

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SIXTY-FIRST DAY, TUESDAY, APRIL 24, 2001

Speaker Kreider in the Chair.

Prayer by Father David Buescher.

God of freedom and love, You have touched each one of us with a spark of Your essence. Fan that spark into a flame of justice and mercy. Aid this House of Representatives again today as it continues on its journey towards even better laws and programs. As You hold us in the palm of Your gentle hands, also challenge us with grace and mercy to build an even better world. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ellen Kammer, Grace Burghoff, Emily Byrne, Annie Hagerty, John Duchardt, Callie Jetton, Elaine Jetton, David Brunker, Brooke Van Lear, Mollie Moore, Alex Myers, Carolyn Edwards, Alexander Bozich, Angela Barron, Matthew Brennell, Ben McDermott, Jon Dusenberry, Joy Watkins, Samantha Goens, Justin Donovan, Amber Hemphill, Brianna Culberson, Racheal Culberson, Cherish Perry, Virginia Elizabeth James, Florice Johnson, Stacey Murray, Logan Willoughby, Halie Weber, Megan Sharbel, Charles Austin, Colin Gambaro, Kevin Connor, Jonathan Sholy, James Williams, Mark Wagoner, Nick Wagoner, Kathleen Fitterling, Katie Castro, Jennifer Degenhardt and Dawn Degenhardt.

The Journal of the sixtieth day was approved as corrected by the following vote:

AYES: 083

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Farnen	Ford	Franklin	Fraser
Froelker	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Jolly
Kelly 27	Kennedy	Koller	Lawson	Legan
Liese	Lowe	Luetkenhaus	Marsh	McKenna
Moore	O'Connor	Overschmidt	Ransdall	Relford
Reynolds	Rizzo	Ross	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Skaggs	Smith
Surface	Thompson	Treadway	Troupe	Van Zandt
Villa	Wagner	Walton	Ward	Williams
Wilson 25	Wilson 42	Mr. Speaker		

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NOES: 059

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Cunningham	Dempsey	Enz	Fares
Griesheimer	Hanaway	Hartzler	Hegeman	Henderson
Hendrickson	Hohulin	Hunter	Jetton	Kelley 47
Kelly 144	King	Levin	Linton	Long
Luetkemeyer	Marble	May 149	Mayer	Miller
Murphy	Naeger	Nordwald	Ostmann	Phillips
Portwood	Purgason	Rector	Reinhart	Ridgeway
Roark	Robirds	Schwab	Secrest	Shields
St. Onge	Townley	Vogel	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 018

Crowell	Dolan	Foley	Gaskill	Holand
Johnson 90	Kelly 36	Lograsso	Mays 50	Merideth
Monaco	Myers	O'Toole	Reid	Richardson
Scott	Wiggins	Willoughby		

VACANCIES: 003

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1485 - Representative Troupe
House Resolution No. 1486 - Representative Fraser
House Resolution No. 1487
and
House Resolution No. 1488 - Representatives Ross and Lograsso
House Resolution No. 1489 - Representative Moore
House Resolution No. 1490 - Representative Johnson (61)
House Resolution No. 1491 - Representative Hosmer
House Resolution No. 1492 - Representative Green (73)
House Resolution No. 1493 - Representative Ford
House Resolution No. 1494 - Representative Hosmer, et al
House Resolution No. 1495 - Representative Britt
House Resolution No. 1496 - Representative Smith
House Resolution No. 1497
and
House Resolution No. 1498 - Representative Harlan
House Resolution No. 1499 - Representative Levin
House Resolution No. 1500 - Representative Ross
House Resolution No. 1501 - Representative Berkowitz
House Resolution No. 1502 - Representative Relford
House Resolution No. 1503 - Representative Bartelsmeyer
House Resolution No. 1504 - Representative Richardson
House Resolution No. 1505 - Representative Portwood

House Resolution No. 1506 - Representative McKenna
House Resolution No. 1507 - Representative Ford
House Resolution No. 1508
and
House Resolution No. 1509 - Representative Miller
House Resolution No. 1510 - Representative Ransdall
House Resolution No. 1511 - Representative Johnson (61)
House Resolution No. 1512 - Representative Fraser
House Resolution No. 1513 - Representative Gratz
House Resolution No. 1514
through
House Resolution No. 1528 - Representative Jetton
House Resolution No. 1529 - Representative Luetkenhaus
House Resolution No. 1530 - Representative Boucher
House Resolution No. 1531 - Representative Hegeman
House Resolution No. 1532 - Representative Froelker
House Resolution No. 1533 - Representative Holand
House Resolution No. 1534 - Representative Coleman

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 32 was read the second time.

COMMITTEE REPORTS

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HJR 7 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HB 349 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Speaker Pro Tem Abel assumed the Chair.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 113, relating to state building contracts, was taken up and placed back on the Informal Calendar.

PERFECTION OF HOUSE BILLS

HB 555, relating to life sciences research program, was placed on the Informal Calendar.

HCS HBs 981 & 665, relating to tort immunity for teachers, was placed on the Informal Calendar.

HCS HBs 853 & 258, relating to concealable weapons, was placed on the Informal Calendar.

HCS HBs 186 & 172, relating to sales and use tax holiday, was placed on the Informal Calendar.

HCS HBs 888, 942 & 943, relating to tobacco settlement, was placed on the Informal Calendar.

HCS HB 279, relating to screening of newborns, was placed on the Informal Calendar.

HB 678, as amended, with House Substitute Amendment No. 1 for House Amendment No. 7 and House Amendment No. 7, pending, relating to ethics, was placed on the Informal Calendar.

HB 436, relating to Missouri Airport Protection Act, was taken up by Representative Merideth.

Representative Merideth offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 436, Page 1, Section 305.700, Line 10, by deleting the word “**highway**” and replacing with “**highways**”; and

Further amend said bill, Page 5, Section 305.714, Line 14, by inserting the following sentence prior to the word “**such**”: “**Such hearing shall be conducted pursuant to section 305.712.**”.

On motion of Representative Merideth, **House Amendment No. 1** was adopted.

Representative Dolan offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 436, Page 5, Section 305.714, Line 40, by inserting after all of said line the following:

"305.715. Any provision of this act that is not consistent with or stricter than Federal Aviation Administration or Federal Communications Commission tower siting requirements shall be unenforceable."; and

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

Representative Smith assumed the Chair.

Representative Dolan moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Koller offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Bill No. 436, Page 3, Section 305.706, Lines 14-15, by deleting the following:

“or material pilot opposition to new structures within the areas defined in subsection 1 of section 305.704.”.

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Koller, **House Amendment No. 3** was adopted.

Representative Marble offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Bill No. 436, Page 4, Section A, Line 9, by inserting after Section 305.712 the following language:

“Section A. The Commission is prohibited from expending funds, which are presumed for or dedicated to highway use as described in Chapter 142, in the enforcement of Sections 305.700 to 305.714.”.

On motion of Representative Marble, **House Amendment No. 4** was adopted.

Representative Dempsey offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Bill No. 436, Page 1, In the Title, Line 2, by deleting from said line the word "**eight**" and inserting in lieu thereof the word "**nine**"; and

Further amend said bill, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following: "**known as sections 305.588, 305.700, 305.702, 305.704, 305.706, 305.708, 305.710, 305.712 and 305.714,**"; and

Further amend said bill, Section A, Line 3, by inserting after all of said line the following:

"305.588. No state funds shall be used for the new runway construction at any major airport, as defined in section 305.505, which serves as a hub for national and international airlines, located in a county of the first classification with a charter form of government and with a population of more than nine hundred thousand inhabitants, unless a real-time study of the proposed new construction has first been conducted."; and

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

Representative Shelton raised a point of order that **House Amendment No. 5** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Dempsey moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

On motion of Representative Merideth, **HB 436, as amended**, was ordered perfected and printed.

HB 286, with HS, as amended, House Committee Amendment No. 1 and House Committee Amendment No. 2, pending, relating to sales and use tax refunds, was taken up by Representative Smith.

Representative Troupe offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Bill No. 286, Page 1, Line 4 of the Title, by inserting after the word **procedures** the words: “, **with an emergency clause for certain sections**”; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after said line the following:

“144.049. 1. There is hereby specifically exempted from the provisions of the state and local sales tax law as defined in section 32.085, RSMo, section 67.1545, RSMo, section 65.1712, RSMo, sections 70.500 to 70.510, RSMo, section 94.413, RSMo, sections 94.577 to 94.1010, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.745, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 321.246, RSMo, and sections 644.032 to 644.033, RSMo, and from the computation of the tax levied, assessed or payable pursuant to the state and local sales tax law as defined in section 32.085, RSMo, section 67.1545, RSMo, section 65.1712, RSMo, sections 70.500 to 70.510, RSMo, section 94.413, RSMo, sections 94.577 to 94.1010, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.745, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 321.246, RSMo, and sections 644.032 to 644.033, RSMo, all retail sales of any article of clothing having a taxable value of one hundred dollars or less during the period beginning at 12:01 a.m., August 9, 2001, to midnight, August 12, 2001. For purposes of this section, the term clothing means any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles.

2. Any local sales tax revenue lost due to implementation of the sales tax holiday defined in this section shall be reimbursed by the state and every local political subdivision shall be held harmless.”; and

Further amend said bill, Page 6, Section 144.1068, Line 10, by inserting after said line the following:

“Section B. Because immediate action is necessary to prevent the imposition of sales tax on retail sales of clothing, the enactment of section 144.049 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 144.049 shall be in full force and effect July 1, 2001, or upon its passage and approval, whichever later occurs.”; and

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

On motion of Representative Troupe, **House Amendment No. 6** was adopted.

Representative Crump moved the previous question on the adoption of **HS HB 286, as amended**.

Which motion was adopted by the following vote:

AYES: 083

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Coleman	Copenhaver	Crump	Curls
Davis	Farnen	Foley	Ford	Franklin
Fraser	Gambaro	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Harding
Harlan	Haywood	Hickey	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Jolly
Kelly 27	Kelly 36	Kennedy	Koller	Lawson
Liese	Lowe	Luetkenhaus	McKenna	Merideth
Monaco	O'Connor	O'Toole	Overschmidt	Ransdall
Relford	Reynolds	Rizzo	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Skaggs	Smith
Thompson	Treadway	Troupe	Van Zandt	Villa
Wagner	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 073

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Froelker	Gaskill	Griesheimer
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Holand	Hunter	Jetton	Kelley 47
Kelly 144	King	Legan	Levin	Lograsso
Long	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Moore	Murphy	Myers
Naeger	Nordwald	Ostmann	Phillips	Portwood
Purgason	Rector	Reid	Reinhart	Richardson
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Secrest	Shields	St. Onge	Surface
Townley	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 004

Johnson 90	Linton	Mays 50	Wiggins
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VACANCIES: 003

On motion of Representative Smith, **HS HB 286, as amended**, was adopted.

On motion of Representative Smith, **HS HB 286, as amended**, was ordered perfected and printed.

Speaker Kreider resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 3** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

SCS HCS HB 2:	Representatives Green (73), Graham, Wilson (42), Shields and Holand
SCS HCS HB 3:	Representatives Green (73), Graham, Wilson (42), Shields and Bearden
SCS HCS HB 4:	Representatives Green (73), Bray, Bonner, Legan and Myers
SCS HCS HB 5:	Representatives Green (73), Bonner, Wilson (42), Legan and Crawford
SCS HCS HB 6:	Representatives Green (73), Wilson (42), Ransdall, Legan and Hegeman

SCS HCS HB 7:	Representatives Green (73), Wilson (42), Ransdall, Shields and Myers
SCS HCS HB 8:	Representatives Green (73), Wilson (42), Kelly (27), Legan and Bearden
SCS HCS HB 9:	Representatives Green (73), Wilson (42), Kelly (27), Legan and Crawford
SCS HCS HB 10:	Representatives Green (73), Wilson (42), Riback Wilson (25), Shields and Naeger
SCS HCS HB 11:	Representatives Green (73), Troupe, Campbell, Kelley (47) and Naeger
SCS HCS HB 12:	Representatives Green (73), Bonner, Wilson (42), Legan and Reinhart

On motion of Representative Lograsso, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Green (73).

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Celeste Adams, Barbara Bocan, Bobby Brown, Raquel Campos, Obie Kung, Dawn Moon, Tomonao Shimizu, Flavio Silva, Cannis Yu and Ping Liu.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1535	-	Representative Boykins
House Resolution No. 1536		
and		
House Resolution No. 1537	-	Representative Burcham
House Resolution No. 1538		
and		
House Resolution No. 1539	-	Representative Crawford
House Resolution No. 1540	-	Representative Franklin
House Resolution No. 1541		
through		
House Resolution No. 1605	-	Representative Crowell
House Resolution No. 1606		
and		
House Resolution No. 1607	-	Representative Gaskill
House Resolution No. 1608	-	Representative Haywood
House Resolution No. 1609		
and		
House Resolution No. 1610	-	Representative Walton
House Resolution No. 1611		
and		
House Resolution No. 1612	-	Representative Seigfreid

House Resolution No. 1613
and
House Resolution No. 1614 - Representative Purgason
House Resolution No. 1615
through
House Resolution No. 1618 - Representative Naeger
House Resolution No. 1619
and
House Resolution No. 1620 - Representative Reinhart
House Resolution No. 1621 - Representative Clayton
House Resolution No. 1622 - Representative Kennedy
House Resolution No. 1623
and
House Resolution No. 1624 - Representative Rector
House Resolution No. 1625 - Representative Kelley (47)
House Resolution No. 1626
and
House Resolution No. 1627 - Representative Murphy
House Resolution No. 1628
and
House Resolution No. 1629 - Representative Kreider
House Resolution No. 1630 - Representative Hollingsworth
House Resolution No. 1631 - Representative Marble
House Resolution No. 1632 - Representative Harding
House Resolution No. 1633 - Representative Ballard

PERFECTION OF HOUSE BILLS

HCS HB 472, relating to utility access to public rights-of-way, was placed on the Informal Calendar.

HCS HB 488, relating to tourism taxes, was taken up by Representative Koller.

Representative Koller offered **HS HCS HB 488**.

Speaker Kreider resumed the Chair.

Representative Harding offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 488, Page 5, Section 67.1005, Line 20, by inserting after all of said section the following:

"67.1360. The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred [and];
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a

total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003[, or];

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants[, or];

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants[, or];

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants[, or];

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants[, or];

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants[, or];

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand[, or];

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand [or];

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand[, or];

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand [and];

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand[, or];

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand[, or];

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants; **or**

(15) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes."; and

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

On motion of Representative Harding, **House Amendment No. 1** was adopted.

