

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY—TUESDAY, MAY 9, 2006

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I was often filled with despair. What kept me afloat, what kept me going, were the times I shared alone with God...But in those times, when I let him, God always lifted me up.” (Peter Lord, “Hearing God”)

Amazing God, Your grace lifts us like a wave when we are getting overwhelmed with tons of paper and reading to get through and debates to listen to and finally decisions that have to be made. May we take moments of silence throughout the day to be with You and talk with You and allow You to lift us up and direct our thoughts along Your right pathways so we may finish the day pleasing You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 3068, regarding Trent Strickland, which was adopted.

PRIVILEGED MOTIONS

Senator Vogel moved that the Senate refuse to concur in **HA 1** to **SB 766** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1275**, entitled:

An Act to amend chapter 161, RSMo, by

adding thereto one new section relating to the establishment of a virtual public school.

Was called from the Informal Calendar and taken up by Senator Goodman.

Senator Goodman offered **SS** for **HCS** for **HB 1275**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1275

An Act to repeal sections 163.011 and 163.031, RSMo, and to enact in lieu thereof three new sections relating to public schools, with an emergency clause for certain sections.

Senator Goodman moved that **SS** for **HCS** for **HB 1275** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1275, Page 1, Section A, Line 3 of said page, by inserting immediately after all of said line the following:

“160.930. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset two years after August 28, 2005, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall automatically sunset twelve years after the effective date of the reauthorization of sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo; and

(3) Sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, shall terminate on September first of the calendar year immediately following the calendar year in

which the program authorized under sections 160.900 to 160.925[, section 162.700, RSMo,] and section 376.1218, RSMo, is sunset.

161.213. 1. The department of elementary and secondary education shall develop standards for high-quality early childhood education no later than June 30, 2007. The standards shall be applicable to all public school pre-kindergarten programs that receive Title I or Missouri preschool project funds.

2. Such standards shall include, but not be limited to, the following principles:

(1) Access for all children whose parents or guardians choose to participate;

(2) Focus on cognitive, language, physical, and social/emotional development;

(3) Assessment of needs of children and their families;

(4) Highly qualified and properly certified teachers; and

(5) Delivery of comprehensive services supported by strong and accessible technical assistance and professional development.

3. In developing such standards, the department shall involve representatives of the business community, parents as teachers, head start, early childhood start, early childhood special education, Missouri preschool project, first steps, Title I preschools, and school district personnel.

4. Unless otherwise prohibited by federal law, public school districts shall not be prohibited from charging tuition and related charges for early childhood education programs.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of

chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.”; and

Further amend said bill, Page 20, Section 163.031, Line 16 of said page by inserting after “(b)” the following: “**a. For the 2006-07 school year,**”; and further amend line 18 of said page, by inserting an opening bracket “[” immediately before the word “in”; and further amend line 19 of said page, by inserting a closing bracket “]” after the word “subsection”; and further amend line 20 of said page by striking the word “in” and inserting in lieu thereof the following: “**that is in excess of fifteen percent of**”; and further amend line 23 of said page, by inserting after all of said line the following:

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

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than forty-four percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of forty-four percent

of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. For the 2009-10 school year, if a school district experiences a decrease in summer school average daily attendance of more than fifty-eight percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of fifty-eight percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

e. For the 2010-11 school year, if a school district experiences a decrease in summer school average daily attendance of more than seventy-two percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of seventy-two percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

f. For the 2011-12 school year, if a school district experiences a decrease in summer school average daily attendance of more than eighty-six percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of eighty-six percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

g. Notwithstanding the provisions of this paragraph, no such reduction shall be made in

the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

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

Further amend said bill, Page 23, Section 163.031, line 8 of said page, by inserting immediately after all of said line the following:

“167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, **and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty.** If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase

in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES NO

(If you are in favor of the proposition (or question), place an X in the box opposite “YES”. If you are opposed to the proposition (or question), place an X in the box opposite “NO”.)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the

transportation and the time or times and method of payment.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1275, Page 3, Section 161.670, Line 47, by inserting after all of said line the following:

“Section 1. The attorney general shall represent any school district that has been classified as unaccredited within the previous five school years or any school district that has been classified as unaccredited and then subsequently classified as provisionally accredited within the previous five school years in all legal matters, including matters pending in a state circuit court, a state or federal appellate court, or the supreme court.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 2** was withdrawn.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1275, Page 23, Section 163.031, Line 8, 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 and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Shields.

SA 3 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Cauthorn
Champion	Coleman	Crowell	Days
Dougherty	Graham	Green	Griesheimer
Kennedy	Scott	Stouffer	Wheeler
Wilson—17			

NAYS—Senators

Alter	Bartle	Clemens	Engler
Gibbons	Goodman	Gross	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Shields	Vogel—16

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House

Committee Substitute for House Bill No. 1275, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent public school.

2. 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;

(3) A community college located in the district; [or]

(4) [Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program] **Except in an urban school district, any private four-year college or university in Missouri with its primary campus located in Missouri in a standard metropolitan statistical area which contains a metropolitan school district, with an enrollment in excess of one thousand students, and with an approved teacher preparation program; or**

(5) A mayor of a city not within a county.

3. [The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a] **A workplace charter school**[, which] is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in

the charter, which is located in the city.

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 of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. 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 and 167.349, RSMo, 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 and 167.349, RSMo, 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 of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo. **If at any time the sponsor of a charter school has reason to believe that funds are being misappropriated, the sponsor shall notify the department of elementary and secondary education.**

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, 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 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;

(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 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, the charter application shall be submitted to the state board of education, 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 sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, 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 department of elementary and secondary education's Internet web site in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit

by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. 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 4 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 and 167.349, RSMo.

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 written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. 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 and 167.349, RSMo, 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 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 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 and 167.349, RSMo. 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 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities.

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. [The chief financial officer of a charter school shall] **A sponsor may require a charter school to maintain [a] surety [bond] or fidelity bonds in an amount determined by the sponsor to be adequate [based on the cash flow] to protect the creditors of the school.**

14. Within six months of the granting of a school's charter, and annually thereafter, the department of elementary and secondary education shall perform a core data audit. A core data audit shall be an analysis of the data provided under section 160.415, which is used to determine reimbursement by a school district to a charter school, for accuracy of the data and of the reimbursement.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the

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

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

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

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

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

(4) The amounts provided pursuant to this

subsection shall be prorated for partial year enrollment for a pupil.

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

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

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

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a

charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

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

7. 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.

8. 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.

9. (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.

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

11. 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.

