

# JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

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SIXTIETH DAY, MONDAY, APRIL 29, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

The weekend brought rain to much of the state, but no rainbow to this Chamber, and no pot of gold, God of our assembly. With the last weeks of this session in view, the needs are great, the time is short, the anxiety level rises, and this House requests immediate provision.

There is strength in this room, Lord, the power of that good kind of leadership which precedes good government. The changes laid out here this week will truly effect change in many people's lives, for some, major alteration in their families, in their schools, in their places of work.

The people count on these women and men to effect that adjustment creatively, that there might be productive progress with the least upheaval. God of our people, please help to make it so. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifty-ninth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1594 - Representative Naeger  
House Resolution No. 1595  
through  
House Resolution No. 1597 - Representative Shoemaker (8)  
House Resolution No. 1598  
through  
House Resolution No. 1603 - Representative Hanaway  
House Resolution No. 1604 - Representative Surface  
House Resolution No. 1605  
and  
House Resolution No. 1606 - Representative Hanaway  
House Resolution No. 1607 - Representative Legan  
House Resolution No. 1608  
through  
House Resolution No. 1649 - Representative Jetton  
House Resolution No. 1650  
and  
House Resolution No. 1651 - Representative Hanaway

House Resolution No. 1652 - Representative Mayer  
House Resolution No. 1653  
through  
House Resolution No. 1671 - Representative Hanaway  
House Resolution No. 1672 - Representative Vogel  
House Resolution No. 1673 - Representative St. Onge  
House Resolution No. 1674  
through  
House Resolution No. 1678 - Representative Hanaway  
House Resolution No. 1679 - Representative Liese  
House Resolution No. 1680  
through  
House Resolution No. 1682 - Representative Kelly (27)  
House Resolution No. 1683 - Representative Kreider  
House Resolution No. 1684 - Representative Barnett  
House Resolution No. 1685  
and  
House Resolution No. 1686 - Representative Berkowitz

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 41** was read the second time.

## COMMITTEE REPORT

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 1594** and **HCS HB 1886**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Foley suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 152

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Champion
Cierpiot	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73

Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Paone	Phillips	Portwood	Quinn
Ransdall	Rector	Reinhart	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 003

Lograsso	Reid	Reynolds
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ABSENT WITH LEAVE: 007

Burcham	Burton	Byrd	Cunningham	Curls
Overschmidt	Purgason			

VACANCIES: 001

## PERFECTION OF HOUSE BILL

**HB 1307**, relating to watercraft regulations, was taken up by Representative Williams.

Representative Williams offered **HS HB 1307**.

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

### *House Amendment No. 1*

AMEND House Substitute for House Bill No. 1307, Page 1, Section 306.123, Line 1, by inserting before said section the following:

“306.122. Motorboat of vessel operator, minimum age, exceptions, penalty.--  
No person under [fourteen] **twelve** years of age shall operate any motorboat or vessel upon the waters of this state unless such person is under the direct on-board supervision of a parent, guardian or other person sixteen years of age or older, or unless the motorboat is moored. No person shall authorize or knowingly permit a motorboat owned by such person or under the person's control to be operated on the waters of this state in violation of this section, nor shall a parent or guardian authorize or knowingly permit such a child, under [fourteen] **twelve** years of age, to operate a motorboat in violation of this section.”; and

Further amend the title and enacting clause accordingly.

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

Which motion was defeated.

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

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 1307, Page 3, Section 306.123, Line 21, by adding after said line the following:

**“No individual shall be detained or stopped strictly for the purpose of checking for said boating safety identification card.”.**

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

On motion of Representative Williams, **HS HB 1307, as amended**, was adopted.

On motion of Representative Williams, **HS HB 1307, as amended**, was ordered perfected and printed.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 1101**, relating to appropriations, was taken up by Representative Green (73).

Representative Green (73) moved that the House refuse to adopt **SCS HCS HB 1101** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1102, as amended**, relating to appropriations, was taken up by Representative Graham.

Representative Graham moved that the House refuse to adopt **SCS HCS HB 1102, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Representative Reid made a substitute motion that the House refuse to adopt **SCS HCS HB 1102, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the House conferees be bound to the House position on Sections 2.020, 2.325 and 2.330.