Representative Phillips offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill No. 488, Page 3, Section 67.1004, Line 23, by inserting after said line the following:

"67.1004. 1. The governing body of any noncharter county of the first classification with a population of less than [seventy-five] **one hundred** thousand and containing part of a city with a population of more than four hundred and thirty thousand may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county or a portion thereof, which shall be not more than [one quarter] **one-half** of one percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general or primary election, a proposal to authorize the governing body of the county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:
Shall (insert the name of the county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES ☐ NO

3. As used in this section, "transient guests" means a person or persons who occupy room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

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

On motion of Representative Phillips, **House Amendment No. 2** was adopted.

Representative Lawson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill No. 488, Page 22, Section 210.861, Line 59, by inserting after said line the following:

"Section 1. 1. Any county of the first classification without a charter form of government with a population of more than fifty seven thousand inhabitants but less than sixty thousand inhabitants may, by ordinance or order of the governing body of the county and approved by the majority of the qualified voters of the county, levy a one dollar fee upon each rental of a motor vehicle which is rented within such county on a short-term basis. For purposes of this section "short-term" shall mean a rental contract of less than one month. The fee shall be collected by any business located in such county which rents motor vehicles on a short-term basis upon payment of the contract by the customer.

2. The county collector of such county may provide for collection of such fee on forms provided by the county collector. Failure to collect and remit such fees by any business located in such county which rents motor vehicles on short-term basis shall be subject to a penalty of five percent per month together with interest as determined by section 32.065, RSMo.

3. All revenues collected from the imposition of the fee as authorized by this section shall be used solely for tourism purposes within such county."; and

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

On motion of Representative Lawson, **House Amendment No. 3** was adopted.

On motion of Representative Koller, **HS HCS HB 488, as amended**, was adopted.

On motion of Representative Koller, **HS HCS HB 488, as amended**, was ordered perfected and printed.

HB 592, with House Committee Amendment No. 1, relating to multicultural program and committee, was taken up by Representative Williams.

On motion of Representative Williams, **House Committee Amendment No. 1** was adopted.

Representative Scheve assumed the Chair.

On motion of Representative Williams, **HB 592, as amended**, was ordered perfected and printed.

HCS HB 660, relating to public school retirement, was taken up by Representative Hagan-Harrell.

Representative Clayton offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 660, Page 15, Section 169.070, Line 201, by inserting after all of said line the following:

“Section 1. Notwithstanding any other provision of law to the contrary, any person retired prior to August 28, 1995, who is receiving a reduced retirement allowance pursuant to option 1 or option 2 of subsection 3 of section 169.070, RSMo, as such option existed prior to August 28, 1995, and whose beneficiary nominated to receive continued retirement allowance payments pursuant to the elected option dies or has died, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 2001, as compensation for such service, upon application to the board of trustees, the board shall have the person’s retirement allowance increased to the amount he or she would have been receiving had the option not been elected.”; and

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

Representative Clayton moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Froelker offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 660, Page 9, Section 169.070, Line 302, by inserting after all of said line the following:

"169.075. 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for the benefit provided in this subsection because the surviving spouse may have received payments pursuant to subsection 3 of this section. **Beginning August 28, 2001, a surviving spouse who otherwise meets the requirements of this subsection but who remarried prior to August 28, 1995, shall be entitled, upon an election pursuant to subsection 1 of this section, to any remaining benefits that would otherwise have been received had the surviving spouse not remarried before the change in law permitting remarried surviving spouses to continue receiving benefits. Such surviving spouses may, upon application, become special consultants whose benefit will be to receive the remaining benefits described in this subsection. In no event shall any retroactive benefits be paid.**

3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until the surviving spouse's death, or the first date when no such dependent unmarried child under age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly payment shall not be less than three hundred dollars, for each such dependent unmarried child under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment to the surviving spouse as provided for in this subsection, each dependent unmarried child under the age of eighteen years of the deceased member not in the care of such surviving spouse shall be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary custodial parent or legal guardian; provided that the payment because of an unmarried dependent child shall be made until the child attains age twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian, including payments for such dependent unmarried children, shall in no event exceed two thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as to each dependent unmarried child eligible to receive payments pursuant to this subsection.

4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary is a dependent unmarried child as defined in this section or automatically upon the death of a surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child under age twenty-four if the child is enrolled in school on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars, and provided further that

any child of the deceased member who is disabled before attainment of age eighteen because of a physical or mental impairment which renders the child unable to engage in any substantial gainful activity and which disability continues after the child has attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption, or recovery from the disability, whichever first occurs; provided, however, that the total of all monthly payments to the surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if designated as the sole beneficiary, provided such dependent parent was receiving at least one-half of the parent's support from such member at the time of the member's death and provided the parent files proof of such support within two years of such death, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year as a teacher in a district included in the retirement system until death; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is a dependent, as defined in this section, the same amount shall be paid to each until death.

6. All else in this section to the contrary notwithstanding, a survivor may not be eligible to benefit pursuant to this section because of more than one terminated membership, and be it further provided that the board of trustees shall determine and decide all questions of doubt as to what constitutes dependency within the meaning of this section.

7. The provisions added to subsection 3 of this section in 1991 are intended to clarify the scope and meaning of this section as originally enacted and shall be applied in all cases in which such an election has occurred or will occur.

8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section shall be payable to eligible current and future survivor beneficiaries in accordance with this section.

9. The system shall pay a monthly retirement allowance for the month in which a retired member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies."; and

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

Representative Cunningham offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 660, Page 3, Section 169.075, Line 9 from top of page, by inserting after all of said line the following:

"No benefit shall be paid to such surviving spouse unless he or she files a valid application for such benefit with the retirement system postmarked on or before June 30, 2002."

On motion of Representative Cunningham, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Froelker, **House Amendment No. 2, as amended**, was adopted.

Representative Skaggs offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 660, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.420. 1. If a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, the contract between the charter school and the school district may provide that an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. A 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 seniority rights in the district. 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 certified instructional personnel. 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. 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) 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.**"; and

Further amend said bill, Page 9, Section 169.070, Line 302, by inserting after all of said line the following:

"169.270. Unless a different meaning is clearly required by the context, the following words and phrases as used in sections 169.270 to 169.400 shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member or paid on behalf of the member by the employer and credited to the member's individual account together with interest thereon in the employees' contribution fund. The board of trustees shall determine the rate of interest allowed thereon as provided for in section 169.295;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of formulas and/or tables which have been approved by the board of trustees;

(3) "Average final compensation", the highest average annual compensation received for any four consecutive years of service. In determining whether years of service are "consecutive", only periods for which creditable service is earned shall be considered, and all other periods shall be disregarded;

(4) "Beneficiary", any person designated by a member for a retirement allowance or other benefit as provided by sections 169.270 to 169.400;

(5) "Board of education", the board of directors or corresponding board, by whatever name, having charge of the public schools of the school district in which the retirement system is established;

(6) "Board of trustees", the board provided for in section 169.291 to administer the retirement system;

(7) "Break in service", an occurrence when a regular employee ceases to be a regular employee for any reason (including termination of employment, resignation, retirement or furlough but not including vacation, sick leave, excused absence or leave of absence granted by an employer) and such person does not again become a regular employee until after fifteen consecutive school or work days have elapsed. A "school or work day" is a day on which the employee's employer requires (or if the position no longer exists, would require, based on past practice) employees having the former employee's last job description to report to their place of employment for any reason;

(8) **"Charter school", any charter school established pursuant to section 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;**

(9) "Compensation", the regular compensation as shown on the salary and wage schedules of the employer plus any amounts paid by the employer on a member's behalf pursuant to subdivision (5) of subsection 1 of section 169.350, but such term is not to include extra pay, overtime pay, consideration for entering into early retirement, or any other payments not included on salary and wage schedules. For any year beginning after December 31, 1988, the annual compensation of each member taken into account under the retirement system shall not exceed the limitation set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended;

[(9)] (10) "Creditable service", the amount of time that a regular employee is a member of the retirement system and makes contributions thereto in accordance with the provisions of sections 169.270 to 169.400;

(11) **"Employee", any person who is classified by the school district, a charter school, the library district or the retirement system established by section 169.280 as an employee of such employer and is reported contemporaneously for federal and state tax purposes as an employee of such employer. A person is not considered to be an employee for purposes of such retirement system with respect to any service for which the person was not reported contemporaneously for federal and state tax purposes as an employee of such employer, regardless of whether the person is or may later be determined to be or to have been a common law employee of such employer, including but not limited to persons classified by the employer as independent contractors and persons employed by other entities which contract to provide staff and services to the employer. In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment;**

[(10)] (12) "Employer", the school district, **any charter school**, the library district, or the retirement system established by section 169.280, or any combination thereof, as required by the context to identify the [common law] employer of any member, or, for purposes only of subsection 2 of section 169.324, of any retirant;

[(11)] (13) "Employer's board", the board of education, **the governing board of any charter school**, the board of trustees of the library district, the board of trustees, or any combination thereof, as required by the context to identify the governing body of an employer;

[(12)] (14) "Library district", any urban public library district created from or within a school district under the provisions of section 182.703, RSMo;

[(13)] (15) "Medical board", the board of physicians provided for in section 169.291;

[(14)] (16) "Member", any person who is a regular employee after the retirement system has been established hereunder ("active member"), and any person who (i) was an active member, (ii) has vested retirement benefits hereunder, and (iii) is not receiving a retirement allowance hereunder ("inactive member");

[(15)] (17) "Minimum normal retirement age", the earlier of the member attaining the age of sixty or has a total of at least seventy-five credits, with each year of creditable service, and prorated for fractional years, equal to one credit and each year of age, and prorated for fractional years, equal to one credit;

[(16)] (18) "Prior service", service prior to the date the system becomes operative which is creditable in accordance with the provisions of section 169.311. Prior service in excess of thirty-eight years shall be considered thirty-eight years;

[(17)] (19) "Regular employee", any [person employed by the school district, the library district, or the retirement system] **employee** who is assigned to an established position which requires [a] service of not less than five hours per day, five days per week, and not less than nine calendar months a year. Any regular employee who is subsequently assigned without break in service to a position demanding less service than is required of a regular employee shall continue the employee's status as a regular employee. However, a temporary, part-time or furloughed employee is not a regular employee;

[(18)] (20) "Retirant", a former member receiving a retirement allowance hereunder;

[(19)] (21) "Retirement allowance", annuity payments to a retirant or to such beneficiary as is entitled to same;

[(20)] (22) "School district", any school district in which a retirement system shall be established under section 169.280.

169.280. 1. In each school district of this state (i) that now has or may hereafter have a population of not more than seven hundred thousand and (ii) not less than seventy percent of whose population resides in a city other than a city not within a county which now has or may hereafter have a population of four hundred thousand or more, according to the latest United States decennial census, there is hereby created and established a retirement system for the purpose of providing retirement allowances and related benefits for employees of the employer. Each such system shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)", and by such name all of its business shall be transacted, all of its funds invested, and all

of its cash and securities and other property held. When a school district first satisfies the foregoing population conditions, the board of education shall adopt a resolution certifying the same and take all actions necessary to cause the retirement system to begin operation on the thirtieth day of September following such certification.

2. In the event that (i) the population of a school district having a retirement system created hereunder should increase to a number greater than seven hundred thousand, or (ii) the population of the city in which not less than seventy percent of the population of the school district resides should decrease to a number less than four hundred thousand, or (iii) less than seventy percent of the population of the school district should reside in a city having a population of at least four hundred thousand, **or (iv) the corporate organization of the school district shall lapse in accordance with subsections 1 and 4 of section 162.081, RSMo**, the retirement system of such school district shall continue to be governed by and subject to sections 169.270 to 169.400 and all other statutes, rules, and regulations applicable to retirement systems in school districts having a population of not more than seven hundred thousand and not less than seventy percent of whose population resides in a city, other than a city not within a county, of four hundred thousand or more, as if the population of such school district and city continued to be within such numerical limits.

169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701, RSMo;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. **No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.**

3. 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, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each such vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

[3.] 4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

[4.] 5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of

at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; **provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.**

[5.] 6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536, RSMo, or chapter 621, RSMo. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the transaction of its business, and for the limitation of the time within which claims may be filed.

[6.] 7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

[7.] 8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

[8.] 9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

[9.] 10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

[10.] 11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

[11.] 12. The board of trustees shall designate a medical board to be composed of three physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

[12.] 13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

[13.] 14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

[14.] 15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

[15.] 16. The rate of contribution payable by the employer shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for all subsequent years.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merger by the board of trustees of the retirement system.

169.301. 1. Any active member who has completed five or more years of actual (not purchased) creditable service shall be entitled to a vested retirement benefit equal to the annual service retirement allowance provided in

sections 169.270 to 169.400 payable after attaining the minimum normal retirement age and calculated in accordance with the law in effect on the last date such person was a regular employee; provided, that such member does not withdraw such person's accumulated contributions pursuant to section 169.328 prior to attaining the minimum normal retirement age.

2. Any member who elected on October 13, 1961, or within thirty days thereafter, to continue to contribute and to receive benefits under sections 169.270 to 169.400 may continue to be a member of the retirement system under the terms and conditions of the plan in effect immediately prior to October 13, 1961, or may, upon written request to the board of trustees, transfer to the present plan, provided that the member pays into the system any additional contributions with interest the member would have credited to the member's account if such person had been a member of the current plan since its inception or, if the person's contributions and interest are in excess of what the person would have paid, such person will receive a refund of such excess. The board of trustees shall adopt appropriate rules and regulations governing the operation of the plan in effect immediately prior to October 13, 1961.

3. Should a retirant again become an active member, such person's retirement allowance payments shall cease during such membership and shall be recalculated upon subsequent retirement to include any creditable service earned during the person's latest period of active membership **in accordance with subsection 2 of section 169.324.**

169.315. 1. The board of trustees shall adopt rules and regulations which shall permit members to purchase creditable service under the circumstances provided for in this section. Such rules and regulations shall specify, for each such designated circumstance:

- (1) The manner in which the employee contributions required to purchase such service shall be calculated;
- (2) The manner in which any employer contributions required for such service shall be calculated;
- (3) The maximum amount of service that may be purchased, if any;
- (4) The time by which the election to purchase service shall be made and the period over which such contributions shall be paid; and
- (5) Any other requirements the member must satisfy in order to be eligible to purchase service in such circumstance.