12. The chief executive officer, or his or her representative, of any charter school that ceases to function as a charter school, whether by expiration, revocation, or termination of the school's charter, or for any other cause, shall:

(1) Provide notice to the department of elementary and secondary education, the charter school sponsor, and the school district in which the charter school is physically located that the charter school will discontinue operations as a charter school. Such notice shall be provided within fifteen days of the chief executive officer's attaining it; and

(2) Prepare an audit covering the close of operations as a public charter school as requested by the sponsor or the department of

elementary and secondary education, within the time specified in the request, which shall serve the requirement of section 160.410. The public charter school shall dispose of all remaining funds only pursuant to its articles of incorporation, by transferring the funds to a public benefit corporation authorized under state law or shall remit any fund balances accrued from state or local tax revenues to the department within forty-five days of closing.

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

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

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, 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. 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

noncertificated instructional personnel shall be supervised by 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 the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Coleman raised the point of order that the **SS** is out of order as it goes beyond the purpose of the original bill; and further that the **SS** violates the single subject provision of the Constitution.

The points of order were referred to the President Pro Tem who took them under advisement, which placed **HCS for HB 1275**, with **SS** and **SA 4** and the points of order pending, back

on the calendar.

HCS for HB 1367, with **SCS**, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for HCS for HB 1367, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1367

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 1367** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1367, Page 1, Section 34.165, Lines 8-9, by striking all of the underlined words on said lines and inserting in lieu thereof the following:

“, if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.”

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

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1367, Page 1, Section A, Line 3, by inserting after all of said line, the following:

“8.310. 1. Any other provision of law to the contrary notwithstanding, no contracts shall be let for design, repair, renovation or construction

without approval of the director of the division of **facilities management**, design, and construction, and no claim for design, repair, construction or renovation projects under contract shall be accepted for payment by the commissioner of administration without approval by the director of the division of **facilities management**, design, and construction; except that the department of conservation, the boards of curators of the state university and Lincoln University, the several boards of regents of the state colleges and the boards of trustees of the community junior colleges may contract for architectural and engineering services for the design and supervision of the construction, repair, maintenance or improvement of buildings or institutions and may contract for construction, repair, maintenance or improvement. The director of the division of **facilities management**, design, and construction shall not be required to review any claim for payment under any such contract not originally approved by him. No claim under any contract executed by the department of conservation or an institution of higher learning, as provided above, shall be certified by the commissioner of administration unless the entity making the claim shall certify in writing that the payment sought is in accordance with the contract executed by the entity and that the underlying construction, repair, maintenance or improvement conforms with applicable regulations promulgated by the director pursuant to section 8.320.

2. The director shall select and identify in the capital appropriations bills those projects for which design-build or construction manager at risk is to be used, with the following limitations:

(1) No more than ten percent of the projects initiated annually by the division may be procured by design-build;

(2) No more than five percent of the projects initiated annually by the division may use the construction manager at risk process;

(3) At the end of the warranty period, the director shall direct the audit of each project and determine the effectiveness of the alternative procurement process; and

(4) Authorization to conduct design-build and construction manager at risk projects will expire July 1, 2011.

8.420. 1. Bonds issued under and pursuant to the provisions of sections 8.370 to 8.450 shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the board determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the board determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the board determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the board, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law,

and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

6. [After August 13, 1976,] The board shall not issue revenue bonds pursuant to the provisions of sections 8.370 to 8.450 for one or more projects, as defined in section 8.370, in excess of a total par value of [six hundred fifty-five] **seven hundred ten** million dollars.

7. [After August 13, 1976,] Any bonds which may be issued pursuant to the provisions of sections 8.370 to 8.450 shall be issued only for projects which have been approved by a majority of the house members and a majority of the senate members of the committee on legislative research of the general assembly, and the approval by the committee on legislative research required by the provisions of section 8.380 shall be given only in accordance with this provision. For the purposes of approval of a project, the total amount of bonds issued for purposes of energy retrofitting in state-owned facilities shall be treated as a single project.

[8. No more than one hundred fifty million dollars of the net proceeds of the bonds authorized pursuant to sections 8.370 to 8.450 or sections 8.660 to 8.670 may be applied to general revenue in fiscal year 2003.]"; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Bartle assumed the Chair.

Senator Scott moved that **SCS for HCS for HB 1367**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SCS for HCS for HB 1367**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SCS for HCS for HB 1367**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS for SCS for HCS for HBs 1698, 1236, 995, 1362 and 1290**, as amended. Representatives: Lipke, Tilley, Jones, Johnson (61) and Johnson (90).

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 Griesheimer.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 3069, regarding Ruth Spargo, which was adopted.

Senator Goodman offered Senate Resolution No. 3070, regarding Skaggs Community Health Center, Branson, which was adopted.

Senator Mayer offered Senate Resolution No. 3071, regarding Julie Hixson, Greenville, which was adopted.

Senator Stouffer offered Senate Resolution No. 3072, regarding Lois B. Stueve, which was adopted.

Senator Stouffer offered Senate Resolution No. 3073, regarding Kenneth N. Wiser, which was

adopted.

Senator Stouffer offered Senate Resolution No. 3074, regarding Patricia A. Martie, which was adopted.

Senator Stouffer offered Senate Resolution No. 3075, regarding R. Elaine Nuhn, which was adopted.

Senator Stouffer offered Senate Resolution No. 3076, regarding Wanda Grimm, which was adopted.

Senator Loudon offered Senate Resolution No. 3077, regarding Brianna Lennon, Ballwin, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 1182, entitled:

An Act to repeal section 167.031, RSMo, and to enact in lieu thereof two new sections relating to jurisdiction of the juvenile court.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HCS for HB 1182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Wilson—29			

NAYS—Senators—None

Absent—Senators

Coleman	Klindt	Ridgeway	Vogel—4
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Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 1026, with **SCS**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for HCS for HB 1026, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1026

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with an effective date.

Was taken up.

Senator Shields moved that **SCS for HCS for HB 1026** be adopted.

Senator Shields offered **SS for SCS for HCS for HB 1026**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1026

An Act to repeal section 578.501, RSMo, and to enact in lieu thereof two new sections relating to protest activities near funeral services, with penalty provisions, an emergency clause, and a contingent effective date.

Senator Shields moved that **SS for SCS for HCS for HB 1026** be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **HCS** for **HB 1026** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS**, as amended for **HCS** for **HB 1456** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 832**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 696**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 912**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 832**, as amended: Representatives: Johnson (47), Schneider, Wallace, Daus and Curls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1008**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1008, Page 1, Section 620.1500, Lines 3 & 4, by deleting said lines and inserting in lieu thereof the following:

“Science and Technology”. The council shall consist of seven members. Two members shall be Missouri farmers, of which one member shall be a Missouri grain producer and one member shall be a Missouri livestock producer. The members of the council shall be appointed by and serve”; and

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

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 696**, as amended: Senators Nodler, Griesheimer, Goodman, Green and Wheeler.