Which motion was defeated by the following vote:

AYES: 018

Barnitz	Behnen	Cooper	Crawford	Crowell
Crump	Froelker	Green 15	Hickey	Mayer
Moore	Murphy	Quinn	Rector	Reid
Roark	Wright	Mr. Speaker		

NOES: 126

Abel	Baker	Ballard	Barnett	Bartelsmeyer
Bartle	Bearden	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Byrd	Campbell
Carnahan	Champion	Clayton	Copenhaver	Cunningham
Daus	Davis	Dempsey	Enz	Fares
Farnen	Foley	Fraser	Gaskill	George
Graham	Gratz	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Lawson
Legan	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mays 50	McKenna	Merideth	Miller	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Reinhart
Relford	Reynolds	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42				

PRESENT: 000

ABSENT WITH LEAVE: 018

Barry 100	Brooks	Burcham	Burton	Cierpiot
Curls	Dolan	Franklin	Gambaro	Harlan
Hohulin	Kelly 144	Koller	Long	Monaco
Naeger	Paone	Richardson		

VACANCIES: 001

Representative Graham again moved that the House refuse to adopt **SCS HCS HB 1102, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1103, as amended**, relating to appropriations, was taken up by Representative Graham.

Representative Graham moved that the House refuse to adopt **SCS HCS HB 1103, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1104, as amended**, relating to appropriations, was taken up by Representative Bray.

Representative Bray moved that the House refuse to adopt **SCS HCS HB 1104, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1105**, relating to appropriations, was taken up by Representative Bonner.

Representative Bonner moved that the House refuse to adopt **SCS HCS HB 1105** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1106**, relating to appropriations, was taken up by Representative Ransdall.

Representative Ransdall moved that the House refuse to adopt **SCS HCS HB 1106** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1107, as amended**, relating to appropriations, was taken up by Representative Ransdall.

Representative Ransdall moved that the House refuse to adopt **SCS HCS HB 1107, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1108**, relating to appropriations, was taken up by Representative Kelly (27).

Representative Kelly (27) moved that the House refuse to adopt **SCS HCS HB 1108** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1109**, relating to appropriations, was taken up by Representative Kelly (27).

Representative Kelly (27) moved that the House refuse to adopt **SCS HCS HB 1109** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1110**, relating to appropriations, was taken up by Representative Riback Wilson (25).

Representative Riback Wilson (25) moved that the House refuse to adopt **SCS HCS HB 1110** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1111**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

With Senate Amendment No. 2

#### *Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1111, Page 26, Section 11.475, Line 4, by inserting immediately after the word “programs” the following: “, and funding for hospital-employed, Medicaid-enrolled physicians in the emergency departments of Level I, II, III Trauma Centers as defined by the Department of Health and Senior Services and Critical Access Hospitals as defined by the Department of Social Services Division of Medical Services contingent upon adoption of an offsetting increase in the applicable provider tax.”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1112**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1537**, entitled:

An act to repeal sections 214.330, 362.011 and 473.097, RSMo, relating to administration of small estates, and to enact in lieu thereof three new sections relating to the same subject.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 1537, Page 1, In the Title, Line 2, by striking the words "administration of small"; and further amend Line 3 of said title, by inserting after the word "estates" the following: "and trusts"; and

Further amend said bill, Page 4, Section 362.011, Line 25, by striking the numeral "362.245" and inserting in lieu thereof the numeral "**362.425**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1659**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 2120**, entitled:

An act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SB 1191**, entitled:

An act to amend chapter 8, RSMo, by adding thereto twenty-three new sections relating to the Missouri tobacco settlement authority act, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 1248**, entitled:

An act to repeal sections 143.225, 143.261, 143.811 and 144.190, RSMo, and to enact in lieu thereof seven new sections relating to assessment, collection and refund procedures of taxes, with an emergency clause.



In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1711**, entitled:

An act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state school aid, with an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 11.