All such rules and regulations shall be applied on a uniform and nondiscriminatory basis so that all members are treated similarly under similar circumstances.

2. Any active member who ceased to be a regular employee and received a refund of contributions and interest attributable to a prior period of service with [the district in which the retirement system is established] **any employer** may, after reemployment as a regular employee and prior to retirement, elect to reinstate any creditable service the member forfeited by purchasing such service in accordance with the rules and regulations adopted by the board of trustees.

3. Any active member who has rendered service in a public school district or public library within the state of Missouri but outside of the district in which the retirement system is established, or in a college, junior college or university within the state of Missouri may elect to purchase and receive credit for such service in accordance with the rules and regulations adopted by the board of trustees.

4. Any active member who has rendered service in a public school district, public library, college, junior college or university outside the state of Missouri may elect to purchase and receive credit for such service in accordance with the rules and regulations adopted by the board of trustees; provided that, such member shall pay to the retirement system, in addition to all required employee contributions, the required amount of employer contributions, plus interest, for each year of creditable service being purchased.

5. Any active member who was, prior to becoming a member, employed by a private school, college or university on a full-time basis and duly certified under the law governing the certification of teachers during all of such employment may elect to purchase and receive credit for such private school service in accordance with the rules and regulations adopted by the board of trustees; provided that, such member shall pay to the retirement system, in addition to all required employee contributions, the required amount of employer contributions, plus interest, for each year of creditable service being purchased. As used in this section, the term "private school" means a school which is not a part of the public school system of the state of Missouri and which charges tuition for the rendering of elementary, secondary educational or post-secondary educational services.

6. Any active member who, voluntarily or involuntarily, enters service in the armed forces of the United States or other national defense service may, after reemployment and prior to retirement, elect to purchase and receive credit for such military service in accordance with the rules and regulations adopted by the board of trustees and with the laws governing the reemployment rights of veterans.

7. Any active member who is granted a period of approved, unpaid leave of absence by the employer's board for academic study at a college, junior college, university or otherwise, illness or such other circumstances as may be authorized by the board of trustees, may elect to purchase and receive creditable service for such period of leave in accordance with the rules and regulations adopted by the board of trustees.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. For any member [retiring] **who retires as an active member** on or after June 30, 1999, the annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life shall be the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation. Any member whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, [that provides for the foregoing formula for determining the annual service retirement allowance] shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993[, that provides for the foregoing formula for determining the annual service retirement allowance]. Provided, however, that, effective January 1, 1996, any retiree who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326. Provided, further, any retiree who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retiree elected any of the options available under section 169.326). Any beneficiary of a deceased retiree who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.580 and 169.585, [a retirant may not receive a retirement allowance payment in] **payment of a retirant's retirement allowance will be suspended for** any month for which such person receives remuneration from the person's employer **or from any other employer in the retirement system established by section 169.280** for the performance of services except such person may serve as a nonregular substitute, part-time or temporary employee for [not to exceed five] **no more than six** hundred [thirty] hours in any school year without becoming a member and without having the person's retirement allowance discontinued. **If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, section 169.580 or section 169.585 or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:**

(1) **The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of section 169.324 had payments not been suspended during the person's reemployment; and**

(2) **An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average annual compensation as of the second retirement date.**

The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the [fourth] **second** January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance

payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and the first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent after adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, after adjusting for the effect of the proposed increase, may not exceed the statutory contribution rate;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provide, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

[6.] 7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission."; and

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

On motion of Representative Skaggs, **House Amendment No. 3** was adopted.

Representative Gambaro offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 660, Page 9, Section 169.070, Line 302, by inserting after all of said line the following:

"169.410. The following words and phrases as used in sections 169.410 to 169.540, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all amounts deducted from the compensation of a member and credited to the member's individual account together with interest allowed on such an account;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of interest and such mortality tables as shall be adopted by the board of trustees;

(3) "Average final compensation", the highest average annual compensation of the member received for any three consecutive years of **credited** service of the member's last ten years of **credited** service or if the member has had less than three years of such **credited** service, during the member's entire period of **credited** service;

(4) "Beneficiary", any person other than a [retirant] **retired member** receiving a [retirement allowance or] **pension benefit**, optional [retirement allowance] **pension benefit** or other benefit;

(5) "Board of education", the board of education or corresponding board having charge of the public schools of the school district other than those public schools which are operated by the board of regents;

(6) "Board of regents", the board of regents or corresponding board having charge of a public city teacher training school within the school district which was operated by its board of education prior to September 1, 1978;

(7) "Board of trustees", the board which administers the retirement system;

(8) **"Charter school", any charter school established pursuant to sections 160.400 to 160.420, RSMo, and located, at the time it is established, within the school district;**

[(8)] (9) "Compensation", the regular compensation which a member has earned as an employee during any period, excluding, however, any compensation earned by a person who became a member after December 31, 1995, which is in excess of the limitation set forth in Section 401(a)(17) of the Internal Revenue Code;

[(9)] (10) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board of trustees, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

[(10)] (11) **"Credited service", prior service plus membership service plus service purchased pursuant to applicable Missouri statute;**

[(11)] (12) "Employee", any person regularly employed by (a) the board of education, or (b) the board of trustees, or (c) the board of regents who was employed at a public teacher training school within the school district prior to September 1, 1978, and who did not become a member of the Missouri state employees' retirement system pursuant to section 104.342, RSMo, **or (d) a charter school.** In case of doubt as to whether any person is an employee, the decision of the [employing] **board of education, or the board of trustees, or the board of regents** shall be final and conclusive;

(13) **"Employer", the board of education, the board of trustees, the board of regents or a charter school;**

[(12)] (14) "Medical board", the board of physicians;

[(13)] (15) "Member", a member of the retirement system defined as an:

(a) "Active member", a [member] **person** who is an employee; [or]

(b) "Inactive member", a **former active** member who [is not an employee;] **has accumulated contributions with the retirement system; or**

(c) **"Retired member", a former active member who has retired and is receiving benefits;**

[(14)] (16) "Membership service", service rendered [since last becoming a member which is creditable] **as an employee for which the employee received compensation.** For the purpose of computing creditable service at retirement, membership service shall include a member's accumulated and unused days of sick leave. The decision of the employing board as to the number of accumulated and unused days of sick leave held by a member shall be final and conclusive;

(17) **"Pension benefit" or "pension", monthly payments for life to a retired member or to such beneficiary as is entitled to the payments;**

[(15)] (18) "Prior service", service prior to the date the system [becomes] **became** operative which is [creditable] **credited;**

[(16)] (19) "Public school", any school for elementary, secondary or higher education, open and public, which is supported and maintained from public funds and which is operated by the board of education of the school district [or], by the board of regents, **or as a charter school as defined pursuant to sections 160.400 to 160.420, RSMo;**

[(17)] "Retirant" or] (20) "Retired member", a [former] member receiving a retirement [allowance] **benefit** or [optional retirement allowance or] other benefit;

[(18)] "Retirement allowance", equal monthly payments for life to a retirant or to such beneficiary as is entitled to the payments;

(19)] (21) "Retirement system", the public school retirement [school] system of a school district;

[(20)] **(22)** "School administrator", an employee whose job classification is included on the school administrators' position schedule of the employing board;

[(21)] **(23)** "School district", any **metropolitan** school district [now having or hereafter attaining a population of seven hundred thousand inhabitants or more in which a retirement system shall be established] **as defined pursuant to section 160.011, RSMo;**

[(22)] **(24)** "Teacher", any teacher, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, who shall teach or be employed on a full-time basis in the public schools of a school district **or charter school**, except those teachers electing to become [a member] **members** of the Missouri state employees' retirement system pursuant to section 104.342, RSMo. In case of doubt as to whether any person is a teacher, the decision of the board of education, or the board of regents with respect to individuals within its charge, shall be final and conclusive.

169.420. In all **metropolitan** school districts of this state [that now have or may hereafter attain a population of seven hundred thousand inhabitants or more], there are hereby created and established retirement systems for the purpose of providing retirement [allowances] **benefits** for employees of said school districts. Each such system shall be a body corporate, and shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of (name of school district)". Such system shall, by and in such name, sue and be sued, transact all of its business, invest all of its funds and hold all of its cash, securities and other property; provided, however, that such securities and other property may be held on behalf of the retirement system in the name of a nominee in order to facilitate the expeditious transfer of such securities or other property. [The retirement systems so created shall begin operations as of the first day of the second month next following the date upon which this law shall take effect under article III, section 29, of the Constitution of the state of Missouri or on the first day of the second month next following the date when the school districts shall have thereafter attained a population of seven hundred thousand inhabitants or more.]

169.430. [1.] All persons who shall hereafter become employees, shall become members as a condition of their employment and shall receive no pension or retirement [allowance] **benefit** from any pension or retirement system other than the retirement system established [under] **pursuant to** sections 169.410 to 169.540 because of **credited** years of service in the school district, nor shall they be required to make contributions under any other pension or retirement system of any school district or state because of such years, except that this section does not prohibit the extension of the benefits and liabilities of Title II of the Social Security Act of the United States (42 U.S.C.A. Section 401 et seq.) to the employees of the school district for the purpose of supplementing the benefits provided by this law, through agreement by the district and the state pursuant to sections 105.300 to 105.440, RSMo.

[2. Any employee in service on the date the retirement system becomes operative shall become a member as of that date unless prior thereto he shall file with the board of trustees on a form prescribed by the board of trustees a notice of his election not to become a member of the retirement system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

3. Should any member with less than five years of creditable service not be an employee for more than four consecutive years or should any member withdraw his accumulated contributions, or should any member become a retirant or die, he shall thereupon cease to be a member.]

169.440. 1. [The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year. Notwithstanding any other provisions of this subsection,] **In no case shall more than one year of service be credited for all service in one calendar year.**

2. The board of trustees shall include an employee's accumulated and unused days of sick leave, if any, in computing the employee's [creditable] **credited** service upon the employee's retirement.

[2. Under such rules and regulations as the board of trustees shall adopt, each employee who was employed by the school district on and prior to the date this retirement system becomes operative and who becomes a member within one year from such date, shall file a detailed statement of all service as such employee rendered by the member to the school district prior to that date and prior to the member's attainment of age sixty-five, for which the member claims credit; provided, however, that teachers may, in addition, claim credit in such statement for not more than ten years of service rendered in public schools outside the school district. Any member with service prior to January 1, 1944, who became a member after January 1, 1945, may file claim for prior service up to a maximum of twelve years provided the member has a minimum of five continuous years of membership service and a total membership service of not less than the years of prior service being claimed.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt,

the board of trustees shall verify the service claims as soon as practicable after the filing of such statements of service.

4. Upon verification of the statements of service, the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of the member's statement of service. So long as the holder of such a certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service; provided, however, that any member may, within one year from the date of issuance, or modification, of such certificate, request the board of trustees to modify or correct the member's prior service certificate. When any employee ceases to be a member the employee's prior service certificate shall become void, and should such employee again become a member such employee shall enter the retirement system as a member not entitled to prior service and membership service credit. After the member has five years of continuous membership service since last date of reemployment and provided the member could not under the applicable law at date of the member's termination have left such member's accumulated contributions for accrued deferred retirement benefits, the member may reinstate the member's creditable service as of such date by paying to the system the accumulated contributions the member withdrew with interest to the date of repayment.

5. Membership service at retirement shall include creditable service as an employee, on account of which contributions are made by the employing board and by the member except as to creditable military service and accumulated and unused days of sick leave.

6. Creditable service upon retirement of a member, or upon such other date as a member shall cease to be an employee shall consist of membership service, and if the member has a prior service certificate in full force and effect it shall include service certified on the member's prior service certificate, except that in determining the amount of any benefits pursuant to sections 169.410 to 169.585 the years of prior service creditable shall not exceed the number of years which, when added to the membership service of the member, equals thirty-five years.

7.] 3. Any member inducted into the armed forces of the United States while an employee, and discharged or separated from such service by other than dishonorable discharge, shall be credited with such period or periods of time, not exceeding a total of four years, spent in such service during time of war or national emergency, and any additional period or periods of involuntary service as if such member had been for all effects and purposes in active service as an employee during such period or periods of time. Periods of national emergency, as that term is used in this section, shall be prescribed by rule of the board of trustees, giving due regard to the acts and resolutions of Congress and the proclamations and orders of the President.

[8. Any employee whose membership was terminated during the years 1944 to 1947, inclusive, pursuant to a rule of the board of education prohibiting the employment of married women teachers and who was reemployed on or before January 1, 1950, and is a member as of October 13, 1969, may reinstate the creditable service forfeited by the termination and acquire credit as membership service for service rendered subsequent to the termination. In order to obtain such credit, the member must pay the unpaid accumulated contributions for the approved years of membership service to be credited together with any contributions which have been refunded to the member plus interest from the date of the refund or from the date of membership service to the date of repayment as provided herein. No prior service may be reinstated or other service credited unless full payment is made for contributions for all possible service which is classified as membership service.

9.] 4. Any member who is granted a leave of absence with reduced pay may authorize deduction of contributions based on full compensation, the same as if not on leave, and in such case the full compensation shall be used as annual compensation in determining the final average compensation for calculation of benefits.

[10. Any employee who rendered service which at the time was not classified as membership service nor were contributions paid but which would be classified as membership service under later law and regulations may receive credit for such service by paying the required contributions for such period of service with interest to date.