HOUSE BILLS ON THIRD READING

HB 1936, with **SCS**, introduced by Representative Tilley, entitled:

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for **HB 1936**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1936

An Act to repeal sections 192.935 and 197.291, RSMo, and to enact in lieu thereof three new sections relating to health care, with an expiration date.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 1936** be adopted.

Senator Shields assumed the Chair.

Senator Nodler assumed the Chair.

At the request of Senator Stouffer, **HB 1936**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Shields announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1014 and 730

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, with House Amendment Nos. 1 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House

Amendment No. 3, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Delbert Scott /s/ Bryan P. Stevenson

/s/ Michael R. Gibbons /s/ Bob May

/s/ Carl Vogel /s/ Ryan Silvey

/s/ Victor E. Callahan Margaret Donnelly

Maida Coleman Wes Wagner

Senator Scott moved that the above conference committee report be adopted.

Senator Mayer assumed the Chair.

At the request of Senator Scott, the motion to adopt the conference committee report was withdrawn.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 832**, as amended: Senators Griesheimer, Koster, Gross, Green and Coleman.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS** for **SS** for **SCS** for **SB 832**, as amended, to meet while the Senate is in session, which request was denied.

CONFERENCE COMMITTEE REPORTS

Senator Scott moved that the **CCR** on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended, be taken up, which motion prevailed.

Senator Gross assumed the Chair.

Senator Scott moved that the **CCR** on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended, be adopted.

At the request of Senator Scott, the above motion was withdrawn.

Senator Scott moved that the Senate refuse to adopt the **CCR** on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730**, as amended, and request the House to grant further conference, which motion prevailed.

Senator Griesheimer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS** for **SS** for **SCS** for **SB 832**, as amended, to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1030, 1033, 1146, 1225** and **1326**, with **SCS**, entitled:

An Act to repeal sections 50.327, 50.339, 50.660, 52.230, 54.040, 59.331, 67.547, 67.797, 67.1003, 67.1360, 67.1806, 72.080, 100.050, 137.115, 138.010, 138.135, 139.100, 162.441, 177.091, 193.065, 228.040, 228.070, 228.190, 230.220, 260.830, 260.831, 321.200, 321.552, 479.020, 610.010, 644.584, 644.585, and 644.586, RSMo, and to enact in lieu thereof fifty-four new sections relating to political subdivisions, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Bartle.

SCS for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1030, 1033, 1146,
1225 and 1326

An Act to repeal sections 41.655, 50.327, 50.339, 50.565, 50.660, 52.230, 54.040, 59.170, 59.319, 59.331, 67.110, 67.463, 67.547, 67.797, 67.1003, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 71.790, 71.796, 71.798, 72.080, 72.418, 84.160, 100.050, 105.470, 105.473, 115.124, 137.055, 137.106, 137.115, 137.390, 139.031, 162.441, 177.091, 193.065, 206.090, 228.040, 228.070, 228.190, 230.220, 247.040, 250.140, 260.830, 260.831, 311.070, 313.820, 321.552, 483.245, 610.010, and 701.450, RSMo, and to enact in lieu thereof seventy-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1030, 1033, 1146,
1225 and 1326

An Act to repeal sections 41.655, 50.327, 50.339, 50.565, 50.660, 52.230, 54.040, 59.170, 67.110, 67.463, 67.547, 67.797, 67.1003, 67.1360, 67.1451, 67.1545, 67.2500, 67.2510, 72.080, 72.418, 89.010, 89.400, 92.086, 100.050, 105.470, 105.473, 115.124, 137.055, 137.100, 137.115, 137.390, 144.080, 162.441, 206.090, 228.040, 228.070, 228.190, 230.220, 247.040, 250.140, 260.830, 260.831, 321.552, 610.010, 701.450, RSMo, and to enact in lieu thereof sixty-five new sections relating to political subdivisions, with penalty provisions and an emergency clause for

certain sections.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HBs 1030, 1033, 1146, 1225** and **1326** be adopted.

President Kinder assumed the Chair.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 69, Section 72.418, Line 14 of said page, by inserting after all of said line the following:

“84.160. 1. [Based upon rank and length of service, the board of police commissioners may authorize maximum amounts of compensation for members of the police force in accordance with the following tables. The amounts of compensation set out in the following tables shall be the maximum amount of compensation payable to commissioned employees in each of the categories, except as expressly provided in this section.

2. From July 1, 2005, until June 30, 2006:
SALARY MATRIX-POLICE OFFICER THROUGH CHIEF OF POLICE-FISCAL YEAR

	Asst.	P.O.	Sgt.	Lieut.	Capt.	Maj.	Lt. Col.	Chief	Chief
Yrs.	Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary
0	34331								
1	35532								
2	36643								
3	38706								
4	39727								
5	41053	49445							
6	42379	49591							
7	44923	52550	57626						
8	46748	54679	59955						

9 48638 56878 62361 67793
 10 48807 57045 62528 67961
 11 49335 57213 62694 68129 74370
 12 49511 57379 62863 68296 74538 76479 80388 95054
 13 49677 57547 63030 68464 74703 79023 82932 95387
 14 49843 57715 63197 68630 74871 79189 83099 95721
 15 50012 57881 63364 68797 75038 79358 83268 96055
 16 50178 58048 63530 68964 75206 79524 83433 96390
 17 50347 58216 63699 69132 75374 79693 83602 96724
 18 50513 58383 63866 69369 75539 79858 83768 97057
 19 50679 58550 64034 69466 75707 80025 83934 97393
 20 50847 58717 64200 69633 75875 80193 84104 97728
 21 51014 58883 64367 69800 76042 80360 84269 98061
 22 51181 59052 64535 69967 76208 80529 84437 98395
 23 51349 59219 64702 70135 76375 80694 84604 98730
 24 51515 59385 64870 70302 76542 80864 84771 99062
 25 51683 59553 65036 70470 76711 81029 84940 99398
 26 51850 59719 65203 70637 76878 81196 85105 99733
 27 52019 59888 65371 70803 77044 81365 85273 100068
 28 52185 60055 65538 70971 77210 81530 85438 100402
 29 52351 60221 65703 71138 77379 81699 85607 100734
 30 52518 60389 65872 71303 77546 81864 85776 101070

3. Each of the above-mentioned salaries shall be payable in biweekly installments. The above-mentioned salaries assume twenty-six biweekly installments falling within the effective dates of the salary matrix. If twenty-seven biweekly installments fall within the effective dates of the salary matrix it is assumed that the salaries within the matrix will be adjusted upward accordingly to reflect the effect of an extra pay period falling within the effective dates of the salary matrix. Any increase in salaries within the matrix due to twenty-seven biweekly installments falling within the effective dates of the matrix will not continue into a period in which only twenty-six

biweekly installments are paid.] **As of July 1, 2006, the board of police commissioners shall have the authority to compute and establish the annual salary of each member of the police force without receiving prior authorization from the general assembly.**

2. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. **Notwithstanding the provisions of subsection 1 of this section to the contrary,** no additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of sergeant or above. Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:

(1) Be paid from the general funds of either the city or the board of police commissioners of the city; or

(2) Be violative of any federal law or other state law.

