

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY—TUESDAY, APRIL 6, 2010

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is in his holy temple; let all the earth keep silent before him.” (Habakkuk)

Gracious God, it was a beautiful day to delight in Your creation and celebrate the gift of new life. May we take time each day this week to be silent before You and listen to Your voice. May we speak boldly in our living as Your servants here in the senate. And in this stressful time may silence in You calm our hearts and minds so we might do what must be done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 1, 2010 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson

Wright-Jones—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2050, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Don Owen, Cape Girardeau, which was adopted.

Senator Clemens offered Senate Resolution No. 2051, regarding John Thompson, Marshfield, which was adopted.

Senator Purgason offered Senate Resolution No. 2052, regarding the Ninetieth Birthday of Winifred Uhlmann Gentry, West Plains, which was adopted.

Senator Crowell offered Senate Resolution No. 2053, regarding Marcia Ritter, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2054, regarding Charles J. Herbst, III, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2055, regarding the Honorable Jay Knudtson, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2056, regarding William P. Wingerter, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2057, regarding Carol Ochs, Perryville, which was adopted.

Senator Shields offered Senate Resolution No. 2058, regarding the American Heart Association, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2059, regarding Larry Goodroad, Clay County, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2060, regarding Dale Gerard Sluhan, Santa Fe, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SB 786**, introduced by Senator Rupp, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 786

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to requiring health benefit plans to provide orally administered anticancer medications on a basis no less favorable than intravenously administered anticancer medications.

Was taken up.

On motion of Senator Rupp, **SS** for **SB 786** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Wright-Jones—1

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

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

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

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

SB 894, introduced by Senators Dempsey and Crowell, entitled:

An Act to repeal section 103.089, RSMo, and to enact in lieu thereof one new section relating to health coverage benefits to Medicare eligible participants in the state employee health insurance program.

Was taken up by Senator Dempsey.

On motion of Senator Dempsey, **SB 894** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager
Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—30		

NAYS—Senators—None

Absent—Senators

Green Mayer Pearce—3

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Stouffer assumed the Chair.

SS for SB 928, introduced by Senator Lager, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 928

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof two new sections relating to the sales tax treatment of sales for resale, with an emergency clause.

Was taken up.

On motion of Senator Lager, **SS** for **SB 928** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Mayer Pearce—2

Absent with leave—Senator McKenna—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Nodler	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Mayer Pearce—2

Absent with leave—Senator McKenna—1

Vacancies—None

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

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

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

SENATE BILLS FOR PERFECTION

At the request of Senator Lager, **SB 810**, with **SCS**, was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 826**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 826**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 826

An Act to repeal sections 115.305, 115.342, 115.346, 321.130, 321.552, and 321.711, RSMo, and to enact in lieu thereof six new sections relating to the imposition of a sales tax by ambulance and fire protection districts in certain counties.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 826** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 826** was declared perfected and ordered printed.

Senator Callahan moved that **SB 808**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 808**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 808

An Act to repeal sections 473.739 and 473.742, RSMo, and to enact in lieu thereof two new sections relating to public administrators.

Was taken up.

Senator Callahan moved that **SCS** for **SB 808** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 808** was declared perfected and ordered printed.

Senator Lembke moved that **SB 971** be taken up for perfection, which motion prevailed.

On motion of Senator Lembke, **SB 971** was declared perfected and ordered printed.

Senator Mayer moved that **SB 1017**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1017**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1017

An Act to repeal sections 198.439, 208.437, 208.453, 338.550, 633.401, and 633.410, RSMo, and to enact in lieu thereof six new sections relating to certain provider taxes, with expiration dates.

Was taken up.

Senator Mayer moved that **SCS** for **SB 1017** be adopted.

At the request of Senator Mayer, **SB 1017**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Shoemyer moved that **SB 622**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 622**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 622

An Act to repeal sections 196.316, 281.260, and 311.550, RSMo, and to enact in lieu thereof four new sections relating to fee funding for programs administered by the department of agriculture, with penalty provisions.

Was taken up.

Senator Shoemyer moved that **SCS** for **SB 622** be adopted, which motion prevailed.

On motion of Senator Shoemyer, **SCS** for **SB 622** was declared perfected and ordered printed.