11.] 5. A member [who has rendered service in a public school district in the state of Missouri, or outside the state of Missouri,] may elect to purchase and receive credit for [such] service in accordance with the following conditions and limitations:

(1) The member must have a minimum of five years of continuous [creditable] **credited** membership service in this retirement system prior to the member's election to purchase;

(2) [Service to be credited must be service for which the member did not and could not receive accrued benefits by leaving contributions with any other retirement system under the applicable law in effect at the termination of such service;

(3)] The member must have one year of [creditable] **credited** service in this **retirement** system for each year to be credited;

[(4) The maximum period of service which can be credited pursuant to this subsection is ten years;]

(3) **The member must purchase the entire amount of credited service the member is eligible to purchase in a given category;**

(4) **Eligible categories of credited service that can be purchased are:**

(a) **Service rendered in a public school district in the state of Missouri, or outside the state of Missouri;**

(b) **Service as an employee which at the time was not classified as membership service nor were contributions paid but which would be classified as membership service under later law and regulations;**

(c) **The period during which an employee's membership was terminated during the years 1944 to 1947, inclusive, pursuant to a rule of the board of education prohibiting the employment of married women teachers, provided the member was reemployed on or before January 1, 1950, and was a member as of October 13, 1969;**

(d) **A period of up to five years during which a member was involuntarily laid off in a staff reduction by the board of education after 1980, provided the member was restored to full-time employment and the member did not receive a refund of the member's accumulated contributions for credited service rendered prior to the layoff;**

(e) **Service for which the member received a refund of the member's accumulated contributions;**

(f) **Up to three years of service rendered in a school, which is not part of the public school system of this state and which charged tuition for the rendering of elementary and secondary educational services, as a full-time employee who was duly certified under the law governing the certification of teachers during all of such years of employment;**

(5) The member must pay for the purchase of service [after January 1, 1944, the total amount of member's contributions for such years being purchased plus interest at the rates fixed by the board of trustees with the contributions based on the compensation at which the member initially was employed in this school district and the contribution rates then in effect;

(6) If all service after January 1, 1944, for which a member is eligible has been purchased and it is less than ten years, the member may apply for credit for service prior to January 1, 1944, provided the total credit does not exceed ten years, subject to applicable conditions and limitations in this subsection, but no payment shall be required;] **in the amount required by the rules and regulations established by the board of trustees of the retirement system;**

(6) The retirement system may accept a transfer of funds from a plan qualified pursuant to Section 401(a) or 403(b) of the Internal Revenue Code in full or partial payment of the amount required to purchase the credited service;

(7) A member shall receive credit at retirement for only such service as has met the conditions of this subsection. If the member has paid for any service which has not been credited, the member shall receive a refund of the excess payment. If the member has not completed such member's payment at time of retirement, the first benefits from the **retirement** system shall be applied to pay the balance of the amount due and thereafter the full benefits shall be payable; and

(8) Any credit granted for service outside the school district prior to January 1, 1944, pursuant to subsection 2 of this section shall be included in determining whether any additional credit may be obtained pursuant to this subsection.

12. An active member who is involuntarily laid off in a staff reduction by the board of education or board of regents after 1980 may, if the member is restored to full-time employment, elect to purchase and receive credit for service retirement for the period of such layoff in accordance with the following conditions and limitations:

(1) The member shall be an employee with a minimum of five years of continuous creditable membership service in this retirement system prior to the time the member elects to purchase service for the period of such layoff;

(2) The member shall not have been paid the member's accumulated contribution credited to the member's individual account after such layoff;

(3) The maximum period of creditable service which may be credited pursuant to this subsection is five years;

(4) The member shall pay for the purchase of creditable service the total cost of such service as determined by the board of trustees based on accepted actuarial methods using the same assumptions used by the retirement system at the time of such election. Such cost shall include both the employee's and the system's share of the cost of such credited service;

(5) The member shall make payment in full for the purchase of creditable service pursuant to this subsection over a period not to exceed five years, measured from the date of election, or prior to the effective date of retirement of the member, whichever is earlier, and with interest compounded annually at the rate established by the board of trustees.

13. Notwithstanding any other provision of sections 169.410 to 169.540 to the contrary, any member with five

or more years of creditable service who ceased to be an employee, who has received a refund of such member's accumulated contributions pursuant to subsection 9 of section 169.460, who again becomes a member of the retirement system, may elect to reinstate any creditable service forfeited at time or times of any previous refunds. Such reinstatement shall be effected by the member paying to the retirement system with interest the amount of accumulated contributions refunded to the member on or after the time such member ceased to be an employee, and by continuous employment in the district for at least an additional seven years of creditable service before such member retires. Such payment with interest shall be made over a period of not longer than five years from the date of such member's election to reinstate creditable service, provided that such payment shall in all events be made prior to the retirement of such member. The member electing to reinstate such creditable service may not receive or be eligible to receive retirement benefits from any other retirement system for the period for which creditable service is being reinstated, and such member shall furnish an affidavit to the retirement system so stating].

169.450. 1. The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.410 to 169.540 are hereby vested in a board of trustees of eleven persons, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that their terms shall be fixed so the terms of one of the trustees so appointed shall expire each year. **The members of such board of trustees appointed by the board of education may be members of the board of education or other individuals deemed qualified to hold such positions by the board of education;**

(2) Four trustees to be elected for terms of four years by and from the active members of the retirement system who shall hold office as trustees only while active members; provided, however, that their terms shall be fixed so that the terms of one of the trustees so elected shall expire each year; and provided further, that not more than two of such persons shall be teachers and two shall be nonteachers. **For the purposes of this subsection, a school administrator shall not be eligible for the positions established pursuant to this subdivision and shall be eligible for the position established pursuant to subdivision (4) of this subsection;**

(3) Two trustees, who shall be [retirants] **retired members**, to be elected for terms of four years by and from the [retirants] **retired members** of the retirement system; provided, however, that the terms of office of the first two trustees so elected shall begin immediately upon their election and shall expire two and four years from the date of their election, respectively; and provided further, that not more than one of such persons shall be a teacher and one shall be a nonteacher;

(4) One member, who shall be a school administrator, to be elected for a term of four years by and from the active members of the retirement system who shall hold office as a trustee only while an active member; except that, the initial term of office of such trustee shall expire on December 31, 1999.

2. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled. **No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancies.**

3. [The members of such board of trustees appointed by the board of education may be members of the board of education or other individuals deemed qualified to hold such positions by the board of education. The] **In the event of lapses in a school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, or for any other reason, the general administration and the responsibility for the proper operation of the retirement system shall continue to be fully vested in the trustees then currently serving and such trustees shall continue to serve and be elected in the same manner as set forth in this statute as if no lapse had occurred, except that in the event of vacancies occurring in the office of trustees appointed by the board of education prior to the lapse, the board of trustees shall appoint a qualified person or persons to fill such vacancy or vacancies for terms of up to four years.**

4. Trustees shall serve without compensation, and any trustee shall be reimbursed from the expense fund for all necessary expenses which the trustee may incur through service on the board of trustees.

[4.] 5. Each trustee shall, within ten days after such trustee's appointment or election, take an oath of office before the clerk of the circuit court of the judicial circuit in which the school district is located that, so far as it devolves upon the trustee, the trustee will diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

[5.] 6. The circuit court of the judicial circuit in which the school district is located shall have jurisdiction over the members of the board of trustees to require them to account for their official conduct in the management and disposition of the funds and property committed to their charge; to order, decree and compel payment by them to the

public school retirement system of their school district of all sums of money, and of the value of all property which may have been improperly retained by them, or transferred to others, or which may have been lost or wasted by any violation of their duties or abuse of their powers as such members of such board; to remove any such member upon proof that the trustee has abused the trustee's trust or has violated the duties of the trustee's office; to restrain and prevent any alienation or disposition of property of such public school retirement system by the members, in cases where it may be threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of such public school retirement system. The jurisdiction conferred by sections 169.410 to 169.540 shall be exercised as in ordinary cases upon petition, filed by the board of education of such school district, or by any two members of the board of trustees. Such petition shall be heard in a summary manner after ten days' notice in writing to the member complained of, and an appeal shall lie from the judgment of the circuit court as in other causes and be speedily determined, but such appeal shall not operate under any condition as a supersedeas of a judgment of removal from office.

[6.] 7. Each trustee shall be entitled to one vote in the board of trustees. Six votes shall be necessary for a decision by the trustees at any meeting of the board of trustees.

[7.] 8. Subject to the limitations of sections 169.410 to 169.540, the board of trustees shall, from time to time, establish rules and regulations for the administration of the [assets of the] retirement system, **for eligibility for and determination of benefits under the retirement system, for the investment of retirement system assets**, and for the transaction of [its] **the retirement system's** business.

[8.] 9. The board of trustees shall elect from its membership a chairman and shall, by majority vote of its members, appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other services as shall be required to transact the business of the retirement system. It shall also engage an investment counselor who shall be experienced in the investment of moneys to advise the trustees on investments of the retirement system. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve.

[9.] 10. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the assets of the retirement system and for checking the experience of the system.

[10.] 11. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and send to the board of education and to each member of the retirement system a report showing the fiscal transactions of the retirement system for the preceding fiscal year, a detailed listing of all salaries and expenditures incurred by the trustees for its operation, the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. The board of trustees shall also prepare or cause to be prepared an annual report concerning the operation of the retirement system herein provided for, which report shall be sent by the chairman of the board of trustees to the board of education.

[11.] 12. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

[12.] 13. The board of trustees shall designate a medical board to be composed of three physicians, none of whom shall be eligible for benefits pursuant to sections 169.410 to 169.540, who shall arrange for and pass upon all medical examinations required pursuant to the provisions of sections 169.410 to 169.540, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

[13.] 14. The actuary shall be the technical adviser of the board of trustees on matters regarding the operation of the system created by sections 169.410 to 169.540 and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a fellow in the Society of Actuaries or by [similar] objective standards **which are no less stringent than those established by the Society of Actuaries**.

[14.] 15. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the retirement system, and taking into account the results of such investigation of the experience, the board of trustees shall adopt for the retirement system such actuarial assumptions as shall be deemed necessary.

[15.] 16. On the basis of such actuarial assumptions as the board of trustees shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the retirement system.

[16.] 17. On the basis of the valuation the board of trustees shall certify the rates of contribution payable by the board of education.

169.460. 1. Any member may retire [on a service retirement allowance] **and receive a normal pension** upon his **or her** written application to the board of trustees setting forth at what time not less than fifteen days nor more than [ninety] **one hundred eighty** days subsequent to the execution and filing of such application he **or she** desires to be

retired; provided, that the member at the time so specified for his **or her** retirement either (a) shall have attained age sixty-five or (b) shall have attained an age which when added to the number of years of [creditable] **credited** service of such member shall total a sum not less than eighty-five. For purposes of computing any member's age [under] **pursuant to** this section, the board shall, **if necessary**, add to his **or her** actual age any accumulated and unused days of sick leave included in his [creditable] **or her credited** service.

2. Upon retirement [for service under] **pursuant to** subsection 1 of this section, a member shall receive an annual [service retirement allowance] **pension** payable in monthly [service] installments equal to his **or her** number of years of [creditable] **credited** service multiplied by [one and one-fourth] **two** percent of his **or her** average final compensation **subject to a maximum pension of sixty percent of his or her average final compensation**.

3. A member who is not eligible for [service retirement under] **normal pension pursuant to** subsection 1 of this section but **who** has attained age sixty and has five or more years of [creditable] **credited** service may make application in the same manner as [under] **pursuant to** subsection 1 of this section for an early [service retirement allowance which shall be a percentage of his projected annual service retirement allowance. His projected annual service retirement allowance shall equal his number of years of creditable service multiplied by one and one-fourth percent of his average final compensation. The percentage of his projected annual service retirement allowance shall be computed by deducting from one hundred percent a sum equal to] **pension. His or her early pension shall be computed pursuant to subsection 2 of this section, but shall be reduced by** five-ninths of one percent for each month such member's early retirement date precedes the earliest date he **or she** could [receive a service retirement allowance under] **have received a normal pension pursuant to** subsection 1 of this section had his **or her** service continued.

4. Upon the written application of the member or of the employing board, any active member who has [had] five or more years of [creditable] **credited** service with such board and does not qualify for [service retirement under] **a normal pension pursuant to** subsection 1 of this section may be retired by the board of trustees, not less than fifteen **days** and not more than [ninety] **one hundred eighty** days next following the date of filing such application, [on an ordinary disability retirement allowance;] **and receive a disability pension**, provided, that the medical board after a medical examination of such member **or such member's medical records** shall certify that such member is unable to further perform his **or her** duties due to mental or physical incapacity, and that such incapacity is likely to be permanent and that such member should be retired; **or, provided the member furnishes evidence of the receipt of disability benefits under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act.** The determination of the board of trustees in the matter shall be final and conclusive. A [disability retiree] **member being retired pursuant to this subsection** who has accumulated unused vacation and sick leave may elect to have the commencement of his **or her** disability [retirement allowance] **pension** deferred for more than [ninety] **one hundred eighty** days during the period he **or she** is entitled to vacation and sick pay.

5. Upon retirement for disability, a member shall receive a disability [retirement allowance which] **pension until such time as he or she meets the requirements for a normal pension pursuant to subsection 1 of this section, at which time his or her disability pension will be deemed to be a normal pension. The member's disability pension shall be the larger of:**

(1) A [service retirement allowance] **normal pension** based on his [creditable] **or her credited** service to the date of his **or her retirement for** disability [retirement] and calculated as if he **or she** were age sixty-five; or

(2) One-fourth of his **or her** average final compensation;
except that such [allowance] **benefit** shall not exceed the [service retirement allowance] **normal pension** which he **or she** would [receive] **have received** upon retirement [had] **if his or her service had** continued and **he or she had** satisfied the eligibility requirements of subsection 1 of this section and had his **or her** final average compensation been unchanged.

6. Once each year during the first five years following retirement [on a] **for** disability [retirement allowance] and once in every three-year period thereafter **while receiving a disability pension**, the board of trustees may, and shall, require any [disability beneficiary] **member receiving a disability pension** who has not yet become eligible for [service retirement] **a normal pension** pursuant to subsection 1 of this section to undergo a medical examination at a place designated by the medical board or by a physician or physicians designated by such board. [Should] **If** any such [disability beneficiary refuse] **member receiving a disability pension refuses** to submit to such medical examination, his [allowance] **or her benefit** may be discontinued until his **or her** withdrawal of such refusal, and [should] **if his or her** refusal [continue] **continues** for one year, all rights in and to his **or her** pension may be revoked by the board of trustees.

7. [Should] **If** the board of trustees [find] **finds** that any [disability retiree] **member receiving a disability pension** is engaged in or is able to engage in a gainful occupation paying more than the difference between his [retirement allowance] **or her disability pension** plus benefits, if any, to which he **or she** and his **or her** family are eligible under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act and the current rate of monthly compensation for the position he **or she** held at retirement, then the amount of his [retirement allowance] **or her disability pension** shall be reduced to an amount which together with the amount earnable by him **or her** shall equal such current rate of monthly compensation. [Further adjustments in the disability retirement allowance because of earnings changes shall be made by the board of trustees.] The decisions of the board of trustees in regard to such modification of disability [allowance] **benefits** shall be final and conclusive.