[4.] **3.** It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force in the manner herein and hereafter provided; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by article X, section 21, Missouri Constitution; and provided further, that such municipal assembly or common council may appropriate a sum in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities.

[5.] **4. Notwithstanding the provisions of subsection 1 of this section to the contrary,** the board of police commissioners shall pay additional compensation for all hours of service rendered by probationary patrolmen and patrolmen in excess of the established regular working period, and the rate of compensation shall be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

[6.] **5. Notwithstanding the provisions of subsection 1 of this section to the contrary,** probationary patrolmen and patrolmen shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

[7.] **6.** The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

[8.] **7.** The board of police commissioners may effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for field training officer and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

[9.] **8.** The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department. Health, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired officers and employees of the police department who receive pension benefits pursuant to sections 86.200 to 86.364, RSMo, at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly rate.

[10.] **9. Notwithstanding the provisions of subsection 1 of this section to the contrary,** the board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly pay.

[11.] **10.** The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated

unused vacation time.

Further amend said bill, Page 162, Section D, Line 16 of said page, by inserting after “section” the following: “84.160 and the enactment of”; and further amend Line 18 of said page, by inserting after “section” the following: “84.160 and the enactment of”; and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 65, Section 72.418, Line 6, by deleting all of said section from the bill; and

Further amend said bill, Page 147, Section 321.552, Line 15, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 71, Section 92.086, Line 5, by deleting Section 92.086 beginning on page 71, line 5 and ending on page 78, line 18.

Further delete Section C, page 162, lines 6-13 and Section D, page 162, lines 14-20.

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

Senator Alter offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 16, Section 67.304, Line 14, of said page by inserting after all of said line the following:

“67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with **any** state law [but only in], **including but not limited to** the areas of traffic violations, solid waste management and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, RSMo, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall be synonymous with the term order for purposes of this section.”; and

Further amend said bill, page 130, section 206.090, line 24 of said page, by inserting after all of said line the following:

“227.559. Any home rule city having a population of sixty thousand inhabitants or greater [or], any charter county of the first classification, **or any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants** may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.551 to 227.559 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 147, Section 321.162, Line 14 of said page, by inserting immediately after said line the following:

“321.322. 1. **After August 28, 2006**, if any

property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the [city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been

generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district. Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services.

This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

4. The provisions of this section shall not apply where the annexing city or town operates a city fire department and was on January 1, 2005, a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely surrounded by a single fire district. In such cases, the provision of fire and emergency medical services following annexation shall be governed by subsections 2 and 3 of section 72.418, RSMo] **fire protection district shall continue to provide services to the annexed area and may levy and collect taxes the same as such district had prior to the annexation of such property to the city.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 127, Section 162.441, Line

27, by inserting immediately after said line the following:

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

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

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

(3) “Current operating expenditures”:

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

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

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

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

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States

Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

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

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

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

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

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

(6) "Free and reduced lunch pupil count", the

number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

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

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

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the

bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

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

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines**

in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

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

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

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the

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

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

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

(15) "School purposes" pertains to teachers' and incidental funds;

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

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

average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

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

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of

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

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

2. Other provisions of law to the contrary notwithstanding:

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

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation

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

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

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

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

multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

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

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

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

of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

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

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

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

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

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as

provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

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

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

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

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

textbook payments less any amounts received under section 163.043.

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

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

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

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) If a school district experiences a decrease in summer school average daily attendance of

more than fifteen percent from the district's 2005-06 summer school average daily attendance in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

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

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

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

under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

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

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

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

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

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

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant

to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”; and

Further amend said bill, page 162, section D, line 20, by inserting after all of said line the following:

“Section E. Because of the need to provide a quality education for Missouri students, sections 163.011 and 163.031 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 163.011 and 163.031 of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever comes later.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Goodman assumed the Chair.

Senator Barnitz offered **SA 1** to **SA 6**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 20, Section 163.031, Line 10, by inserting immediately after all of said line the following:

“163.032. 1. Notwithstanding the provisions of 163.011 to the contrary, when calculating state aid payments for the 2006-2007 and the

2007-2008 school years under this chapter, the department of elementary and secondary education shall utilize a dollar value modifier figure of 1.103 for any school district possessing a school district number signifying any county of the third classification without a township form of government and with more than twenty-two thousand eight hundred but fewer than twenty-two thousand nine hundred inhabitants. For the 2008-2009 school year and for each school year thereafter, the department of elementary and secondary education shall utilize the provisions of section 163.011 when determining state aid for such county.”

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

SA 6 was again taken up.

Senator Rupp moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Mayer and Ridgeway.

SA 6 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Graham Purgason—2

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Shields offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 69, Section 72.418, Line 14, by inserting immediately after said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. [No officer or employee of such department shall be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or

employee solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate.] All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

[3.] 2. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] 3. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] 4. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] 5. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] 6. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

[8.] 7. Any officer or any employee of the

police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 4, Section 41.655, Line 20, by inserting immediately after said line the following:

“49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a

charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$19,140
41,000,000 to 53,999,999	19,800
54,000,000 to 65,999,999	21,120
66,000,000 to 85,999,999	22,440
86,000,000 to 99,999,999	23,760
100,000,000 to 130,999,999	25,080
131,000,000 to 159,999,999	26,400
160,000,000 to 189,999,999	27,060
190,000,000 to 249,999,999	27,390
250,000,000 to 299,999,999	28,380
300,000,000 [or more] to 329,999,999	29,700
330,000,000 to 359,999,999	31,700
360,000,000 to 389,999,999	33,700
390,000,000 to 419,999,999	35,700
420,000,000 to 449,999,999	37,700
450,000,000 to 499,999,999	39,700
500,000,000 to 549,999,999	41,700
550,000,000 or more	43,700

2. In addition to any compensation provided pursuant to subsection 1 of this section, the presiding commissioner of any county not having a charter form of government shall receive two thousand dollars annual salary.