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by adding the following language:

“163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution [under] **pursuant to** subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087 of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the

vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the costs of adopting and providing a violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration factor; seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line 14(a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14(a) and 14(b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation**; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **The line 14 per eligible pupil amount for 1997-98 will be recalculated to exclude the voluntary transfer students originally in the calculation.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which [under] **pursuant to** subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a

means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid [under] **pursuant to** subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x  
(lesser of district's equalized  
operating levy for school  
purposes or two dollars and  
seventy-five cents per one  
hundred dollars assessed valuation)  
x (proration x GTB per EP) ..... \$.....

1(b). Number of eligible pupils x (greater  
of: 0, or district's equalized  
operating levy for school purposes  
minus two dollars and seventy-five cents  
per one hundred dollars assessed  
valuation) x (proration x GTB  
per EP) ..... \$.....

Deductions

2. District equalized assessed valuation x  
district income factor x district's  
equalized operating levy for school  
purposes plus ninety percent  
of any payment received the current  
year of protested taxes due in prior  
years no earlier than the 1997 tax  
year minus the amount of any protested

- taxes due in the current year and for which notice of protest was received during the current year . . . . . \$.....
3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes) . . . . . \$.....
4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes) . . . . . \$.....
5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes) . . . . . \$.....
6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% . . . . . \$.....
7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087 . . . . . \$.....
8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo . . . . . \$.....
9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo . . . . . \$.....
10. Total deductions (sum of lines 2-9) . . . . . \$.....
- Categorical Add-ons
11. The amount distributed pursuant to section 163.161 x proration . . . . . \$.....
12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration . . . . . \$.....
13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration . . . . . \$.....
- 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration . . . . . \$.....

- 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes . . . . . \$.....
15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration . . . . . \$.....
16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration . . . . . \$.....
17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration . . . . . \$.....
18. Sum of categorical add-ons for the district (sum of lines 11-17) . . . . . \$.....
19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) . . . . . \$.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”.

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1711, Page 2, Section 163.011, Lines 40-42, by striking said lines; and further amend said section by renumbering the remaining subdivisions accordingly.

*Senate Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, RSMo, the following terms mean:

(1) “District” or “school district”, when used alone, may include seven-director, urban, and metropolitan school districts;

(2) “Elementary school”, a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) **“Family literacy programs”, services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:**

(a) **Interactive literacy activities between parents and their children;**

(b) **Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;**

(c) **Parent literacy training that leads to high school completion and/or economic self sufficiency; and**

(d) **An age-appropriate education to prepare children of all ages for success in school;**

[(3)] (4) “Graduation rate”, the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

[(4)] (5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

[(5)] (6) “Metropolitan school district”, any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

[(6)] (7) “Public school” includes all elementary and high schools operated at public expense;

[(7)] (8) “School board”, the board of education having general control of the property and affairs of any school district;

[(8)] (9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A “school term” may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children;

[(9)] (10) “Secretary”, the secretary of the board of a school district;

[(10)] (11) “Seven-director district”, any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

[(11)] (12) “Taxpayer”, any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

[(12)] (13) “Town”, any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

[(13)] (14) “Urban school district”, any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.051. 1. A system of free public schools is established throughout the state for the gratuitous instruction of persons between the ages of five and twenty-one years. Any child whose fifth birthday occurs before the first day of August shall be deemed to have attained the age of five years at the commencement of the school year beginning in that calendar year or at the commencement of the summer school session immediately prior to the school term beginning in the school year beginning in that calendar year, whichever is earlier, for the purpose of apportioning state school funds and for all other purposes.

**2. Public schools may establish family literacy programs for children of all ages and their families.**

[2.] **3.** The department of elementary and secondary education shall not use school for kindergarten pupils in the summer preceding such pupils' regular fall starting date as an element of the standards of the Missouri school improvement program.