8. [Should] **If** any [disability retiree] **member receiving a disability pension** is restored to service as an employee, he **or she** shall again become [a] **an active** member of the retirement system and contribute thereunder. [If he is under age sixty at date of again becoming a member, his creditable] **His or her credited** service at the time of his **or her** retirement **for disability** shall be restored [to full force and effect,] and the excess of his **or her** accumulated contributions at his **or her** retirement **for disability** over the total **disability pension** payments which he **or she** received [during retirement] shall be credited to his **or her** account. [If he is age sixty or over, his disability retirement allowance shall cease and be resumed upon subsequent retirement, together with such retirement allowance as shall accrue by reason of his latest period of membership.]

9. If a member with fewer than five years credited service ceases to be an employee, except by death, he or she shall be paid the amount of his or her accumulated contributions in accordance with applicable provisions of the Internal Revenue Code.

[9. Should] **10. If** a member [cease] **with five years or more credited service ceases** to be an employee, except by death or retirement, he **or she** shall be paid on demand the amount of his **or her** accumulated contributions [standing to the credit of his individual account, provided that a member with five or more years of creditable service may leave], **or he or she may leave** his **or her** accumulated contributions with the retirement system and be an inactive member and claim a retirement [allowance] **benefit** at any time after he **or she** reaches the minimum age for [voluntary] retirement, **except that if such a member's accumulated contributions do not exceed the involuntary distribution limits pursuant to provisions of the Internal Revenue Code, the member must elect to become an inactive member within thirty days of employment separation to avoid application of the involuntary distribution provisions of the Internal Revenue Code.** When [his claim is presented] **an inactive member presents his or her valid claim** to the board of trustees, he **or she** shall be granted [an allowance] **a benefit** at such time and for such amount as is available [under] **pursuant to** subsection 2 or 3 of this section in accordance with the provisions of law in effect at the time his **or her** active membership ceased. The accumulated contributions of an inactive member may be withdrawn at any time upon ninety days' notice or such shorter notice as is approved by the board of trustees. [Should a] **If an inactive member [die] dies** before retirement, his **or her** accumulated contributions shall be paid to his **or her** designated beneficiary, if living, otherwise to the estate of the member. A member's accumulated contributions shall not be paid to him **or her** so long as he **or she** remains in service as an employee.

[10.] **11.** Any member upon retirement shall receive his [benefit in a retirement allowance] **or her pension** payable throughout life subject to the provision that if his **or her** death occurs before he **or she** has received total benefits at least as large as his **or her** accumulated contributions at retirement, the difference shall be paid in one sum to his **or her** designated beneficiary, if living, otherwise to the estate of the retired member.

[11.] **12.** Prior to the date of retirement [under] **pursuant to** subsection 2, 3, or 4 of this section, a member may elect to receive the actuarial equivalent [at that time] of his [retirement allowance] **or her pension** in a lesser [retirement allowance] **amount**, payable throughout life under one of the following options with the provision that:

Option 1. Upon his **or her** death, his [retirement allowance] **or her pension** shall be continued throughout the life of and paid to his **or her** beneficiary, or

Option 2. Upon his **or her** death, one-half of his [retirement allowance] **or her pension** shall be continued throughout the life of and paid to his **or her** beneficiary, or

Option 3. Upon his **or her** death, his [retirement allowance] **or her pension** shall be continued throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated beneficiary predeceases him **or her**, then his [retirement allowance] **or her pension** shall be adjusted [at that time] **effective the first day of the month following the month in which his or her designated beneficiary died** to the amount determined [under] **pursuant to** subsection 2 or 3 of this section at the time of his **or her** retirement, or

Option 4. Upon his **or her** death, one-half of his [retirement allowance] **or her pension** shall be continued

throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated beneficiary predeceases him **or her**, then his [retirement allowance] **or her pension** shall be adjusted [at that time] **effective the first day of the month following the month in which his or her designated beneficiary died** to the amount determined [under] **pursuant to** subsection 2 or 3 of this section at the time of his **or her** retirement.

Option 5. Prior to age sixty-two the member will receive an increased pension, where the total pension prior to age sixty-two is approximately equal to the pension after age sixty-two plus the member's estimated federal Social Security benefit, provided that the reduced pension after age sixty-two is not less than one-half the pension the member could have received had no option been elected.

A member may elect a combination of option 1 and option 5, or option 2 and option 5. The survivor benefits payable to a beneficiary, other than the spouse of the [retirant] **retired member**, under any of the foregoing options shall in no event exceed fifty percent of the actuarial equivalent of the [retirement allowance] **pension** determined [under] **pursuant to** subsection 2 or 3 of this section at the time of retirement. [The actuarial equivalent of a member's retirement allowance shall be computed as of the earlier of his actual retirement or the date he became eligible for service retirement under subsection 1 of this section.]

[12.] **13.** If an option has been elected [under] **pursuant to** subsection [11] **12** of this section, and both the retired member and beneficiary die before receiving total benefits as large as the member's accumulated contributions at retirement, the difference shall be paid to [a] **the designated beneficiary of the person last entitled to benefits**, if living, otherwise to the estate of the person last entitled to benefits.

[13.] **14.** If an active member dies while an employee and with five or more years of [creditable] **credited** service and a dependent of the member is designated as beneficiary to receive his **or her** accumulated contributions, such beneficiary may, in lieu thereof, request that benefits be paid [under] **pursuant to** option 1, subsection [11] **12** of this section, as if the member had attained age sixty, if the member was less than sixty years of age at the time of his **or her** death, and had retired under such option as of the date of death, provided that under the same circumstances a member may provide by written designation that benefits must be paid [under] **pursuant to** option 1 to such beneficiary. In addition to benefits received [under] **pursuant to** option 1, subsection [11] **12** of this section, a surviving spouse receiving benefits under this subsection shall receive sixty dollars per month for each unmarried dependent child of the deceased member who is under twenty-two years of age and is in the care of the surviving spouse; provided, that if there are more than three such unmarried dependent children one hundred eighty dollars shall be divided equally among them. A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving spouse or a person who at the time of the death of the member was receiving at least one-half of his **or her** support from the member, and the determination of the board of trustees as to whether a person is a dependent shall be final.

[14. If the board of trustees is unable to refund the contributions of a member or to commence payment of benefits after such refund or benefits are otherwise first due and payable and thereafter, proper application is made for such refund or benefits, the board will make payment of such refund or benefits but no credit will be allowed for interest after the date the refund or benefits were first due and payable.]

15. In lieu of accepting the payment of the accumulated contributions of a member who dies after having at least eighteen months of [creditable] **credited** service and while an employee, an eligible beneficiary or, if no surviving **eligible** beneficiary, the unmarried dependent children of the member under twenty-two years of age may elect to receive the benefits [under] **pursuant to** subdivision (1), (2), (3), or (4) of this subsection. An "eligible beneficiary" is the surviving spouse, unmarried dependent children under twenty-two years of age or dependent parents of the member, if designated as beneficiary. A "dependent" is one receiving at least one-half of his **or her** support from the member at his **or her** death.

(1) A surviving spouse who is sixty-two years of age at the death of the member or upon becoming such age thereafter, and who was married to the member at least one year, may receive sixty dollars per month for life. A spouse may receive this benefit after receiving benefits [under] **pursuant to** subdivision (2) of this subsection;

(2) A surviving spouse who has in his or her care an unmarried dependent child of the deceased member under twenty-two years of age may receive sixty dollars per month plus sixty dollars per month for each child under twenty-two years of age but not more than a total of two hundred forty dollars per month;

(3) If no benefits are payable [under] **pursuant to** subdivision (2) of this subsection, unmarried dependent children under the age of twenty-two may receive sixty dollars each per month; provided that if there are more than three such children one hundred eighty dollars per month shall be divided equally among them;

(4) A dependent parent upon attaining sixty-two years of age may receive sixty dollars per month as long as not remarried provided no benefits are payable at any time [under] **pursuant to** subdivision (1), (2), or (3) of this

subsection. If there are two dependent parents entitled to benefits, sixty dollars per month shall be divided equally between them;

(5) If the benefits [under] **pursuant to** this subsection are elected and the total amount paid is less than an amount equal to the accumulated contributions of a member at his **or her** death, the difference shall be payable to the beneficiary or the estate of the beneficiary last entitled to benefits.

16. [If a retired member dies while receiving a disability retirement allowance, the surviving spouse and children, if any, shall receive benefits under subsection 15 of this section to the same extent as if he had died while an employee, unless such member elected optional benefits under subsection 11 of this section.

17. Should a service retirant again become a] **If a member receiving a normal pension again becomes an active member**, his [retirement allowance] **or her pension benefit** payments shall cease during such membership and shall be resumed upon subsequent retirement together with such [retirement allowance] **pension benefit** as shall accrue by reason of his **or her** latest period of membership. **Except as otherwise provided in section 105.269, RSMo**, a [retirant] **retired member** may not receive a [retirement allowance payment in] **pension benefit** for any month for which he **or she** receives compensation from an employing board, except he **or she** may serve as a part-time or temporary employee for not to exceed sixty days in any [school] **calendar** year without becoming a member and without having his [retirement allowance] **or her pension benefit** discontinued. A [retirant] **retired member** may also serve as a member of the board of trustees and receive any [compensation and] reimbursement for expenses allowed him **or her** because of such service without becoming [a] **an active member** and without having his [retirement allowance] **or her pension benefit** discontinued or reduced.

[18.] 17. Upon approval of the board of trustees, any member may make contributions in addition to those required. Any additional contributions shall be accumulated at interest and paid in addition to the benefits provided hereunder. The board of trustees shall make such rules and regulations as it deems appropriate in connection with additional contributions including limitations on amounts of contributions and methods of payment of benefits.

[19.] 18. Notwithstanding any other provisions of this section, any member retiring on or after age sixty-five who [shall have] **has** five or more years of [creditable] **credited** service shall be entitled to an annual [service retirement allowance] **pension** of the lesser of (a) an amount equal to his **or her** number of years of [creditable] **credited** service multiplied by one hundred twenty dollars, or (b) one thousand eight hundred dollars. Upon the death of such member, any benefits payable to the beneficiary of such member shall be computed as otherwise provided.

[20. Notwithstanding any other provisions of this section, any member who continues his employment with an employing board after attaining seventy and one-half years of age shall receive service retirement benefits during the continuation of his employment if and to the extent the payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees. Optional benefits under subsection 11 of this section must be elected by a member prior to the commencement of benefits hereunder.]

[169.462. 1. As used in this section, the term "private school" means a school which is not a part of the public school system of this state and which charges tuition for the rendering of elementary and secondary educational services.

2. A member having membership service in the retirement system provided by sections 169.410 to 169.540, who was, prior to being a member, employed by a private school on a full-time basis and duly certified under the law governing the certification of teachers during all of such employment, may elect to purchase membership credit for service rendered to the private school, but not to exceed three years; provided that he shall be entitled to apply the membership credit thus purchased toward a service retirement. The purchase allowed by this section shall be effected by the member paying to the retirement system with interest an amount based on the annual salary rate of his initial employment in the public school district under the system in which credit is being purchased and the contribution rate in effect in that system at the date of the election to purchase credit. Such payments shall include any payments that would have been made by the employer of the member during the period for which creditable service is being purchased, for each year of creditable service being purchased, plus interest at the rates fixed by the board of trustees. The purchase allowed by this section shall be effected before retirement of the member, and may be paid in installments over a period not to exceed five years. The purchase allowed by this section shall be subject to all rules and regulations of the board of trustees.]

169.466. 1. Any retired member with fifteen or more years of creditable service at retirement receiving [retirement benefits] **a pension** on August 28, 1997, shall receive on January first of each year, commencing on January

1, 1998, an increase in the amount of [benefits] **pension** received by the retired member pursuant to sections 169.410 to 169.540 during the preceding year of one hundred percent of the increase in the consumer price index calculated in the manner provided in this section; except that, no such increase in [retirement] **pension** benefits shall be paid for any year if such increase in the consumer price index is less than one percent. Such annual [retirement benefit] **pension** increase, however, shall not exceed three percent and the total increases in the amount of [retirement] **pension** benefits received by any retired member shall not, in the aggregate, exceed ten percent of the [retirement] **pension** benefits such retired member received during the year preceding January first of the first year the retired member is entitled to receive an increase pursuant to this section. A retired member qualified to receive an annual [retirement benefit] **pension** increase pursuant to this section shall not be eligible to receive an additional benefit until the January first after the first anniversary of the date on which he or she commenced receiving [retirement benefits] **a pension** pursuant to sections 169.410 to 169.540. Benefits shall not be decreased in the case of a decrease in the consumer price index for any year.

2. For the purpose of this section, any increase in the consumer price index shall be determined by the board of trustees in November of each year based on the consumer price index for the twelve-month period ended on September thirtieth of such year over the consumer price index for the twelve-month period ended on September thirtieth of the year immediately prior thereto. Any increase so determined shall be applied by the board of trustees in calculating increases in [retirement] **pension** benefits that become payable pursuant to this section for the twelve-month period beginning on the January first immediately following such determination.

3. An annual increase in [retirement] **pension** benefits, if any, shall be payable monthly with monthly installments of other [retirement] **pension** benefits pursuant to sections 169.410 to 169.540.

169.471. 1. The board of education is authorized from time to time, in its discretion, to increase the [retirement] **pension** benefits now or hereafter provided pursuant to sections 169.410 to 169.540 and to adopt and implement additional [retirement] **pension** benefits and plans, including without limitation, early retirement plans, deferred retirement option plans and cost-of-living adjustments, but excluding compensation to retired members pursuant to section 169.475, and for such purpose the contribution rate of members of the retirement system may be increased to provide part of the cost thereof, subject to the following conditions:

(1) Any such increase in [retirement] **pension** benefits and additional [retirement] **pension** benefits and plans shall be approved by the board of trustees;

(2) The board of trustees shall have presented to the board of education the projected increases in rates of contribution which will be required to be made by members and the board of education to the retirement system to pay the cost of such increases in [retirement] **pension** benefits and additional [retirement] **pension** benefits and plans; and

(3) Any increase in the contribution rate of members of the retirement system shall be approved by the board of trustees and shall be deducted from the compensation of each member by the employing board and transferred and credited to the individual account of each member from whose compensation the deduction was made, and shall be administered in accordance with sections 169.410 to 169.540; provided that, any such increase in the members' contribution rate shall not exceed one-half of one percent of compensation in any year for such increases to [retirement] **pension** benefits and additional [retirement] **pension** benefits and plans adopted during such year by the board of education pursuant to this section, and all such increases in the members' contribution rate shall, in the aggregate, not exceed two percent of compensation.