3. Two thousand dollars of the salary authorized in this section shall be payable to a commissioner only if the commissioner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the commissioner's office when approved by a professional association of the county commissioners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each commissioner who completes the training program and shall send a list of certified commissioners to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to a county commissioner in the same manner as other expenses as may be appropriated for that purpose.

4. A county commissioner in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon a two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county commissioner or presiding commissioner respectively for the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 6, section 50.327, line 23, by inserting immediately after said line the following:

“50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the

recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, 1997.

Assessed Valuation	Salary
\$ 8,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000

500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.”; and

Further amend said bill, page 7, section 50.339, line 16, by inserting immediately after said line the following:

“50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis, without regard to modification due to the existence of enterprise zones or financing under chapter 100, RSMo, as set forth in the following schedule except as provided in subsection 2 of this section. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, 1997, for any of the offices subject to this section on January 1, 1997.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation	Salary
\$ 450,000,001 to 600,000,000	\$47,000
600,000,001 to 750,000,000	49,000
750,000,001 to 900,000,000	51,000
900,000,001 to 1,050,000,000	53,000
1,050,000,001 to 1,200,000,000	55,000
1,200,000,001 to 1,350,000,000	57,000
1,350,000,000 [and over] to 1,500,000,000	59,000
1,500,000,001 to 1,650,000,000	61,000
1,650,000,001 to 1,800,000,000	63,000
1,800,000,001 to 1,950,000,000	65,000
1,950,000,001 and over	67,000

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county officials and such compensation shall be payable immediately except that no compensation of any county official shall be reduced and the compensation of presiding county commissioners

in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of office of such officers; except that, no compensation of any officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, not to exceed the percentage increase given to the other county employees.

3. Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected.”; and

Further amend said bill, page 11, section 50.660, line 7, by inserting immediately after said line the following:

“51.281. 1. The county clerk in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of clerk on January 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the clerk only if the clerk has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the clerk's office when approved by a professional association of the county clerks of Missouri unless

exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each clerk who completes the training program and shall send a list of certified clerks to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county clerk in the same manner as other expenses as may be appropriated for that purpose.

3. [The county clerk may retain any fees to which he is entitled for services performed in the issuance of fish and game licenses or permits.

4.] The county clerk in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county clerk in the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 11, section 52.230, line 23, by inserting immediately after said line the following:

“52.269. 1. In all counties, except first classification counties having a charter form of government and first classification counties not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, the county collector shall receive an annual salary which shall be paid in equal monthly installments by the county. The salary shall be computed on an assessed valuation basis as provided in this subsection. The assessed valuation factor shall be the amount as shown for the year next preceding the annual salary computation. A county collector subject to the provisions of this section shall not receive an annual compensation less than the total

compensation being received by the county collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector shall receive the same percentage adjustments provided by the county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county collector on January 1, 1997, or less than the total compensation being received for the services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary

authorized in this section shall be payable to the collector only if the collector has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector's office when approved by a professional association of the county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each collector who completes the training program and shall send a list of certified collectors to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county collector in the same manner as other expenses as may be appropriated for that purpose.

3. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the county and deposited into the county general revenue fund. Such fee shall be retained by the collector as compensation for his services, in addition to any amount provided for such collector in this section.

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all fees collected by the collector shall be collected on behalf of the county and deposited in the county general revenue fund.”;

“53.082. 1. The county assessor in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule provided in this subsection. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of assessor on September 1, 1997.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000

41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. The compensation for county assessors in second, third and fourth classification counties for the term of office beginning September 1, 1997, shall be calculated pursuant to the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in 1997. This salary shall become effective on September 1, 1997.

3. Two thousand dollars of the salary authorized in this section shall be payable to the assessor only if the assessor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the assessor's office when approved by a professional association of the county assessors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a

certificate of completion to each assessor who completes the training program and shall send a list of certified assessors to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county assessor in the same manner as other expenses as may be appropriated for that purpose.

4. The county assessor in any county, except a first classification county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county assessor in the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, page 12, section 54.040, line 8, by inserting immediately after said line the following:

“54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction, nor shall require an increase, in the amount of compensation being paid for the office of treasurer on January 1, 2002.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000

86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 [or more] to 329,999,999	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session may be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual

compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy due to death, resignation, or otherwise in the office of treasurer in any county except a county with a charter form of government, and when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo, or the elected treasurer returns to work. The county commission shall employ and fix the compensation of clerical and other assistants necessary to enable the interim treasurer to efficiently perform the duties of the office.”;

“54.320. 1. The county collector-treasurer in counties of the third and fourth classifications adopting township organization shall receive an annual salary as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. A county collector-treasurer subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county treasurer ex officio collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector-treasurer shall receive the same percentage adjustments provided by county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county treasurer ex officio collector on January 1, 1997, or less than the total compensation being received for the services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$29,000
41,000,000 to 53,999,999	30,000
54,000,000 to 65,999,999	32,000
66,000,000 to 85,999,999	34,000
86,000,000 to 99,999,999	36,000
100,000,000 to 130,999,999	38,000
131,000,000 to 159,999,999	40,000
160,000,000 to 189,999,999	41,000
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 to [449,999,999]	45,000
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

In addition, the collector-treasurer shall collect on behalf of the county a fee for the collection of all back taxes and all delinquent taxes of two percent on all sums collected to be added to the face of the tax bill, and collected from the party paying the tax. The collector-treasurer shall collect on behalf of the county a fee of three percent on all licenses, including current railroad and utility taxes, surtax, back taxes, delinquent taxes and interest collected by the collector-treasurer, to be deducted from the amounts collected. The collector-treasurer shall collect on behalf of the county for the purpose of mailing statements and receipts required by section 139.350, RSMo, a fee of one-half of one percent on all licenses and all taxes, including current taxes, back taxes, delinquent taxes, and interest collected by the collector-treasurer, to be deducted from the amounts collected. All fees collected

under this section shall be collected on behalf of the county and shall be deposited in the county treasury or as provided by law. Collector-treasurers in counties having a township form of government are entitled to collect such fees immediately upon an order of the circuit court under section 139.031, RSMo. If the protest is later sustained and a portion of the taxes so paid is returned to the taxpayer the county shall return that portion of the fee collected on the amount returned to the taxpayer. The collector-treasurer in each of the third and fourth classification counties which have adopted the township form of county government is entitled to employ deputies and assistants, and for the deputies and assistants is allowed not less than the amount allowed in 2003-2004, whichever is greater.

