or federal criminal statute**, inefficiency or incompetency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or that his physical or mental condition is such that it incapacitates him from properly performing his duties or from properly associating with children, and then only after the personnel director has given written notice to the employee, by registered mail with return receipt of his suspension and proposed discharge. The registered letter is to notify the employee

(a) Of the charges on which the suspension and proposed discharge is based;

(b) Of the date, time, and place of the hearing of the charges by the personnel committee;

(c) Of the employee's right to be present at the hearing and to have counsel or other representative of his choice;

(d) Of his right to testify and to offer testimony of witnesses as well as other evidence sustaining his defense, and to cross-examine adverse witnesses and to generally conduct a defense;

(e) And of the necessity, in order for him to avail himself of the aforesaid opportunity to defend himself against the charges, that he notify the

personnel director in writing, at least three days before the date of the hearing, of his intention to offer the defense.

(2) The hearing of the committee is to be held not less than ten nor more than fifteen days after the mailing date of the notice of hearing to the employee, except by mutual agreement of the committee and the employee. Failure of the employee to give the three days' notice in writing of his election to defend, or having given the notice, failure of the employee to appear at the hearing, shall each be considered by the committee as an admission of the truth of the charges and the committee may rule accordingly. The committee may, in its discretion, to avoid undue hardship, and upon a sufficient showing by the employee of valid and cogent reasons for his failure to notify the committee of his election to defend, or of his subsequent failure to appear at the hearing, reset the hearing in the same manner as before.

(3) Upon conducting the hearing of the charges, or if no defense is offered, upon considering the charges, the personnel committee by majority vote shall make its decision as soon as practicable and shall immediately thereafter notify the employee of its decision by registered mail. The committee may rule

(a) That the employee's suspension was justified and that he is discharged with loss of pay as of the date of his suspension;

(b) That the suspension was unjustified and no grounds calling for his discharge have been proven and that the employee shall immediately be restored to his former position without any loss of pay;

(c) That the proven charges are of such a nature that they can be removed or remedied by transferring the employee to a different position, grade, classification, school or building in which case the employee shall lose no pay during his suspension prior to the committee's decision;

(d) Or the committee may make any ruling, less severe than that of discharge, which the committee may deem meet and just under the circumstances including suspension with the loss of pay. The decision of the personnel committee shall be final; provided, however, that upon the request of the employee affected the board shall review the record of the proceedings before the personnel committee and may, in its discretion, grant the employee a hearing before the board. Upon hearing the board may affirm, rescind or modify the decision of the committee and make any other orders in connection therewith that are appropriate under the circumstances.

3. No employee whose appointment has become permanent shall be suspended without pay, nor be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the employee because of inefficiency in line of duty, and any employee whose salary is reduced or who is demoted may waive the presentment of charges against him and a hearing thereon by the committee. Nothing herein shall in any way restrict or limit the powers of the board of education to make reductions in the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields moved that **SS** for **SCS** for **SB 287**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 287**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dolan requested unanimous consent of the Senate to correct the Transportation Committee report on **HB 528** to reflect the

adoption of a Senate Committee Substitute, which request was granted.

Senator Crowell requested unanimous consent of the Senate to have **HCS** for **HB 606** returned to the Committee on Pensions, Veterans’ Affairs and General Laws, as it was mistakenly turned in as a consent bill when in fact, it is not, which request was granted.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 362** to the Committee on Governmental Accountability and Fiscal Oversight.

BILLS DELIVERED TO THE GOVERNOR

SS for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

On behalf of Senators Dolan, Klindt, Purgason, Scott and herself, Senator Champion introduced to the Senate, Barbara Cooper, Joanne Breckenridge, Desirae Lewis, Melissa Lynn Barnett, Joni Dixon, Erika Hixon and Amber Sandner, representatives of Missouri Federation of Republican Women.

Senator Gibbons introduced to the Senate, Jay Swoboda, St. Louis.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Edmond Weisbart, M.D., Olivette.

Senator Bray introduced to the Senate, Ben Johnson, St. Louis.