169.475. 1. Any retired member now receiving [retirement] **pension** benefits, who served five years or more as an employee of the school district and who retired after June 30, 1957, and prior to January 1, 1971, shall, upon application to the retirement system, be employed by that retirement system as a special school advisor and supervisor. Any person so employed shall perform such duties as the board of trustees directs, and shall receive a salary of five dollars per month for each year of service not to exceed seventy-five dollars per month, payable by the retirement system as part of its administrative costs, but the payment to the retired person for such services, together with the [retirement] **pension** benefits the person receives, shall not exceed one hundred fifty dollars per month. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

2. Any retired member now receiving [retirement] **pension** benefits, who served ten years or more as an employee of the school district and who retired prior to January 1, 1955, shall, upon application to the retirement system be employed by that retirement system as a special school advisor and supervisor. Any person so employed shall perform such duties as the board of trustees directs, and shall receive a salary of two hundred fifty dollars per month payable by the retirement system as part of its administrative costs, but payment to the retired person for such services shall be reduced by the [retirement] **pension** benefits the person receives. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant

to other subsections of this section, subject to the limitation set forth in subsection 3 of this section.

3. Any retired member now receiving [retirement] **pension** benefits who retired prior to January 1, 1976, shall, upon application to the retirement system, be employed by that retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs, and shall receive a salary equal to four dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1981, plus two dollars per month for each year (or major portion of a year) between January 1, 1982, and December 31, 1984, and, in addition, shall be entitled to receive the insurance benefits provided [retirants] **retired members** pursuant to section 169.476 payable by the retirement system as part of its administrative costs. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section, provided that total salaries payable to any retired member pursuant to subsections 2 and 3 of this section shall not exceed two hundred fifty dollars per month.

4. Any retired member now receiving [retirement] **pension** benefits who retired on or after January 1, 1976, and prior to December 31, 1984, shall, upon application to the retirement system, be employed by the retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs and shall receive a salary equal to four dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1984, and, in addition, shall be entitled to receive the insurance benefits provided [retirants] **retired members** pursuant to section 169.476 payable by the retirement system as part of its administrative costs. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

5. Any retired member now receiving [retirement] **pension** benefits or who retires prior to December 31, 1986, shall, after application to the retirement system, be employed by the retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs and shall receive a salary equal to two dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1986, payable by the retirement system as part of its administrative costs. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

6. Any retired member now receiving [retirement] **pension** benefits or who retires prior to December 31, 1988, shall, after application to the retirement system, be employed by the retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs and shall receive a salary equal to two dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1988, payable by the retirement system as part of its administrative costs. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

7. Any retired member now receiving [retirement] **pension** benefits or who retires prior to December 31, 1990, shall, after application to the retirement system, be employed by the retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs and shall receive a salary equal to two dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1990, not to exceed ten years, payable by the retirement system as part of its administrative costs. The employment provided for by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

8. Any retired member now receiving [retirement] **pension** benefits or who retires prior to December 31, 1993, shall, after application to the retirement system, be employed by the retirement system as a school consultant. Any person so employed shall perform such duties as the board of trustees directs and shall receive a salary equal to three dollars per month for each year (or major portion of a year) between the date of the person's retirement and December 31, 1993, payable by the retirement system as part of its administrative costs. The employment provided by this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

9. Any retired member now receiving [retirement] **pension** benefits with fifteen years or more creditable service at retirement, shall, after application to the retirement system, be employed by the retirement system as a consultant. Any person so employed shall, upon the request of the board of trustees, give the board, orally or in writing, a short detailed statement of the problems of retirement under the current monthly benefits. As compensation for the obligation to perform the extra duty imposed by this subsection, each consultant who meets the qualification prescribed in subsection 7 of this section, shall receive, in addition to all other compensation payable pursuant to this section, an increase in compensation each year computed on the total amount which such consultant receives pursuant to this section

of one hundred percent of the increase in the consumer price index calculated and payable in the manner specified in section 169.466. A consultant otherwise qualified to receive compensation pursuant to this subsection shall not be eligible to receive such compensation until the January first after he or she has been retired for at least twelve months. Any such annual increase in compensation, however, shall not exceed three percent, and the total increase in compensation pursuant to this subsection shall not exceed ten percent of the total compensation such consultant was receiving pursuant to this section on August 28, 1996. Additional compensation payable pursuant to this subsection shall be payable by the retirement system as part of its administrative costs. The employment provided for in this subsection shall in no way affect any person's eligibility for [retirement] **pension** benefits or for employment pursuant to other subsections of this section.

10. Annually, immediately after the close of the fiscal year of the retirement system, the actuary for the system shall determine if the payments made pursuant to the provisions of this section have impaired the actuarial soundness of the plan, and upon the actuary's certification that the soundness has been so impaired, the system shall bill the school district which last employed the retired person on a full-time basis for reimbursement of the amount paid to that person during the preceding fiscal year. The school district shall forthwith accordingly reimburse the retirement system.

11. Effective January 1, 2002, all payments made pursuant to this section shall be paid as cost-of-living benefits rather than as expenses of the retirement system.

169.476. The retirement system may contribute toward an insurance plan for the benefit of [retirants] **retired members** which may provide dental, hospital, surgical, medical, life, accident, and similar insurance benefits as approved by the board of trustees. Such contributions shall be a part of the administrative costs of the retirement system. The board of trustees shall make such rules and regulations as it deems appropriate in connection with such plan.

169.480. 1. The board of trustees shall be the trustees of all the funds of the system and shall have full power to invest and reinvest such funds, and such trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which such funds shall have been invested, as well as of the proceeds of such investments and any moneys belonging to such funds.

2. The board of trustees shall annually credit each member's individual account with interest on the largest balance remaining in each account for the entire year and at the rate determined by the board.

3. [The board of trustees shall elect a treasurer of the retirement system who shall be a trustee and who may, but need not, be the treasurer of the board of education, who, subject to such limitations as may be provided by the board of trustees, shall be the custodian of the funds of the retirement system and shall give such bond for the faithful handling of the funds as the board of trustees shall determine.] The board of trustees may employ a bank having fiduciary powers for the provision of such custodial or clerical services as the board may deem appropriate [to assist the treasurer]. Disbursement of funds of the retirement system shall be under the **general** supervision of the [treasurer] **board of trustees** and shall be in accordance with procedures established or approved by the board of trustees with the concurrence of the system's auditors.

4. For the purpose of meeting disbursements for [retirement allowances] **pensions** and other payments, there may be kept available cash on deposit in one or more banks or trust companies in the school district, organized [under] **pursuant to** the laws of the state of Missouri, or of the United States; provided, that the amount on deposit in any one bank or trust company shall not exceed twenty-five percent of the paid-up capital and surplus of such bank or trust company, and for all deposits the board of trustees shall require of the banks or trust companies as security for the safekeeping and payment of the deposits securities of a like kind and character as may be required by law for the safekeeping and payment of deposits made by the state treasurer.

5. Except as herein provided, no trustee, member of the board of education or employee of either the board of trustees or the board of education shall have any direct interest in the gains or profits of any investment made by the board of trustees. Nor shall any of them directly or indirectly for himself **or herself** or as an agent in any manner use the assets of the retirement system except to make such current and necessary payments as are authorized by the board of trustees, nor shall any of said persons become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the board of trustees.

6. No member of the board of education shall be interested in any contract with or claim against the public school retirement system in his **or her** school district. If at any time after the election of any member of the board he **or she** becomes interested in any contract or claim against said retirement system, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board.

169.490. All the assets of the retirement system shall be held as one fund.

1. (1) The employing board shall cause to be deducted from the compensation of each member at every payroll

period [four] **five** percent of his **or her** compensation, and the amounts so deducted shall be transferred to the board of trustees and credited to the individual account of each member from whose compensation the deduction was made. In determining the amount earnable by a member in any payroll period, the board of trustees may consider the rate of earnable compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; it may omit deduction from compensation for any period less than a full payroll period if the employee was not a member on the first day of the payroll period; and to facilitate the making of the deductions, it may modify the deduction required of any member by such amount as shall not exceed one-tenth of one percent of the compensation upon the basis of which such deduction was made.

(2) The deductions provided for herein are declared to be a part of the salary of the member and the making of such deductions shall constitute payments by the member out of his **or her** salary or earnings and such deductions shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for his **or her** full salary or compensation, and the making of said deductions and the payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.410 to 169.540.

(3) The employing board may elect to pay member contributions required by this section as an employer pick up of employee contributions [under] **pursuant to** Section 414(h)(2) of the Internal Revenue Code of 1986, as amended, and such contributions picked up by the employing board shall be treated as contributions made by members for all purposes of sections 169.410 to 169.540.

2. [Should] **If** a [retirant] **retired member** receiving a [retirement benefit] **pension** pursuant to sections 169.410 to 169.540 [be] **is** restored to active service and again [become a] **becomes an active** member of the retirement system, there shall be credited to his **or her** individual account an amount equal to the excess, if any, of his **or her** accumulated contributions at retirement over the total [retirement allowances] **pension benefits** paid to him **or her**.

3. [(1) There shall be paid annually to the retirement system by the school district an amount equal to a certain percentage of the total compensation of all members to be known as the "normal cost contribution", and an additional amount equal to a percentage of such compensation to be known as the "accrued liability contribution". The rates percent of such contributions] **Annually, the actuary for the retirement system shall calculate each employer's contribution as an amount equal to a certain percentage of the total compensation of all members employed by that employer. The percentage** shall be fixed on the basis of the liabilities of the retirement system as shown by **the annual actuarial [valuations] valuation**. [The retirement system shall make similar contributions for the members who are employees of the system.

(2) On the basis of such actuarial assumptions as shall be adopted by the board of trustees, the actuary engaged by the board of trustees to make each valuation required during the period over which the accrued liability contribution is payable, at the time of making a valuation, shall determine the uniform and constant percentage of the compensation of all members in service, which, if contributed throughout their remaining period of active service, would be sufficient to provide for the payment of any pension payable on their account. The normal cost contribution rate shall be the rate percent of the compensation of all members obtained by deducting from the total liabilities of the fund the amount of assets in hand to the credit of the fund plus the amount of unfunded accrued liability and dividing the remainder by one percent of the present value of the prospective future compensation of all members in service as computed on the basis of the actuarial assumptions adopted by the board of trustees. The rate percent so determined shall be known as the "normal cost contribution rate".

(3) At the first valuation following December 31, 1980, the actuary engaged by the board of trustees shall compute the accrued liability for retirement allowance and other benefits on account of all members and beneficiaries which is not dischargeable by the assets of the retirement system, less the expense and contingency reserve, and by the value of the prospective normal cost contributions payable on account of such members during the remainder of their active service at the normal cost contribution rate then in force, and such accrued liability not so dischargeable shall be known as the "initial unfunded accrued liability". A calculation shall then be made to determine the level annual amount required to liquidate the initial unfunded accrued liability not later than October 13, 2011. At each valuation following December 31, 1980, the actuary will determine any increases or decreases in the accrued liability resulting from either changes in actuarial assumptions or changes in the benefits under sections 169.410 to 169.540. Such increases or decreases in the accrued liability will be determined by the actuary under the entry age normal-frozen initial liability cost method. The amount so obtained shall be known as a "supplement" to the unfunded accrued liability. A calculation shall then be made to determine the level annual amount required to liquidate the supplement to the unfunded accrued liability by the end of fifty years from the end of the year in which the supplement is created. The level annual amounts

required to liquidate the initial unfunded accrued liability and each supplement to the unfunded accrued liability are added together, and the amount so obtained shall be expressed as a percentage of the total earnable compensation of all members in service. This percentage of such total compensation shall be known as the "accrued liability contribution rate", and shall be payable until the unfunded accrued liability has been liquidated. Provided that the board may authorize a redetermination by the actuary of the unfunded accrued liability contribution rate within the limitation that the unfunded accrued liability will be amortized not later than the end of the fifty years from October 13, 1961, or the end of the year in which the supplement to the unfunded accrued liability was credited.

(4) The accrued liability contribution shall be discontinued as soon as assets of the retirement system, less the expense and contingency reserve, shall equal the present value as actuarially computed and approved by the board of trustees of the total liabilities of the retirement system, less the present value computed on the basis of the normal cost contribution rate then in force of the prospective normal cost contributions to be received on account of members who are at that time in service.] **The annual actuarial valuation shall be made on the basis of such actuarial assumptions and the actuarial cost method adopted by the board of trustees, provided that the actuarial cost method adopted shall be in accordance with generally accepted actuarial standards and that the unfunded actuarial accrued liability, if any, shall be amortized by level annual payments over a period not to exceed thirty years.**

4. The expense and contingency reserve shall be a reserve for investment contingencies and estimated expenses of administration of the retirement system as determined annually by the board of trustees.

5. Gifts, devises, bequests and legacies may be accepted by the board of trustees to be held and invested as a part of the assets of the retirement system and shall not be separately accounted for except where specific direction for the use of a gift is made by a donor.

169.500. On or before the first day of [June] **January** of each year the board of trustees shall certify to the board of education, **the board of trustees and the board of regents**, and to the state of Missouri with respect to the contribution for members employed by [the board of regents] **these employers**, the amount which will [become due and payable on or before January first of the year next following to the general reserve fund. The amount so certified shall be included by the board of education in its annual budget estimate.] **be paid to the retirement system on or before December thirty-first of that year. On or before the first day of January of each year the board of trustees shall certify to charter schools and to the state of Missouri with respect to the contribution of members employed by these employers, the amount which will be paid to the retirement system on a monthly basis beginning January first of that year.** The amount so certified shall be [appropriated by the school district and transferred to the retirement system for the ensuing year] **included by the employers in their annual budget estimates.**

169.510. 1. The payment of all [retirement allowances] **pension benefits**, refunds and other benefits or expenses [under] **pursuant to** the provisions of sections 169.410 to 169.540 and all expenses in connection with the administration and operation of the retirement system are hereby made obligations chargeable against the assets of the retirement system and not of the [school district] **employers**, and the assets of the retirement system shall not be diverted or used for any purpose other than the payment of such obligations.

2. No alteration, amendment or repeal of sections 169.410 to 169.540 shall be deemed to affect the rights of members of any retirement system established thereunder with reference to deposits previously made, or to reduce any accrued or potential benefits to those who are members at the time when such alterations, amendments, or repeal becomes effective or to reduce the amount of any [retirement allowance] **pension benefit** then payable.