2. Notwithstanding any provisions of law to the contrary, the collector-treasurer in each county of the third or fourth classification having a township form of government shall employ not fewer than one full-time deputy. The collector-treasurer may employ such number of deputies and assistants as may be necessary to perform the duties of the office of collector-treasurer promptly and correctly, as determined by the collector-treasurer. The office of the collector-treasurer shall be funded sufficiently to compensate deputies and assistants at a level no less than the compensation provided for other county employees. Such deputies and assistants shall be allowed adjustments in compensation at the same percentage as provided for other county employees, as effective January first each year.

3. Two thousand dollars of the salary authorized in this section shall be payable to the collector-treasurer only if such officer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector-treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the

professional association. The professional association approving the program shall provide a certificate of completion to each collector-treasurer who completes the training program and shall send a list of certified collector-treasurers to the county commission of each county. Expenses incurred for attending the training session may be reimbursed to the county collector-treasurer in the same manner as other expenses as may be appropriated for that purpose.”;

“55.091. 1. The county auditor in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall receive an annual salary computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of auditor on January 1, 1997.

Assessed Valuation	Salary
\$ 131,000,000 to 189,999,999	\$40,500
190,000,000 to 249,999,999	41,500
250,000,000 to 299,999,999	43,000
300,000,000 to [399,999,999] 329,999,999	45,000
[400,000,000 to 499,999,999	46,000
500,000,000 or more	47,000]
330,000,000 to 359,999,999	47,000
360,000,000 to 389,999,999	49,000
390,000,000 to 419,999,999	51,000
420,000,000 to 449,999,999	53,000
450,000,000 to 499,999,999	55,000
500,000,000 to 549,999,999	57,000
550,000,000 or more	59,000

2. Two thousand dollars of the salary

authorized in this section shall be payable to the auditor only if the auditor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the auditor's office when approved by a professional association of the county auditors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each auditor who completes the training program and shall send a list of certified auditors to the treasurer of each county. Expenses incurred attending the training session may be reimbursed to the county auditor in the same manner as other expenses as may be appropriated for that purpose.

3. The county auditor in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county auditor in the particular county for services rendered or performed on the date the salary commission votes.”;

“56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
\$ 18,000,000 to 40,999,999	\$37,000
41,000,000 to 53,999,999	38,000
54,000,000 to 65,999,999	39,000
66,000,000 to 85,999,999	41,000

86,000,000 to 99,999,999	43,000
100,000,000 to 130,999,999	45,000
131,000,000 to 159,999,999	47,000
160,000,000 to 189,999,999	49,000
190,000,000 to 249,999,999	51,000
250,000,000 to 299,999,999	53,000
300,000,000 [or more] to 329,999,999	55,000
330,000,000 to 359,999,999	57,000
360,000,000 to 389,999,999	59,000
390,000,000 to 419,999,999	61,000
420,000,000 to 449,999,999	63,000
450,000,000 to 499,999,999	65,000
500,000,000 to 549,999,999	67,000
550,000,000 or more	69,000

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term “prosecuting attorney” includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification

during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.”;

“58.095. 1. The county coroner in any county, other than in a first classification chartered county, shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, 1997:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$8,000
41,000,000 to 53,999,999	8,500
54,000,000 to 65,999,999	9,000
66,000,000 to 85,999,999	9,500
86,000,000 to 99,999,999	10,000
100,000,000 to 130,999,999	11,000
131,000,000 to 159,999,999	12,000
160,000,000 to 189,999,999	13,000
190,000,000 to 249,999,999	14,000
250,000,000 to 299,999,999	15,000
300,000,000 [or more] to 329,999,999	16,000
330,000,000 to 359,999,999	17,000
360,000,000 to 389,999,999	18,000
390,000,000 to 419,999,999	19,000
420,000,000 to 449,999,999	20,000
450,000,000 to 499,999,999	21,000

500,000,000 to 549,999,999	22,000
550,000,000 or more	23,000

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county coroner in the same manner as other expenses as may be appropriated for that purpose.

3. The county coroner in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum

allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333, RSMo.

5. Effective January 1, 1997, the county coroner in any county, other than a county of the first classification with a charter form of government, may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the county sheriff.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 84, Section 92.500, Line 12 of said page, by inserting immediately after said line the following:

“92.715. 1. The collectors of cities operating under the provisions of sections 92.700 to 92.920 shall proceed to collect the taxes contained in the back tax book or [record] **recorded** list of the delinquent land and lots in the collector's office as herein required.

2. Any person interested in or the owner of any tract of land or lot contained in the back tax book or in the recorded list of delinquent lands and lots in the collector's office may redeem such tract of land or town lot, or any part thereof, from the

state's or such city's lien thereon, by paying to the proper collector the amount of the original taxes, together with interest from the date of delinquency at the rate of [one] **two** percent per month with a maximum rate of [ten] **eighteen** percent per annum and the costs. **Notwithstanding the foregoing, any individual taxpayer whose income is at or below one hundred eighty-five percent of the Federal poverty guidelines or sixty years of age or older shall only be assessed interest from the date of delinquency at the rate of one percent per month, with a maximum rate of ten percent per annum. The collector of revenue shall have the authority to request any necessary documentation. The collector of revenue shall separately account for any amounts of interest and penalties collected where such amounts are in excess of one percent per month and ten percent per annum with respect to a particular property and shall deposit such excess amounts with the city treasurer, to be held in a separate account. Funds in such account shall be used solely for purposes of lead hazard remediation, abatement and/or removal in buildings and structures owned and operated by the board of education of a metropolitan district where educational activities involving children are conducted, and in any buildings and structures in which recreational activities for children are conducted, until all such lead hazard abatement, remediated, or removed. Thereafter, funds in such account shall be used solely for purposed of lead hazard abatement, remediation, and/or removal in other buildings and structures located in any city not within a county. Upon appropriation, the building commissioner of the any city not within a county shall be authorized to draw funds from such account for such purposes and shall cooperate with the board of education of a metropolitan district to use such funds effectively and efficiently for the purposes set forth herein.** [For any delinquency occurring after January 1, 2000, the rate shall not exceed the prime

rate, which shall mean the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System.]

3. If suit shall have been commenced against any tract of land or town lot for the collection of taxes, the person desiring to redeem any such land before judgment, in addition to the original tax, interest and costs including attorney's fee accruing under this law, shall pay to the city collector all necessary costs incurred in the court where the suit is pending, and the city collector shall account to the clerk of the court in which said suit is filed for the court costs so collected.