Senator Dolan introduced to the Senate, Rose Mack, O’Fallon; and her grandchildren, Nicholas, Olivia and Noelle Mack, St. Charles.

Senator Wilson introduced to the Senate, Jessie Carpenter and Lorene James, Kansas City.

Senator Wilson introduced to the Senate, Rena Watson, Crystal Nance and Soy Ojo, Kansas City.

Senator Wilson introduced to the Senate, Councilman Terry Riley, Kansas City.

Senator Green introduced to the Senate, his son Patrick, Father Massen, Mr. Almond, Mrs. Kramer and thirty-six seventh grade students from St. Angela Merici School, Florissant; and Megan Boschert, Anthony Gibbons, Kelley Gravlin and Patrick Green were made honorary pages.

Senator Loudon introduced to the Senate, Sean Allison, Dan Hurt, Amy Saucier, Christine Dilisio, Kari Lenz and Jeni Koemgsfeld, Chesterfield; and Chris Borgeson, Mexico, representatives of YMCA Youth in Government.

Senator Gross introduced to the Senate, Ruth Bruns, Catherine Rauscher and Monica Durrwachter, representatives of Missouri Federation of Republican Women, St. Charles.

Senator Gibbons introduced to the Senate, one hundred fifth grade students from Barretts Elementary School, Manchester.

Senator Gibbons introduced to the Senate, Sam Barrett, Bryan Pope, Alex Ricke, Katie Pitts, Lydia Fakes, Jessica Connelly, Katie Benyo, George Stern, Doug Hechler and Brett Rowles, representatives of YMCA Youth in Government.

Senator Klindt introduced to the Senate, Briana and Louana Holmer, Chillicothe.

Senator Griesheimer introduced to the Senate, Jackie Miller, Michelle Turner, Susan Hellman, Brenda Kleinheidin, Maryn Struckhoff, Kayla Birke, Corbin Bridge, Ryan O'Toole, Amy Miller, Elizabeth Turner, Eliza and Alana Thurston and Caleb and Emily Piontek, representatives of Missouri Federated Women's Club, Washington; and Kayla, Corbin, Ryan, Amy, Elizabeth, Eliza, Alana, Caleb and Emily were made honorary pages.

Senator Scott introduced to the Senate, Brenda Charles, Mrs. Carolyn Allison and twenty eighth grade students from Hermitage R-IV Middle School.

Senator Bartle introduced to the Senate, Danae

Arnett, her parents, Dale and Linda Arnett, and Kathy Deshon, Independence.

Senator Clemens introduced to the Senate, Chris Kohn, Nixa Federated Republican Women.

Senator Coleman introduced to the Senate, Pablo Quintanilla, Ballwin.

Senator Cauthorn introduced to the Senate, Lacy Hunolt, Bethel; Stacey Craigmyle, North Shelby County; Kathleen Wilham, Shelbina; and Donna Myers and Debbie Coonrod, Shelbyville; and Lacy was made an honorary page.

Senator Cauthorn introduced to the Senate, Curt and Lori Gilliland, Charla Golden, Dylan Felice, Josiah Bedford and Daniel Floyd, Kirksville.

Senator Nodler introduced to the Senate, Charity and Brian Bayless and their son, Joshua, Lockwood.

Senator Stouffer introduced to the Senate, seventh and eighth grade students from St. Paul Lutheran School, Concordia.

Senator Bartle introduced to the Senate, his son Mack, Jan and Austin Nicholas, Debbie and Levi Dalton and Jonathan Spalding, Lee's Summit; and Mack, Austin, Levi and Jonathan were made honorary pages.

Senator Clemens introduced to the Senate, Ralph Zachary, Malorri Casey, Hank Freeman and Caryl Ann Zachary, representatives of General Federated Women's Club, Marshfield.

Senator Dougherty introduced to the Senate, Raymond C. and Mary C. Dougherty, St. Peters; and Peggy Porter, St. Charles.

Senator Griesheimer introduced to the Senate, Patrick Newman II, Kevin and Lynn Brunner, Cindy and Patrick Newman and Trisha, Joan and Mark Huxel, Washington.