169.520. Any funds created by sections 169.410 to 169.540 while in the charge and custody of the board of trustees of such retirement system shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable except as in sections 169.410 to 169.540 specifically provided **or in the case of a proper order of child support issued through the division of child support enforcement.**

169.540. The state of Missouri shall contribute no funds directly or indirectly to finance the plan to pay [retirement allowances] **pension benefits** by appropriation bills or otherwise, except those funds which the district may receive from time to time under a law or laws providing for a general apportionment of school moneys throughout all the state and except employer contributions for members employed by the board of regents which shall be made by the state of Missouri."; and

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

On motion of Representative Gambaro, **House Amendment No. 4** was adopted.

Representative Boucher offered **House Amendment No. 5**.

Representative Relford raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Levin offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 660, Page 15, Section 169.670, Line 201, by inserting the following:

“Section 1. Any reference to the term “spouse” in Section 169.010 to 169.715 RSMo only recognizes marriage between a man and a woman. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.”.

Representative Hagan-Harrell raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Levin, **House Amendment No. 5** was adopted by the following vote:

AYES: 094

Abel	Ballard	Barnett	Barnitz	Barry 100
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Britt	Burcham	Burton
Byrd	Champion	Cierpiot	Clayton	Cooper
Crawford	Crowell	Crump	Cunningham	Davis
Dempsey	Enz	Froelker	Gaskill	Green 15
Green 73	Griesheimer	Hampton	Hanaway	Hartzler
Hegeman	Henderson	Hendrickson	Holand	Hollingsworth
Holt	Hunter	Jetton	Jolly	Kelly 144
Kelly 36	King	Koller	Legan	Levin
Liese	Linton	Lograsso	Long	Luetkemeyer
Marble	Marsh	May 149	Mayer	Miller
Monaco	Moore	Murphy	Myers	Naeger
Overschmidt	Phillips	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Roark	Robirds	Ross	Schwab	Scott
Secrest	Seigfreid	Selby	Shields	Shoemyer
Smith	St. Onge	Surface	Treadway	Wagner
Walton	Ward	Willoughby	Wright	

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NOES: 032

Bland	Boucher	Bowman	Bray 84	Campbell
Carnahan	Coleman	Copenhaver	Curls	Farnen
Foley	Franklin	Fraser	Gambaro	George
Hagan-Harrell	Harding	Harlan	Hickey	Hilgemann
Kelly 27	Lowe	Mays 50	McKenna	O'Toole
Ostmann	Scheve	Shelton	Van Zandt	Villa
Wilson 25	Wilson 42			

PRESENT: 003

Haywood	O'Connor	Thompson
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ABSENT WITH LEAVE: 031

Baker	Bartelsmeyer	Bartle	Boykins	Brooks
Dolan	Fares	Ford	Graham	Gratz
Hohulin	Hoppe	Hosmer	Johnson 61	Johnson 90
Kelley 47	Kennedy	Lawson	Luetkenhaus	Merideth
Nordwald	Portwood	Ridgeway	Rizzo	Skaggs
Townley	Troupe	Vogel	Wiggins	Williams
Mr. Speaker				

VACANCIES: 003

Representative Levin requested a verification of the roll call on the adoption of **House Amendment No. 5**.

On motion of Representative Hagan-Harrell, **HCS HB 660, as amended**, was adopted.

On motion of Representative Hagan-Harrell, **HCS HB 660, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - INFORMAL

HB 678, as amended, with House Substitute Amendment No. 1 for House Amendment No. 7 and House Amendment No. 7, pending, relating to ethics, was taken up by Representative Seigfreid.

House Substitute Amendment No. 1 for House Amendment No. 7 was withdrawn.

House Amendment No. 7 was withdrawn.

Representative Crowell offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Bill No. 678, Page 1, In the Title, Line 4, by deleting the word "**fourteen**" and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "**fourteen**" and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after "**130.063**" the following: ", **130.077**"; and

Further amend said bill, Page 40, Section 130.063, Line 12, by inserting after all of said line the following:

"130.077. 1. Any person who is inaugurated governor at the regularly allotted time following his or her election, pursuant to section 26.015, RSMo, shall report all received contributions for and all expenses associated with such inauguration to the ethics commission, at such regular intervals and times the ethics commission sets on forms created by the ethics commission for such purpose. Such report shall include:

(1) A list of all moneys, whether used or unused as of the date of the submission of the report, which were donated by any committee, person or other entity for the funding of such inauguration, and the source of all such moneys, including the name and mailing address of any such committee, person or other entity and the amount contributed by any such committee, person or entity;

(2) A list of all moneys transferred from any of such person's campaign funds, or from the funds of any other committee, which were used or intended to be used for the funding of such inauguration, and the name and mailing address of any such committee as well as the amount contributed by such committee; and

(3) An itemized documentation of all expenditures put toward such inauguration, with a list of the cost of each individual expenditure; and

(4) A list of any other moneys collected for or expended on such inauguration, including the names and mailing addresses of any such donees and the amount contributed by such donees.

2. It shall be a violation of this section to expend moneys solicited or collected for inaugural activities, or any interest derived therefrom, on anything other than inaugural activities. On or after March first of any inaugural year, the attorney general may file an action in circuit court to collect, on behalf of the state, all remaining moneys collected for inaugural activities, or any interest derived therefrom, which were not expended on inaugural activities.

3. A violation of this section shall be punishable pursuant to section 130.081.

4. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and

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

Speaker Kreider resumed the Chair.

On motion of Representative Crowell, **House Amendment No. 7** was adopted by the following vote:

AYES: 121

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Black
Boatright	Bonner	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Champion	Cierpiot	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Dempsey	Dolan	Enz	Fares	Foley
Froelker	Gambaro	Gaskill	George	Gratz
Green 15	Green 73	Griesheimer	Hampton	Harding
Harlan	Hartzler	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Legan

Levin	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	McKenna	Miller	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Phillips	Portwood	Purgason	Rector
Reid	Reinhart	Reynolds	Richardson	Rizzo
Roark	Robirds	Ross	Schwab	Scott
Secrest	Selby	Shields	Shoemyer	St. Onge
Surface	Townley	Troupe	Van Zandt	Villa
Vogel	Walton	Williams	Wilson 25	Wilson 42
Wright				

NOES: 027

Barnitz	Bland	Boucher	Bowman	Carnahan
Clayton	Davis	Franklin	Fraser	Graham
Hagan-Harrell	Haywood	Johnson 61	Merideth	Overschmidt
Ransdall	Relford	Scheve	Seigfreid	Shelton
Skaggs	Smith	Thompson	Treadway	Wagner
Ward	Willoughby			

PRESENT: 001

Farnen

ABSENT WITH LEAVE: 011

Baker	Berkstresser	Ford	Hanaway	Lawson
Mays 50	Monaco	Ostmann	Ridgeway	Wiggins
Mr. Speaker				

VACANCIES: 003

Representative Smith offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Bill No. 678, Page 40, Section 130.081, Line 11, by inserting the following after all of said line:

“Section 1. 1. The Missouri ethics commission shall design and issue lobbyist name tags, which shall be worn by each lobbyist, as defined in section 105.470, RSMo, at any time when such lobbyist is in or at the state capitol building. The Missouri ethics commission shall design such lobbyist name tags in two colors, in a size not smaller than two inches by three inches, which shall be fastened on the outside of the lobbyist’s garment with lettering adequate in size and clarity to be readable at a distance of three feet by individuals of normal vision, bearing the name of the lobbyist, the names of the persons compensating or appointing such lobbyist and the year. Where a lobbyist has more than three persons compensating or appointing such lobbyist during a calendar year, the commission shall have placed on such lobbyist’s name tag the names of the three primary persons compensating or appointing such lobbyist during the calendar year as determined by the commission by examination of the lobbyist’s report filed pursuant to section 105.470 RSMo. The commission may charge each lobbyist who is issued a name tag a reasonable fee not to exceed the cost of making such name tag.

2. After January 1, 2002, any lobbyist who fails to wear the name tag prescribed in this section for such lobbyist at any time while such lobbyist is in or at the state capitol building be guilty of a class A misdemeanor.”;
and

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

Representative Wright raised a point of order that **House Amendment No. 8** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Smith, **House Amendment No. 8** was adopted.

Representative Hosmer offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Bill No. 678, Page 40, Section 130.081, Line 11, by adding at the end of said section the following:

“Any person or entity who knowingly disseminates false information in a political campaign advertisement shall be guilty of a class A misdemeanor and upon conviction shall forfeit any public office held.”; and

Further amend the title and enacting clause accordingly.

Representative Relford assumed the Chair.

Representative Reid offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

*House Substitute Amendment No. 1
for
House Amendment No. 9*

AMEND House Bill No. 678, Page 40, Section 130.081, Line 11, by adding at the end of said section the following:

“Any person or entity who knowingly disseminates false information in a political campaign advertisement shall be guilty of a class A misdemeanor and upon conviction shall forfeit any public office or public employment held.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Reid, **House Substitute Amendment No. 1 for House Amendment No. 9** was adopted by the following vote:

AYES: 116

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartle	Bearden	Berkowitz	Berkstresser	Black
Bland	Boatright	Boucher	Bray 84	Britt
Brooks	Burcham	Byrd	Campbell	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Franklin
Fraser	Gaskill	George	Gratz	Green 15
Green 73	Griesheimer	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Hendrickson	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hosmer

Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Legan	Levin	Liese	Linton
Long	Luetkemeyer	Marble	Marsh	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Robirds	Ross	Scheve	Secrest
Seigfreid	Selby	Shoemyer	Skaggs	Smith
St. Onge	Surface	Vogel	Wagner	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright				

NOES: 019

Behnen	Bonner	Boykins	Carnahan	Farnen
Foley	Ford	Graham	Hagan-Harrell	Hoppe
Lograsso	Lowe	May 149	Murphy	O'Toole
Roark	Shelton	Thompson	Villa	

PRESENT: 001

Bowman

ABSENT WITH LEAVE: 024

Baker	Bartelsmeyer	Burton	Crump	Froelker
Gambaro	Harlan	Henderson	Hickey	Koller
Lawson	Luetkenhaus	Purgason	Ridgeway	Rizzo
Schwab	Scott	Shields	Townley	Treadway
Troupe	Van Zandt	Wiggins	Mr. Speaker	

VACANCIES: 003

Representative Hosmer requested a verification of the roll call on the adoption of **House Substitute Amendment No. 1 for House Amendment No. 9.**

Representative Carnahan offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Bill No. 678, Page 30, Section 130.041, Line 93, by inserting immediately before the semicolon ";" on said line the following:

", and except for contributions received during the thirty-day period immediately following a general election, the candidate shall designate whether such contribution is received as a contribution for that general election or the following primary election"; and

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

On motion of Representative Carnahan, **House Amendment No. 10** was adopted.

Representative Barry offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Bill No. 678, Page 3, Section 105.473, Line 63, by inserting the following after the word “official”:

“No expenditure reported pursuant to this section shall include any non-cash gift which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is on the occasion of nuptials or condolences due to death.”.

On motion of Representative Barry, **House Amendment No. 11** was adopted.

Speaker Pro Tem Abel resumed the Chair.

Representative Crump moved the previous question on the perfection of **HB 678, as amended**.

Which motion was adopted by the following vote:

AYES: 084

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Coleman	Copenhaver	Crump	Curls	Davis
Farnen	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham	Gratz	Green 15
Green 73	Hagan-Harrell	Hampton	Harding	Harlan
Haywood	Hickey	Hilgemann	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Kelly 27	Kelly 36	Kennedy	Koller	Lawson
Liese	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	O'Connor	O'Toole	Overschmidt
Ransdall	Relford	Reynolds	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	Thompson	Treadway	Troupe	Van Zandt
Villa	Wagner	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 066

Ballard	Barnett	Bartle	Bearden	Behnen
Berkstresser	Black	Burcham	Burton	Byrd
Champion	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Fares	Froelker	Gaskill
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hohulin	Hunter	Jetton	Kelley 47	Kelly 144
King	Legan	Levin	Linton	Long
Luetkemeyer	Marble	Marsh	May 149	Mayer
Miller	Moore	Murphy	Myers	Naeger
Nordwald	Ostmann	Phillips	Portwood	Purgason
Rector	Reid	Reinhart	Richardson	Roark
Robirds	Ross	Schwab	Scott	Secrest
Shields	St. Onge	Surface	Townley	Vogel
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Bartelsmeyer	Boatright	Cierpiot	Enz
Griesheimer	Holand	Lograsso	Ridgeway	Wiggins

VACANCIES: 003

On motion of Representative Seigfreid, **HB 678, as amended**, was ordered perfected and printed.

HCS HB 426, relating to deferred retirement option, was taken up by Representative O'Toole.

Representative Kelly (27) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 426, Page 1, Section A, Line 2, by inserting after all of said line the following:

"87.050. 1. If any member shall be killed or die while in the performance of his duty or as the result of any injury received in the line of duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatever while a member of said fire department, or shall die while receiving a disability or service pension, and shall leave a widow or child or children under the age of eighteen years surviving, said board of trustees shall order and direct the payment from the pension fund, monthly, to such widow, a sum equal to not less than twenty percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member or seventy-five dollars, whichever is greater; and to or for the benefit of each child until it reaches the age of eighteen, a sum equal to not less than five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; and to or for each unmarried child, regardless of age, who is totally and permanently mentally or physically incapacitated from engaging in gainful employment sufficiently remunerative to support himself, a sum equal to five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; provided that no benefits shall be paid to or for any child over eighteen years of age who is totally and permanently mentally or physically disabled or incapacitated if such child is a patient or ward in a publicly supported institution. [In the case of widows, payments shall be made only to those widows whose marriage to the member occurred prior to his retirement on disability or service pension, and shall be made only while said widow is unmarried and are to cease forever immediately upon remarriage.] In the case of children no payments shall be made to or for any child born or adopted after the effective date of the member's retirement on disability or service pension, or the date of his death, and payments shall not be made for more than three eligible children and, if there are more than three eligible children, payments shall be made for the three youngest eligible children. If the member who dies is a member of a volunteer department, the amount to be paid monthly to his widow and children aforesaid shall be fixed by the board of trustees.