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall

be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

**6. The state board of education shall identify or, if necessary, establish one or more developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675, RSMo. In the development of such alternate assessments, the state board shall establish an advisory panel consisting of a majority of active special education teachers and other education professionals as appropriate to research available assessment options. The advisory panel shall attempt to identify preexisting developmentally appropriate alternate assessments but shall, if necessary, develop alternate assessments and recommend one or more alternate assessments for adoption by the state board. The state board shall consider the recommendations of the advisory council in establishing such alternate assessment or assessments. Any student who receives special educational services, as that term is defined pursuant to section 162.675, RSMo, shall be assessed by an alternate assessment established pursuant to this subsection upon a determination by the student's individualized education program team that such alternate assessment is more appropriate to assess the student's knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of this section. The alternative assessment shall evaluate the student's independent living skills, which includes how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting.**

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall allocate one percent of moneys received pursuant to section 163.031, RSMo, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be

spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school districts imposed by this subsection.

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

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

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

**(3) Funding for family literacy programs;**

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

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

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

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

[(7)] (8) Training in new assessment techniques for students;

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

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

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

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

[(12)] (13) Expanding adult literacy services; and

[(13)] (14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

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

**160.531. 1. Beginning with fiscal year 2005 and for all fiscal years thereafter, an amount, as specified in subsection 2 of this section, of the appropriation to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, shall be distributed by the department of elementary and secondary education to establish and fund family literacy programs in school attendance centers declared academically deficient by the state board of education as authorized by section 160.538 or school districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo.**

**2. The amount to be distributed by the department of elementary and secondary education to establish and fund family literacy programs pursuant to subsection 1 of this section shall be the lesser of either:**



(1) Five percent of any increase from the total line 14 revenue compared to the total line 14 revenue amount distributed to all school districts in fiscal year 2004; or

(2) One and one-half percent of the total line 14 distribution.

3. The department of elementary and secondary education shall promulgate rules for the distribution of family literacy funds.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

160.720. 1. The department of elementary and secondary education shall identify for recognition by the governor schools demonstrating high student achievement to be designated as performance schools. In addition, the department of elementary and secondary education shall identify those waivers of administrative rule authorized under state law appropriate for the recognized school district or school. The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.

2. The department of elementary and secondary education shall identify priority school districts and priority schools based upon the following criteria:

(1) School attendance centers declared academically deficient by the state board of education as authorized by section 160.538;

(2) School districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo; or

(3) School districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the state board of education based upon the statewide assessment system authorized pursuant to section 160.518.

3. The board of education of any priority school district or priority school shall submit, as a part of a comprehensive school improvement plan, an accountability compliance statement that shall:

(1) Identify and analyze areas of deficiency in student performance by school, grade and academic content area;

(2) Provide a comprehensive strategy for addressing these areas of deficiency;

(3) Assure disclosure of these areas of deficiency in the school accountability report card required pursuant to section 160.522;

(4) Permit a metropolitan district that is implementing a program of academic improvement in a school or schools identified pursuant to a settlement agreement for a desegregation lawsuit to submit the elements of the accountability compliance statement required in subdivisions (1) to (3) of this subsection for review for possible waiver solely in regard to the schools identified for academic improvement pursuant to the settlement agreement; provided, however, that the department of elementary and secondary education shall meet with any district covered by the provisions of this subdivision prior to the district submitting any element of an accountability compliance statement, so that the department may identify elements of the settlement agreement academic improvement plan that are substantially similar to the requirements contained in this section, and the department shall advise such district if, based on its review, any further plan or reporting of such plans or elements is required; and

(5) Require school boards of each district to annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with the above listed sections.

4. The comprehensive strategy for addressing areas of deficiency required pursuant to this section shall address the following areas:

(1) Align curriculum to address areas of deficiency in student achievement;

(2) Develop, for any student who is not receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, who is performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518, an individual performance plan in that subject area which shall:

- (a) Be developed by the teacher or teachers in consultation with the child's parents or guardian;
- (b) Outline responsibilities for the student, parent or guardian, teachers and administrators in implementing the plan. Such plans shall not require the level of documentation and procedural complexities of an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, but shall contain sufficient detail for all parties to understand their responsibilities in the implementation of the student's performance plan; and
- (c) Require those students performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518 to be provided with additional instruction time and for students in grade nine to eleven to retake the assessment;
- (3) Focus state and local professional development funds on the areas of greatest academic need, including a statement relating to accessing the resources and services of the regional professional development center and support from state professional development funds;
- (4) Create programs to improve teacher and administrator effectiveness;
- (5) Establish school accountability councils consistent with the procedures stated in subsection 5 of section 160.538 or align any existing parent advisory council with the requirements of subsection 5 of section 160.538;
- (6) Develop a resource reallocation plan for the district; and
- (7) Consider the need to implement strategies pursuant to this subsection for feeder schools of any priority school.