Senator Scott introduced to the Senate, Norma Litton, Lois Shipley and Stanton Loman, Clinton; and Stanton was made an honorary page.

Senator Scott introduced to the Senate, Laura

and Diane Johannigmeier, Appleton City.

Senator Bartle introduced to the Senate, fourth grade students from Lee’s Summit Community Christian School.

On behalf of Senator Koster, the President introduced to the Senate, Dr. Bobby Patton, Dr.

Aaron Podolefsky, Dee Hudson and Ann Pearce, representatives of Central Missouri State University, Warrensburg.

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

SENATE CALENDAR



FIFTY-SECOND DAY—WEDNESDAY, APRIL 13, 2005



FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen
HCS for HJR 16
HCS for HB 394
HCS for HB 388

HCS for HB 64
HB 700-Moore, et al
HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SCS for SBs 75 & 353-Champion and Wheeler
SCS for SB 272-Gross
SB 476-Scott
SS#2 for SCS for SB 225-Cauthorn (In Fiscal Oversight)

SB 232-Loudon, et al
SS for SB 95-Coleman
SS for SB 362-Stouffer (In Fiscal Oversight)
SS for SCS for SBs 74 & 49-Champion

SENATE BILLS FOR PERFECTION

SB 481-Shields, with SCS
SB 500-Gibbons, et al, with SCS

SB 199-Gross
SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS	SB 240-Scott
SB 5-Klindt, with SCS & SS for SCS (pending)	SB 241-Scott
SB 12-Cauthorn and Klindt	SB 253-Koster, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)	SB 254-Engler
SBs 37, 322, 78, 351 & 424-Nodler, with SCS	SB 284-Cauthorn and Clemens, with SCS
SB 50-Taylor and Nodler, with SCS & SS for SCS (pending)	SB 291-Mayer, et al, with SCS & SS for SCS (pending)
SB 55-Klindt, with SCS	SB 316-Dolan, with SCS (pending)
SB 64-Kennedy, with SCS	SB 321-Shields
SB 90-Dougherty, with SCS	SB 324-Scott, with SCS
SB 93-Cauthorn, with SCS	SB 339-Gross, with SCS
SB 152-Wilson, with SCS	SB 348-Clemens
SB 160-Bartle, et al, with SS (pending)	SBs 365 & 204-Mayer, et al, with SCS
SB 185-Loudon, et al, with SA 1 (pending)	SB 373-Bartle
SB 194-Engler	SB 376-Loudon
SB 214-Scott, et al, with SCS	SB 434-Cauthorn
SB 220-Dolan	SB 470-Engler
SB 236-Klindt and Clemens	

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with SCS (Scott)	HB 127-Bivins (Griesheimer) HCS for HB 215
HB 678-Byrd, with SCS	HB 260-Deeken (Vogel)
HB 402-Schaaf, et al	HB 343-Baker (123), with SCS (Koster)
HB 280-Walsh, et al (Green)	HB 345-Baker (123) (Koster)
HB 524-May, et al (Scott)	HB 395-Wood (Taylor)
HB 248-Pearce	HCS for HB 422 (Crowell)
HB 342-Baker (123) (Koster)	HB 431-Wright (137) (Champion)
HB 600-Cooper (155), et al	HB 445-Guest and Whorton (Klindt)
HCS for HB 379 (Crowell)	HCS for HB 448 (Coleman)
HB 40-Tilley (Engler)	HB 453-May, et al (Crowell)
HCS for HB 47, with SCS (Shields)	HB 479-Ervin (Ridgeway)

HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)

HB 638-Cunningham (86), with SCS
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS
HB 269-Bruns
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS
HB 155-Ruestman
HB 243-May, et al (Dolan)

HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216
HB 180-Johnson (47), et al
HB 219-Salva and Johnson (47)
HB 236-Goodman
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47)
HCS for HB 348
HB 473-Yates
HB 258-Cunningham (86)

RESOLUTIONS

Journal
To be Referred

SCR 14-Purgason

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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