Senator Rupp moved that **SB 976** be taken up for perfection, which motion prevailed.

On motion of Senator Rupp, **SB 976** was declared perfected and ordered printed.

Senator Schaefer moved that **SB 884**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 884**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Was taken up.

Senator Schaefer moved that **SCS** for **SB 884** be adopted.

Senator Schaefer offered **SS** for **SCS** for **SB 884**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

Senator Schaefer moved that **SS** for **SCS** for **SB 884** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 884, Page 10, Section 196.1032, Line 22, by striking the words “that have been” and inserting in lieu thereof the following: “**deemed by a court of competent jurisdiction to have been**”; and further amend line 24 by striking the word “deemed”; and

Further amend said bill and section, page 11, line 4 by inserting immediately after the word “any” the following: “**successful**”; and further amend line 5 by striking the word “shall” and inserting in lieu thereof the following: “**may**”; and

Further amend said bill and page, section 196.1035, lines 19-20 by striking the words “under chapter 621” and inserting in lieu thereof the following: “**by a court of competent jurisdiction**”.

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

Senator Schaefer moved that **SS** for **SCS** for **SB 884**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SS** for **SCS** for **SB 884**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 815**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 815, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 815

An Act to amend chapter 171, RSMo, by adding thereto two new sections relating to elementary and secondary education.

Was taken up.

Senator Bartle moved that **SCS for SB 815** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 815, Page 1, Section A, Line 2, by inserting after all of said line the following:

“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] **subdivision** 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. (1) Proposed or existing high risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through a paid or unpaid internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

7. 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.] **8. (1) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status, 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.] **9.** 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.] **10.** A school district may enter into a lease with a charter school for physical facilities.

[10.] **11.** 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.] **12.** 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.] **13.** 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.] **14.** The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the

school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program; [and]

(3) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil who is considered high risk or a dropout who resides in a residential care facility, a transitional living group home, or an independent living program and whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

(4) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

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

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; **and**

(3) A charter school whose mission includes student drop-out prevention or recovery as described in subdivision (3) of subsection 1 of this section shall give preference for admission to resident pupils over nonresident pupils.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. **A charter school may give a preference for admission to high-risk students and dropouts, as defined in subdivision (4) of subsection 2 of section 160.405.**

4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best

practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter [public] schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

- (1) Missouri assessment program test performance and aggregate growth over several years;
- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and

(5) Performance of students enrolled in the same public school for three or more consecutive years. The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

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

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 815**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2317**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1848**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the urban farming task force.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1640**, entitled:

An Act to repeal section 66.010, RSMo, and to enact in lieu thereof one new section relating to county court municipal judges, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1894**, entitled:

An Act to repeal section 630.220, RSMo, and to enact in lieu thereof one new section relating to collection of payment for certain mental health services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2294**, entitled:

An Act to repeal section 115.241, RSMo, relating to political party emblems on ballots.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1747**, entitled:

An Act to amend chapter 265, RSMo, by adding thereto eighteen new sections relating to animal agriculture, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1372**, entitled:

An Act to repeal sections 190.308 and 392.460, RSMo, and to enact in lieu thereof two new sections relating to telecommunications, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1965**, entitled:

An Act to repeal sections 8.190, 21.811, 21.840, 28.085, 30.220, 31.010, 33.065, 33.285, 33.571, 33.577, 34.065, 34.110, 34.130, 37.005, 42.121, 57.080, 57.130, 60.461, 67.2677, 71.240, 71.730, 71.750, 71.970, 94.030, 94.210, 95.365, 96.300, 96.310, 96.320, 96.330, 96.340, 96.350, 96.360, 96.370, 96.380, 99.799, 99.918, 99.1082, 105.140, 105.983, 115.177, 135.205, 135.207, 135.230, 135.431, 135.433, 135.530, 135.903, 135.953, 137.118, 137.286, 142.800, 142.815, 142.821, 143.171, 152.032, 165.016, 165.018, 170.250, 172.860, 173.005, 173.710, 173.715, 173.718, 173.721, 174.020, 174.266, 178.637, 178.930, 191.362, 192.010, 192.120, 192.255, 192.375, 195.060, 195.400, 195.405, 195.410, 195.415, 195.425, 196.180, 196.725, 196.730, 196.750, 196.755, 196.760, 196.765, 196.770, 196.775, 196.780, 196.785, 196.790, 196.795, 196.800, 196.805, 196.810, 197.305, 197.314, 197.317, 197.318, 197.366, 198.058, 198.087, 198.600, 201.010, 201.020, 201.030, 201.040, 201.050, 201.070, 201.080, 201.090, 207.023, 207.040, 207.050, 207.055, 208.344, 208.978, 210.002, 210.111, 210.292, 211.013, 211.015, 215.050, 215.263, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 217.860, 221.140, 237.200, 253.022, 253.375, 253.406, 260.370, 260.481, 263.210, 278.010, 278.020, 278.030, 278.040, 278.050, 288.090, 301.273, 301.3112, 303.026, 307.176, 307.367, 311.470, 313.008, 313.835, 318.010, 318.020, 318.030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 329.028, 340.290, 342.010, 342.020, 374.208, 376.671, 376.990, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 400.9-118, 402.225, 454.010, 454.020, 454.030, 454.040, 454.050, 454.060, 454.070, 454.080, 454.090, 454.100, 454.105, 454.110, 454.120, 454.130, 454.140, 454.150, 454.160, 454.170, 454.180, 454.190, 454.200, 454.210, 454.220, 454.230, 454.240, 454.250, 454.260, 454.270, 454.275, 454.280, 454.290, 454.300, 454.310, 454.320, 454.330, 454.340, 454.350, 454.355, 454.360, 454.800, 454.802, 454.804, 454.806, 460.100, 460.250, 488.5345, 490.610, 537.675, 537.684, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.170, 620.173, 620.174, 620.176, 620.515, 620.1023, 622.020, 622.040, 622.045, 622.050, 622.055, 622.057, 644.054, 644.550, 644.551, and 660.018, RSMo, and section 622.010 as enacted by house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof fifty-four new sections for the sole purposes of repealing expired, sunset, terminated, ineffective, or obsolete statutes, with penalty provisions and a contingent effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1806**, entitled:

An Act to repeal section 48.020, RSMo, and to enact in lieu thereof one new section relating to county classification, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1893**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof three new sections relating to the distribution and use of gaming funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2220**, entitled:

An Act to repeal section 115.091, RSMo, and to enact in lieu thereof one new section relating to the oath of an election judge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2297**, entitled:

An Act to amend chapter 184, RSMo, by adding thereto five new sections relating to the establishment of the Kansas City zoological district.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** as amended for **HCS** for **HB 2014** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences in Section 14.005.

MESSAGES FROM THE GOVERNOR

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

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Lori A. Bruce, 709 Luper Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2012, and until her successor is duly appointed and qualified; vice, Cynthia Heischmidt, withdrawn.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment.

Edna L. Chavis, Democrat, 2223 Merlin Drive, Jefferson City, Cole County, Missouri 65101, as a member of the State Board of Senior Services, for a term ending August 30, 2012, and until her successor is duly appointed and qualified; vice, Lisa Conrad, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald Dirck Clark, Republican, 14306 Riverview Drive, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2015, and until his successor is duly appointed and qualified; vice, reappointed to a full .

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Irene Coco-Bell, 1331 B Northeast 39th Street, Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Nursing, for a term ending June 01, 2012, and until her successor is duly appointed and qualified; vice, Charlotte York, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melodee Colbert-Kean, Democrat, 527 North Moffet Avenue, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Women's Council, for a term ending December 6, 2011, and until her successor is duly appointed and qualified; vice, Teresa Gray, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Vicki McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2011 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Philip Gary Pettett, 5730 Northwest Woodland Pointe, Parkville, Platte County, Missouri 64152, as a member of the Missouri Genetic

Advisory Committee, for a term ending April 9, 2012, and until his successor is duly appointed and qualified; vice, Jun Oizumi, term expired.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

Also,

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102
March 31, 2010

To the Senate of the 95th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tamara Thielemier, 221 Little Creek Court, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2013, and until her successor is duly appointed and qualified; vice reappointed to a full term.