5. The school district shall include in any program for improvement of teacher and administrator effectiveness in an accountability compliance statement policies that will:

- (1) Require school administrators and teachers, including teachers who are provisionally or temporarily certified, to participate in one of the following programs of professional development:
  - (a) A mentoring program meeting standards established by the state board of education or supervised by an individual previously designated by the department of elementary and secondary education as a regional resource teacher;
  - (b) Successful completion of a training program for certification as a scorer under the statewide assessment program authorized pursuant to section 160.518; or
  - (c) Enrollment and making adequate progress towards national board certification;
- (2) Provide one additional year of intensive professional development assistance to teachers and administrators who do not complete or make adequate progress in the professional development activities described in subdivision (1) of this subsection;
- (3) Exempt from the professional development requirements accountability compliance statement as provided in subdivision (1) of this subsection any individual who:
  - (a) Holds qualifying scores in the appropriate professional assessment as determined by the state board of education or who elects to take and receive a qualifying score of that assessment;
  - (b) Holds national board certification;
  - (c) Is certified as a scorer under the statewide assessment program;
  - (d) Is designated by the department of elementary and secondary education as a regional resource teacher;
  - (e) Serves as a mentor teacher for one school year in a program meeting standards adopted by the state board of education; or
  - (f) Successfully completes an appropriate administrator academy program offered pursuant to section 168.407, RSMo;

6. Any resource reallocation plan shall include at least one of the following elements:

- (1) Reduce class size in areas of academic concern;
- (2) Establish full-day kindergarten or preschool programs;
- (3) Establish after-school, tutoring and other programs offering extended time for learning;
- (4) Employ regional resource teachers designated by the department of elementary and secondary education or national board-certified teachers, along with appropriate salary enhancements for such teachers;
- (5) Establish programs of teacher home visitation to encourage parental support of student learning; and
- (6) Create "school within a school" programs to achieve smaller learning communities within priority schools.

7. The state board of education shall establish by administrative rule standards to evaluate accountability compliance statements, based upon the following criteria:

(1) An accountability compliance statement shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district meets the criteria established under subsection 2 of this section;

(2) The department of elementary and secondary education shall review and identify areas of deficiency in the plan within thirty days of receipt; and

(3) Changes to the plan shall be forwarded to the department of elementary and secondary education within thirty days of notice to the district of the areas of deficiency.

8. The department of elementary and secondary education shall withhold funds to be paid to the school district, as authorized in section 163.031, RSMo, until such time as the district submits an accountability compliance statement meeting the standards authorized pursuant to this section within the timelines established herein.

9. The department of elementary and secondary education shall develop within three years of the adoption of this section a program of administrator mentoring focusing on the need of priority schools and priority school districts and meeting standards established by the state board of education.

10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee, certificates of qualification and licenses to teach in any of the public schools of the state, **including provisional certification to a person with more than five years teaching experience in that curriculum area and approximate grade level in another state, and permit full certification upon the satisfactory completion of five years teaching in Missouri public schools**, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071, RSMo;

(9) Classify the public schools of the state, subject to limitations provided by law, establish requirements for the schools of each class, and formulate rules governing the inspection and accreditation of schools preparatory to classification;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include: (a) a statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught; (b) a statement of the number of teachers employed, their sex, their professional training, and their average salary; (c) a statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were

disbursed; (d) suggestions for the improvement of public schools; and (e) any other information relative to the educational interests of the state that the law requires or the board deems important;