4. The provisions of the law with reference to the compromise of taxes shown on the back tax book or recorded list of delinquent land and lots in the collector's office shall apply to and shall also authorize the compromise of any judgment for taxes after the same had been rendered therefor and up to that time when the property shall be sold under execution issued on said judgment; such compromise to be authorized by the same officials and under the same conditions as set forth under existing law for the compromise of taxes. The comptroller of any city operating under the provisions of sections 92.700 to 92.920 shall serve in lieu of the county commission. The comptroller shall also have the right to correct manifest errors.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 47, Section 67.1545, Line 28 of said page, by inserting after all of said line the following:

“67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.”; and

Further amend said bill, Page 130, Section 206.090, Line 24 of said page, by inserting after all of said line the following:

“227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, municipality, public water supply district, sewer district, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission. Nothing contained in this section shall lessen, remove, or eliminate property rights bestowed upon sewer districts established under the Missouri Constitution at their creation.

2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. The commission or some officer selected by the commission shall serve a written notice upon

the entity, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

4. The commission is authorized in the name of the state of Missouri to institute and maintain, through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not

in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.”; and

Further amend said bill, Pages 133 to 138, Section 247.040, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

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

Senator Loudon offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 155, Section 473.748, Line 13, by inserting after all of said line the following:

“590.045. Notwithstanding any other provisions of law to the contrary, any person commissioned and serving as a reserve peace officer, as defined by section 590.010, on August 27, 2001, within a county of the first classification prior to August 28, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a peace officer in such county.”; and

Further amend the title and enacting clause accordingly.

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

Senator Ridgeway offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 144, Section 304.701, Line 6, by inserting after all of said line the following:

“311.190. 1. For the privilege of

manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty- four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars.

2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed under this section may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year.

3. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of the department of agriculture shall determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

4. A manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this

section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between [11:00] 9:00 a.m. and 10:00 p.m.

311.294. Wine and malt beverages, permit to allow tasting on premises--limitations.--

1. Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail under sections 311.200 and 311.293, may apply to the supervisor of liquor control for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. A licensee under this section shall pay to the director of revenue an additional twenty-five dollars a year payable at the same time and manner as other license fees.

2. However, a licensee under this section may charge a set sampling fee in which event an individual person participating in the sampling may be served multiple samples up to the equivalents of twenty-four ounces of beer, twelve ounces of wine, and three ounces of distilled spirits.

3. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For

purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

311.297. 1. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler or brewer, or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples on a retail license premises for customer tasting purposes. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by the drink for consumption on the premises where sold retail license.

2. No money or something of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises

product tasting. In addition, the product tasting shall be provided to the customer free of charge.

3. Any winery, distiller, manufacturer, wholesaler or brewer, or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. Solicitation for later sales via forms or promotional materials shall not constitute a violation of this section.

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

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

Senator Mayer offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 155, Section 321.688, Line 4 of said page, by inserting immediately after said line the following:

“409.107. [No] Any investment firm [, legal] offering municipal bond underwriting of financial advisory services, or any law firm offering bond counsel services, or any persons having an interest in [any] such firms shall [be involved in any manner in the issuance of bonds authorized by an election in which the firm or person made any contribution of any kind whatsoever to any campaign in support of the bond election] limit their participation in the campaign in support of a general obligation bond election to assistance with steering committee organizations, promotional materials development, preparation of suggested election strategies, attendance at public forums to answer questions regarding the financial and legal issues involved, and other activities that do

not involve any direct or indirect financial contributions.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 159, Section 610.010, Lines 13-20 of said page by striking all of said lines and inserting in lieu thereof the following: **“include any item regarding a private individual employed by the municipality that is collected or maintained by any municipality regarding such individual's financial information or medical history and which contains the individual's identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, except that this exemption shall not apply to the name, position, salary, and length of service of any officer or employee of a municipality or public agency once the individual is employed in such position. Any document or”.**

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

Senator Loudon offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 128, Section 190.053, Line 22, by inserting immediately after said line the following:

“191.778. 1. Any order or ordinance adopted by any city of the fourth classification

with more than thirty-one thousand two hundred but fewer than thirty-one thousand six hundred inhabitants prohibiting smoking in certain public places shall not apply to any restaurant, bar, or tavern located within such city and established on or before the adoption of such order or ordinance until such date that seventy-five percent of the municipalities located in any county with a charter form of government and with more than one million inhabitants adopt a substantially similar order or ordinance.

2. The status of any restaurant, bar, or tavern exempt from any order or ordinance under subsection 1 of this section shall not be a factor in determining or issuing any permit or license to such business.

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1030, 1033, 1146, 1225 and 1326, Page 133, Section 230.220, Line 25, by inserting immediately after said line the following:

“233.280. 1. County collectors shall receive for collecting special tax bills authorized by sections 233.170 to 233.315 the same compensation as if collected as county taxes.

2. Clerks of county commissions shall receive for issuing and attesting each special tax bill issued under sections 233.170 to 233.315, six cents; for recording an abstract or description of each such tax bill, five cents; for making the record of a special tax payable in installments, four cents for each tract of land against which such tax is

assessed; for attesting special assessment bonds issued under sections 233.170 to 233.315, and registering the same, twenty cents for each bond; for any other services performed under sections 233.170 to 233.315, such compensation as may be fixed by law, and if not fixed by law, such as may be fixed by the county commission.

3. Commissioners of road districts incorporated under sections 233.170 to 233.315 shall receive [no] **such** compensation for their services **as a majority of the road district commissioners shall set from time to time, not to exceed one hundred dollars per month, provided that any change in compensation under this section shall not take effect for each commissioner until the commissioner's term has expired, [but] and shall be paid any and all expenses they may incur in transacting business of the district, including reasonable attorney's fees.**"; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Bartle, **HCS for HBs 1030, 1033, 1146, 1225 and 1326**, with **SCS, SS for SCS and SA 16** (pending), was placed on the Informal Calendar.

HCS for HB 1380, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Stouffer.

SCS for HCS for HB 1380, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1380

An Act to amend chapter 227, RSMo, by

adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

Was taken up.

Senator Bartle assumed the Chair.

Senator Stouffer moved that **SCS for HCS for HB 1380** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1380, Page 14, Section 227.669, Line 8, by inserting immediately after said line the following:

“Section 1. The toll bridge located nearest to the Lake of the Ozarks shall be named “W.T. Dawson Memorial Bridge.”; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer moved that **SCS for HCS for HB 1380** be adopted, which motion prevailed.

Under the provisions of **SR 91**, Senator Wilson was excused from voting.