Respectfully submitted,
Jeremiah W. (Jay) Nixon
Governor

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, Dave Murphy, Jefferson City; Jacob Swafford, Columbia; Turner Oliver, Macon County; and Jim Jacobi, St. Charles County, Conservation Federation of Missouri Leadership Corps.

Senator Rupp introduced to the Senate, Jennifer Meyer and her son Ted, O'Fallon; and Ted was made an honorary page.

Senator Nodler introduced to the Senate, Duane Miche, Haiti; Grace Nichols, St. Charles; and Rudy Farber, Neosho.

Senator Griesheimer introduced to the Senate, Clayton Arnold, Wright City; and Clayton was made an honorary page.

Senator Callahan introduced to the Senate, Mason and Joshua Hart; and Mason and Joshua were made honorary pages.

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

SENATE CALENDAR

—————
FORTY-EIGHTH DAY—WEDNESDAY, APRIL 7, 2010
—————

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 2114-Hoskins, et al
HCS for HB 1898

HB 2317-Tracy
HCS for HB 1848

HB 1640-Roorda, et al	HCS for HB 1965
HB 1894-Bringer	HCS for HB 1806
HB 2294-Dugger	HCS for HB 1893
HCS for HB 1747	HB 2220-Dugger, et al
HB 1372-Parson, et al	HCS for HB 2297

THIRD READING OF SENATE BILLS

SB 627-Justus (In Fiscal Oversight)	SCS for SB 944-Shields (In Fiscal Oversight)
SJR 20-Bartle (In Fiscal Oversight)	SB 816-Lembke (In Fiscal Oversight)
SB 779-Bartle (In Fiscal Oversight)	SB 1026-Rupp (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 943-Shields	SB 631-Cunningham, with SCS
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HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)	HCS for HB 1498 (Lembke)
HCS#2 for HB 1472 (Schaefer)	HCS for HJR 86, with SCS (Stouffer)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS	SB 784-Schaefer and Pearce
SB 587-Nodler and Cunningham, with SCS & SA 1 (pending)	SB 792-Dempsey and Rupp, with SS (pending)
SB 596-Callahan, with SCS (pending)	SB 793-Mayer, et al, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 606-Stouffer	SB 797-Green
SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)	SB 810-Lager, with SCS
SB 698-Griesheimer, with SCS, SS for SCS & SA 1 (pending)	SB 815-Bartle, with SCS & SA 1 (pending)
SB 705-Griesheimer	SB 818-Lembke, with SCS (pending)
SB 714-Crowell	SB 839-Wright-Jones, with SCS
SB 734-Pearce, with SCS (pending)	SB 852-Lager, et al, with SS, SA 1 & SSA 1 for SA 1 (pending)
SB 738-Crowell, with SCS	SB 868-Shields
SB 747-Rupp, et al, with SA 1 (pending)	SB 877-Keaveny
	SB 878-Lembke, with SCS (pending)

SBs 880, 780 & 836-Schaefer, with SCS
SBs 895, 813, 911, 924, 922 &
802-Dempsey, et al, with SCS, SS for
SCS, SA 1, SSA 1 for SA 1 & SA 1 to
SSA 1 for SA 1 (pending)
SB 896-Shields and Crowell, with SA 1
(pending)
SB 905-Bray, et al, with SCS & SS for
SCS (pending)
SB 999-Schaefer
SB 1017-Mayer, with SCS (pending)

SJR 22-Callahan
SJR 25-Cunningham, et al, with SCS, SS#2
for SCS & SA 5 (pending)
SJR 29-Purgason and Cunningham, with SCS
& SS for SCS (pending)
SJR 31-Scott
SJR 33-Bartle, with SA 1 (pending)
SJR 34-Goodman, et al, with SA 1 (pending)
SJR 38-Ridgeway
SJR 40-Goodman, with SA 1 (pending)

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

Requests to Recede or Grant Conference

HCS for HB 2014, with SCS, as amended (Mayer)
(House requests Senate recede or grant
conference)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
HCS for HCR 18, with SA 1 (pending)
(Rupp)
SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)
SCR 52-Lager
HCS for HCRs 34 & 35 (Schmitt)

✓