**(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;**

[(11)] (12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

[(12)] (13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

[(13)] (14) Have other powers and duties prescribed by law.”; and

Further amend said bill, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

“166.260. There is hereby created the “Children At-Risk in Education Program” which shall be administered by the commissioner of education. The program shall be funded by moneys provided to school districts pursuant to line 14 of subsection 6 of section 163.031, RSMo, and used solely as determined by local boards of education for: reductions of class size in schools containing high concentrations of children who are least advantaged or who have specially identified educational needs according to rule and regulation of the state board of education; or the following:

(1) The program of half-day instruction for developmentally delayed and at-risk children established pursuant to section 167.260, RSMo;

(2) The program to provide teacher assistants in grades kindergarten through three established pursuant to section 167.263, RSMo;

**(3) The program of family literacy for children and families of children at risk of dropping out of school pursuant to sections 160.531, RSMo;**

[(3)] (4) The program to provide guidance counselors in grades kindergarten through nine established pursuant to section 167.265, RSMo;

[(4)] (5) The programs for pupils at risk of becoming high school dropouts established pursuant to section 167.270, RSMo, including specialized courses of instruction, alternative education programs for pregnant teens and teen mothers and supplemental services for teen mothers;

[(5)] (6) The program of support services to pupils identified as having a high risk of dropping out of school established pursuant to section 167.280, RSMo;

[(6)] (7) The program of professional development committees for in-service training on teaching children identified as at risk of failing in school pursuant to section 168.400, RSMo;

[(7)] (8) A program to contract for mental health services to meet the needs of children who are identified as being at risk of failing school as a result of emotional or environmental factors. Eligible contractors shall be approved by the department of mental health;

[(8)] (9) The program of special education and other special services for at-risk and handicapped children in grades kindergarten through third grade emphasizing prevention and early intervention, rather than remediation, known as the “Success for All Program”;

[(9)] (10) Paying for building site operating costs in the proportion that the free and reduced-price meal eligible student count is to the total enrollment in that building; and

[(10)] (11) Other programs as approved by the commissioner of education that are exclusively targeted to provide educational services for students who are least advantaged or who have specially identified educational needs.

168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the “Missouri Professional Teacher and Administrator Act”. This section shall become effective September 1, 1988, and shall establish programs for the following public school personnel:

(1) The preservice teacher or student in training;

(2) The beginning teacher;

(3) The practicing teacher; and

(4) The administrator.

2. Preservice teacher programs established under this section shall include, but need not be limited to, the following provisions:

(1) A program of entry-level testing of all prospective teacher education students shall be established at all

colleges and universities offering approved teacher education programs and, with the advice of the advisory council as provided in section 168.015, shall be administered by the commissioner of education, who shall cause the department of elementary and secondary education to develop or select such tests to establish abilities necessary to receive a satisfactory rating, and to establish procedures for the administering of the test;

(2) The entry-level tests developed under this subsection shall include, but need not be limited to, an examination of basic oral and written communication skills and of basic mathematics skills, and may include both oral and written examinations;

(3) Each prospective teacher education student shall be required to obtain a satisfactory rating prior to admission into the approved teacher education program;

(4) The department of elementary and secondary education, with the advice of the advisory council as provided in section 168.015, shall establish and monitor exit requirements from approved teacher education programs which shall be met by all preservice teacher education students seeking certification in Missouri, and specific criteria for a preservice teacher assessment that all candidates for certification shall meet. The preservice teacher assessment established under this subdivision shall include, but need not be limited to, classroom achievement, practice teaching evaluation and observation, successful participation in assessment centers, interviews, tests and other evaluation measures. **The department of elementary and secondary education shall promulgate rules to allow all preservice teacher education students who have been employed for at least two years as teacher assistants to utilize their teacher assistant experience to bypass the practice teaching evaluation and observation process. These rules shall allow the certified teacher working with the teacher assistant to observe and evaluate the teacher assistants practice teaching. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.** The preservice teacher assessment shall be reviewed by the certifying authority prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section 168.071. Any costs associated with the entry-level tests or the exit requirements established under this subsection shall be borne by each institution and costs defrayal included in the incidental fees charged to the student.

3. Each approved teacher education program shall require the faculty teaching preservice teacher education courses to further their professional development through direct personal involvement in the public schools in grades kindergarten through twelve on a periodic basis. As used in this subsection, the term "faculty" shall include, but need not be limited to, full- and part-time classroom instructors, and supervisors of practice teaching at institutions offering an approved teacher education program.