On motion of Senator Stouffer, **SCS for HCS for HB 1380** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—31	

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Wheeler—1

Excused from voting—Senator Wilson—1

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 1317 was placed on the Informal Calendar.

At the request of Senator Loudon, **HB 1504**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1168, with **SCS**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to impaired pharmacists.

Was taken up by Senator Crowell.

SCS for HCS for HB 1168, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1168

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Was taken up.

Senator Crowell moved that **SCS for HCS for HB 1168** be adopted.

Senator Crowell offered **SS for SCS for HCS for HB 1168**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1168

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

Senator Crowell moved that **SS for SCS for HCS for HB 1168** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS for SCS for HCS for HB 1168** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended: Representatives: Stevenson, May, Silvey, Wagner and Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS for SB 1066**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS for SS No. 2 for SCS for SBs 1014 and 730**, as amended: Senators Scott, Gibbons, Vogel, Callahan and Coleman.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 3078, regarding Kathryn New, Saint Peters, which was adopted.

Senator Gibbons offered Senate Resolution No. 3079, regarding Lucinda Housley, which was adopted.

Senator Gibbons offered Senate Resolution No. 3080, regarding Kristoffer Simpson, which was adopted.

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

SENATE CALENDAR

SEVENTIETH DAY—WEDNESDAY, MAY 10, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1930-Hubbard, et al

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HB 1302-Cooper (155), et al
(Ridgeway) (In Fiscal Oversight) | 8. HCS for HB 1837, with SCS (Loudon)
(In Fiscal Oversight) |
| 2. HB 994-Dusenberg, et al (Cauthorn) | 9. HCS for HB 1137, with SCS (Klindt) |
| 3. HCS for HB 1349, with SCS (Clemens)
(In Fiscal Oversight) | 10. HCS for HB 1397 (Goodman) |
| 4. HB 1619-Sutherland, et al, with SCS
(Gibbons) (In Fiscal Oversight) | 11. HCS for HB 1075, with SCS (Nodler) |
| 5. HCS for HB 1092, with SCS (Ridgeway)
(In Fiscal Oversight) | 12. HB 1864-Nolte, et al (Alter) |
| 6. HCS for HB 1059 (Nodler) | 13. HCS for HB 1581 (Champion)
(In Fiscal Oversight) |
| 7. HB 1035-Young (49), et al (Callahan) | 14. HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight) |
| | 15. HJR 55-Lipke (Crowell) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (pending) (Goodman)	HB 1446-Whorton, et al (Barnitz)
HCS for HBs 1030, 1033, 1146, 1225 & 1326, with SCS, SS for SCS & SA 16 (pending) (Bartle)	HCS for HB 1485, with SCS (Ridgeway)
HB 1105-Wilson (119), et al (Scott)	HB 1504-Yates, with SCS (Loudon)
HB 1118-Dempsey, et al, with SCS#2 (Shields)	HB 1521-Richard, et al (Griesheimer)
HCS for HBs 1145, 1359 & 1121 (Scott)	HCS for HB 1532, with SCS (Griesheimer)
HCS for HB 1149, with SCS#2, SS for SCS#2 & SA 5 (pending) (Klindt)	HCS for HB 1534 (Bartle)
HCS for HB 1275, with SS, SA 4 & points of order (pending) (Goodman)	HB 1623-St. Onge, et al, with SS, SA 1 & points of order (pending) (Stouffer)
HCS for HB 1317 (Goodman)	HCS for HB 1632, with SCS (Engler)
HB 1320-Lipke, et al (Gibbons)	HB 1728-Rector, et al, with SCS (Klindt)
SCS for HCS for HB 1367 (Scott) (In Fiscal Oversight)	HCS for HB 1742, with SCS (Shields)
HB 1411-Smith (150), et al, with SCS (Scott)	HCS for HB 1767, with SCS (Bartle)
	HCS for HB 1900 (Shields)
	HB 1905-Jetton, et al (Champion)
	HB 1936-Tilley, with SCS (pending) (Stouffer)
	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)	HCS for HB 1333 (Mayer)
HCS for HB 1511, with SCS (Shields)	HCS for HB 1366 (Engler)
HCS for HB 1135 (Stouffer)	HB 1424-Franz (Purgason)
HCS for HB 1710 (Gibbons)	HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)	HB 1722-Sutherland, et al (Mayer)
HCS for HB 1037 (Klindt)	HB 1833-Wood, et al (Goodman)
HB 1144-May, et al (Clemens)	HB 1988-Wagner, et al (Barnitz)
HB 1577-Pollock, et al (Clemens)	HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 818-Scott, with HA 2, as amended & HA 3	SB 1002-Mayer, with HCS
SS for SCS for SBs 872, 754 & 669-Gibbons, with HCS, as amended	SCS for SB 1008-Klindt, with HA 1
SS for SCS for SB 892-Scott, with HCS, as amended	SCS for SB 1086-Kennedy, et al, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 666-Engler, with HCS, as amended (Senate adopted CCR and passed CCS)	SCS for SB 932-Scott, with HCS (Senate adopted CCR#2 and passed CCS#2)
SS for SB 696-Nodler, with HCS, as amended	SCS for SBs 1001, 896 & 761-Griesheimer, with HCS, as amended
SCS for SB 756-Clemens, with HCS	SS#2 for SCS for SBs 1014 & 730-Scott, with HCS, as amended
SCS for SB 773-Cauthorn and Barnitz, with HCS, as amended	(Further conference granted)
SS for SCS for SB 832-Griesheimer, with HCS, as amended	SB 1017-Clemens, with HCS, as amended
	HCS for HB 1022, with SCS, as amended (Gross)

HCS for HBs 1270 & 1027, with SCS, as amended (Cauthorn)
HCS for HB 1306, with SS for SCS, as amended (Crowell)

HCS for HBs 1698, 1236, 995, 1362 & 1290, with SS for SCS, as amended (Bartle)

Requests to Recede or Grant Conference

SB 766-Vogel, with HA 1
(Senate requests House
recede or grant conference)
HCS for HB 1456, with SS#2 for SCS, as
amended (Ridgeway)
(House requests Senate
recede or grant conference)

HB 1865-Bearden, et al, with SCS, as
amended (Shields)
(Senate requests House
recede and pass the bill or
grant further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
HCR 25-Bowman, et al (Days)
HCR 17-Quinn, et al (Stouffer)
HCR 15-Jetton, et al (Champion)
HCR 12-Portwood (Kennedy)
HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)
HCR 37-Loehner, et al (Barnitz)
HCR 10-Zweifel, et al (Loudon)
SR 2741-Wilson
HCR 18-Kuessner, et al
HCR 41-Sutherland, with SCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

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