2. Any widow who is receiving survivors' pension benefits under the provisions of this section as it existed at any time prior to August 13, 1982, upon application to the board of trustees, shall be employed by the board as a special consultant on the problems of retirement, aging, and other pension system matters for the remainder of her life and upon request of the board shall give opinions in writing or orally, as may be requested, and for such services shall be compensated monthly in an amount equal to the difference between the amount of the monthly pension benefit the widow is receiving for herself and seventy-five dollars. This compensation shall be consolidated with the pension benefits the widow is receiving and shall be paid out of the same fund as are such benefits. Employment as a special consultant shall in no way affect any widow's eligibility for survivors' pension benefits or in any way have the effect of reducing such benefits, other provisions of law to the contrary notwithstanding."; and

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

On motion of Representative Kelly (27), **House Amendment No. 1** was adopted.

On motion of Representative O'Toole, **HCS HB 426, as amended**, was adopted.

On motion of Representative O'Toole, **HCS HB 426, as amended**, was ordered perfected and printed.

HCS HB 831, relating to crime victims' compensation fund, was taken up by Representative Carnahan.

On motion of Representative Carnahan, **HCS HB 831** was adopted.

On motion of Representative Carnahan, **HCS HB 831** was ordered perfected and printed.

HCS HB 428, relating to eluding a law enforcement official, was taken up by Representative Kelly (36).

Representative Wright offered **House Amendment No. 1**.

House Amendment No. 1

Amend House Committee Substitute for House Bill No. 428, Page 1, Section 575.155, Line 13, by deleting the words "**class A misdemeanor.**" and replacing with the words: "**class D felony.**".

Representative Smith resumed the Chair.

Representative Ransdall offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 428, Page 1, Section 575.155, Line 13, by deleting said line and adding the following:

"2. Knowingly eluding a law enforcement official is a class D felony"; and

Further amend the title and enacting clause accordingly.

Representative Reid offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Ransdall raised a point of order that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** is not a true amendment.

The Chair ruled the point of order well taken.

On motion of Representative Ransdall, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

HCS HB 428, as amended, was laid over.

HCS HB 780, relating to economic development, was placed on the Informal Calendar.

HCS HB 293, relating to contiguous property redevelopment fund, was placed on the Informal Calendar.

Representative Holt assumed the Chair.

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 18 - Children, Families and Health

HCR 20 - Children, Families and Health

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SBs 347 & 487 - Local Government and Related Matters

COMMITTEE REPORTS

Committee on Budget, Chairman Green (73) reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 16**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND House Bill No. 16, Page 18, Section 16.124, Line 6, by inserting immediately after the word "**area**" the following:

". No funds shall be expended for other projects within the Capitol until all legislative offices and public areas are first brought into ADA compliance".

Mr. Speaker: Your Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND House Bill No. 17, Page 3, Section 17.016, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"For a grant to the St. Joseph Port Authority for capital improvement projects \$785,250

For grants for port authority capital Improvement projects **152,485**"; and

Further amend said Section, Line 9, by deleting from said line the figure "**152,485**" and inserting in lieu thereof the figure "**937,735**".

LETTERS OF OBJECTION

April 19, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **SB 58** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Annie Reinhart 34	/s/ Maida Coleman 63
/s/ Blaine Luetkemeyer 115	/s/ Esther Haywood 71
/s/ Patrick Naeger 155	

April 19, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **HCS SCS SB 178** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Annie Reinhart 34	/s/ Bill Luetkenhaus 12
/s/ Blaine Luetkemeyer 115	/s/ Patrick O'Connor 79
/s/ Patrick Naeger 155	

1304 *Journal of the House*

April 24, 2001

Ted Wedel
Chief Clerk
State Capitol Building
Room 306 C
Jefferson City, MO 65101

Dear Chief Clerk:

Comes now the undersigned members of the Missouri House of Representatives, 91st General Assembly, pursuant to Rule 48, and to object to **HCS SB 191** as a consent bill.

Sincerely,

/s/ Rep. Mike Reid
78th District

/s/ Rep. Richard Byrd
94th District

/s/ Rep. Pat Secrest
93rd District

/s/ Rep. O.L. Shelton
57th District

/s/ Rep. Maida Coleman
63rd District

/s/ Rep. Juanita Walton
69th District

April 19, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **HCS SCS SB 270** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Annie Reinhart 34

/s/ Phillip Britt 163

/s/ Blaine Luetkemeyer 115

/s/ Don Koller 153

/s/ Patrick Naeger 155

April 23, 2001

Ted Wedel
Chief Clerk
State Capitol Building
Room 306 C
Jefferson City, Missouri 65101

Dear Chief Clerk:

Comes now the undersigned members of the Missouri House of Representatives, 91st General Assembly, pursuant to Rule 48, and to object to **HCS SB 321** as a consent bill.

Sincerely,

/s/ Rep. Chuck Graham
24th District

/s/ Rep. Vicky Riback Wilson
25th District

/s/ Rep. Bill Skaggs
31st District

/s/ Rep. Charlie Shields
28th District

/s/ Rep. Jon Dolan
13th District

April 19, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **SB 443** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Annie Reinhart 34

/s/ Maida Coleman 63

/s/ Blaine Luetkemeyer 115

/s/ Esther Haywood 71

/s/ Patrick Naeger 155

April 23, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **SB 575** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Maida Coleman 63

/s/ Jane Cunningham 86

/s/ Esther Haywood 71

/s/ Roy Holand 135

/s/ Matt Boatright 118

April 19, 2001

Mr. Ted Wedel
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Wedel:

We, the undersigned, respectfully request **HCS SCS SB 617** be removed from the Consent Calendar pursuant to House Rule 48. We believe this bill is of a controversial nature.

/s/ Annie Reinhart 34	/s/ Chris Liese 85
/s/ Blaine Luetkemeyer 115	/s/ Chuck Graham 24
/s/ Patrick Naeger 155	

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee on Rules, Joint Rules, and Bills Perfected and Printed, pursuant to Rule 48:

SB 58
HCS SCS SB 178
HCS SB 191
HCS SCS SB 270
HCS SB 321
SB 443
SB 575
HCS SCS SB 617

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 25, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixtieth Day, Monday, April 23, 2001, pages 1236 and 1237, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Pages 1245 and 1246, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, April 25, 2001. Hearing Room 7 upon morning adjournment.
Executive Session may follow on House Bills.
To be considered - SB 462

CHILDREN, FAMILIES, AND HEALTH

Thursday, April 26, 2001, 8:30 am. Hearing Room 5.
Executive Session.

COMMERCE AND ECONOMIC DEVELOPMENT

Wednesday, April 25, 2001. Side gallery upon morning adjournment.
Executive Session.

CONFERENCE COMMITTEE - APPROPRIATIONS

Wednesday, April 25, 2001, 7:30 pm. Senate Committee Room 2 (Room 119).
Conference House Bills 2 through 12.

EDUCATION - ELEMENTARY AND SECONDARY

Wednesday, April 25, 2001, 9:30 am. Hearing Room 5.
Executive Session may follow.
To be considered - SCR 3

ENVIRONMENT AND ENERGY

Thursday, April 26, 2001, 8:30 am. Hearing Room 7.
Executive Session may follow.
To be considered - SCR 28

FISCAL REVIEW AND GOVERNMENT REFORM

Wednesday, April 25, 2001. Hearing Room 3 upon morning adjournment.
Fiscal Review.
To be considered - HB 527, HB 736, HB 835, Executive Session - SB 50

JOINT COMMITTEE ON GAMING AND WAGERING

Monday, April 30, 2001, 12:00 pm. Hearing Room 7.
State of the State: Gaming in MO, Missouri Gaming Commission,
Missouri Lottery and Horse Racing.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 25, 2001, 9:30 am. Hearing Room 6.
Executive Session may follow.
To be considered - SB 5

MUNICIPAL CORPORATIONS

Wednesday, April 25, 2001. Hearing Room 4 upon morning adjournment.

To be considered - Executive Session - SB 430

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 25, 2001, 9:30 am. Hearing Room 3.

To be considered - SB 385

RETIREMENT

Wednesday, April 25, 2001. Hearing Room 1 upon noon adjournment.

Executive Session only.

To be considered - HCR 14

RULES, JOINT RULES, AND BILLS PERFECTED AND PRINTED

Wednesday, April 25, 2001. Hearing Room 6 upon morning adjournment.

Executive Session. AMENDED.

To be considered - SB 58, SB 130, SB 178, SB 191, SB 270, SB 321, SB 443, SB 575, SB 591, SB 617

SUBCOMMITTEE ON LEGISLATIVE RESEARCH & OVERSIGHT

Wednesday, April 25, 2001, 12:30 pm. Senate Committee Room 1.

Challenge fiscal note.

To be considered - SB 69, SB 392, SB 617

TRANSPORTATION

Wednesday, April 25, 2001. Side gallery upon morning adjournment.

Executive Session.

To be considered - SB 244

UTILITIES REGULATION

Thursday, April 26, 2001, 8:15 am. Hearing Room 6. Study Session.

Panel on Power Plant Construction.

Executive Session may follow.

HOUSE CALENDAR

SIXTY-SECOND DAY, WEDNESDAY, APRIL 25, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 14 - Green (73)
- 2 HB 16, HCA 1 - Green (73)
- 3 HB 17, HCA 1 - Green (73)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 428, as amended - Kelly (36)
- 3 HCS HB 593 - Riback Wilson (25)
- 4 HCS HB 170 - Froelker
- 5 HCS HB 239 - Smith
- 6 HB 715 - Foley
- 7 HB 802 - Ransdall
- 8 HCS HB 374 - Fraser
- 9 HCS HB 635 - Barry
- 10 HCS HB 868 - Merideth
- 11 HCS HB 253 - Ross
- 12 HB 809, HCA 1 - Carnahan
- 13 HCS HB 340, 303 & 316 - Graham
- 14 HB 640 - Johnson (90)
- 15 HCS HB 723 - Mays (50)
- 16 HCS HB 117 - Riback Wilson (25)
- 17 HCS HB 307 - Wiggins
- 18 HCS HB 663 & 375 - Kennedy
- 19 HCS HB 921 - Curls
- 20 HB 911 - Carnahan

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HB 555 - Foley
- 3 HCS HB 981 & 665 - Willoughby
- 4 HCS HB 853 & 258 - Crump
- 5 HCS HB 186 & 172 - Troupe
- 6 HCS HB 888, 942 & 943 - Scheve
- 7 HCS HB 279 - Shoemyer
- 8 HCS HB 472 - Burton
- 9 HCS HB 780 - Scheve
- 10 HCS HB 293 - Kennedy

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 12, (3-29-01, page 894) - Haywood
- 2 HCR 25, (4-5-01, pages 1006 & 1007) - Graham

HOUSE JOINT RESOLUTION FOR THIRD READING

HCS HJR 7 - Koller

HOUSE BILLS FOR THIRD READING

- 1 HS HB 349 - Hosmer
- 2 HS HCS HB 835, 90, 707, 373, 641, 510, 516 & 572, (Fiscal Review 4-23-01) - Britt
- 3 HS HCS HB 280, 69, 497 & 689, (Fiscal Review 4-19-01) - Hoppe
- 4 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 5 HS HB 736, (Fiscal Review 4-19-01) - Liese
- 6 HB 366, E.C. (Fiscal Review 4-19-01) - Champion
- 7 HS HB 286, E.C. - Smith

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 402 - Boucher

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 25 - Farnen
- 2 HCS SB 441 - Williams
- 3 HCS SB 521 - Luetkenhaus
- 4 SCS SB 301 - Hegeman
- 5 SB 295 - McKenna
- 6 SB 394 - Hosmer
- 7 SB 442 - O'Connor
- 8 SB 203 - O'Toole
- 9 HCS SCS SB 151 - Gaskill
- 10 SCS SB 234 - Kennedy
- 11 SB 553 - Barnett
- 12 SCS SB 341 - Britt
- 13 SB 87 - Smith
- 14 SCS SB 431, E.C. - Shoemyer
- 15 SB 142 - Robirds
- 16 SCS SB 383 - Harding
- 17 SB 436 - Koller
- 18 SB 606 - Clayton
- 19 SB 605 - Luetkenhaus
- 20 SB 111 - Ostmann

- 21 HCS SB 544 - Relford
- 22 SB 200 - Thompson
- 23 SB 316 - Hagan-Harrell
- 24 SCS SB 357, E.C. - Johnson (90)
- 25 SB 207 - Kennedy
- 26 SB 252 - Surface
- 27 SCS SB 384 - Johnson (90)
- 28 SCS SB 241 - Ward
- 29 HCS SCS SB 382, E.C. - Liese
- 30 SB 224, E.C. - Luetkemeyer
- 31 SB 179 - Wagner
- 32 SB 435 - Koller
- 33 SB 223 - Hosmer
- 34 HCS SCS SB 520 - Myers
- 35 HCS SB 227 - Burton
- 36 SB 110 - Ladd Baker
- 37 SCS SB 514 - Hosmer
- 38 SB 353, HCA 1 - Shields
- 39 HCS SB 274 - Harlan
- 40 HCS SCS SB 568 - Davis
- 41 SB 451 - Mays (50)
- 42 SCS SB 352 - Lawson
- 43 HCS SB 345 - Holt
- 44 HCS SCS SB 515 - Kennedy
- 45 SCS SB 407 - Hilgemann
- 46 SB 540 - Levin
- 47 HCS SCS SB 619, E.C. - Hoppe
- 48 SB 201 - Farnen
- 49 SB 303 - Relford
- 50 HCS SB 610 - Hoppe
- 51 SCS SB 13 - Ross
- 52 HCS SB 543 - Britt
- 53 SB 556 - Hoppe
- 54 HCS SB 304 - Monaco
- 55 SB 406 - Scott
- 56 SCS SB 197 - Luetkenhaus
- 57 SB 148 - Seigfreid
- 58 HCS SB 307 - Froelker
- 59 HCS SB 348 - Barry
- 60 HCS SB 538 - Luetkemeyer

BILLS IN CONFERENCE

- 1 SCS HCS HB 2 - Green (73)
- 2 SCS HCS HB 3 - Green (73)
- 3 SCS HCS HB 4 - Green (73)
- 4 SCS HCS HB 5 - Green (73)
- 5 SCS HCS HB 6, as amended - Green (73)
- 6 SCS HCS HB 7 - Green (73)
- 7 SCS HCS HB 8 - Green (73)
- 8 SCS HCS HB 9 - Green (73)
- 9 SCS HCS HB 10, as amended - Green (73)
- 10 SCS HCS HB 11, as amended - Green (73)
- 11 SCS HCS HB 12 - Green (73)