4. Beginning teacher assistance programs established under this section shall include, but need not be limited to, the following provisions:

(1) Such programs shall require each school district to provide a plan of professional development for the first two years of teaching for any teacher who does not have prior teaching experience. The professional development plan shall include assistance from a professional development committee, which is hereby established in each school district, which committee shall work with beginning teachers and experienced teachers in identifying instructional concerns and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs and develop in-service opportunities for school staff; and present to the proper authority faculty suggestions, ideas and recommendations pertaining to classroom instruction within the school district. The members of each professional development committee shall be selected by the teachers employed by the school district in question. The professional development plan may include guidance from a district-designated faculty member employed at a grade level comparable to the instructional grade level of the beginning teacher, and such other forms of assistance which the school district may choose to offer. The professional development committee may apply to the state board of education for a grant, which shall be in addition to any state aid provided to the committee for activities identified in this subdivision. The grant thus awarded shall be used by the committee to provide in-service training to the teachers of the district on teaching children identified as at risk of failing in school as defined in section 167.273. The department of elementary and secondary education shall provide resource materials and assist the committee if such assistance is requested;

(2) Such programs shall include assistance from the teacher education program which provided the teacher's training if such training was provided in a Missouri college or university. Such assistance from the college or university

may include retraining, internships, counseling, and in-service training.

5. The practicing teacher assistance programs established under this section shall include, but need not be limited to, programs of professional development and improvement as provided for experienced teachers by the professional development committee established under subsection 4 of this section, and in-service opportunities as provided by the local school district for all practicing teachers.

6. (1) The administrator assistance programs established under this section shall include, but shall not be limited to, programs of professional development and improvement for superintendents, principals, assistant principals, and other school district personnel charged with administrative duties.

(2) Establishment of programs by local districts and organizations for the training of school board members are encouraged and recommended.

**170.014. 1. This section shall be known as the “Reading Instruction Act” and is enacted to ensure that all public schools establish reading programs based in scientific research and offer explicit systematic phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all new teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of explicit systematic phonics.**

**2. As used in this section, “explicit systematic phonics”, means the methodology of pronouncing and reading words by learning the phonetic sound association of individual letters, letter groups and syllables and the principles governing these associations. Reading instruction using implied recognition of words or partial words through the use of pictures or other references other than explicit pronunciation of phonetic letter combinations shall not be admitted as a substitute in compliance with this provisions.**

**3. Explicit systematic phonics instruction shall be offered in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Nothing in this section shall be construed to allow for implicit phonics methodology as a substitute for the teaching of explicit systematic phonics as defined by this section.**

**4. On and after July 1, 2005, no teacher shall be certified to teach reading in the public schools of this state in grades kindergarten through three, either as a reading specialist or as a classroom teacher, unless the teacher has successfully completed instruction in explicit systematic phonics at the university or college level.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

**“171.053. 1. The general assembly hereby finds and declares that:**

**(1) The Future Farmers of America (FFA), Future Homemakers of America (FHA/HERO), Family, Career and Community Leaders of America (FCCLA) and 4-H programs in the state and the organized competitions held as a part of the Missouri state fair involve an education and learning process that is not otherwise available in the regular curriculum of secondary education in Missouri;**

**(2) The principles and practices learned by school students in such programs are highly beneficial to students;**

**(3) Participation in such programs should be encouraged; and**

**(4) One method of encouraging participation in such programs is to allow such participation to be counted as school attendance for the purpose of determining state school aid.**

**2. It is the purpose and intent of this section to assure that participation of students in sanctioned activities of such programs be allowed to such extent as may be determined appropriate by the school boards of the various school districts.**

**3. A school board shall allow, pursuant to its written policy and with the approval of the responsible sponsoring school employee, any student enrolled in the district to use such regularly scheduled instructional time as is reasonably necessary for such student to participate in an officially-sanctioned activity of any such program; provided, if the program is not a part of the Missouri state fair or 4-H, that such program has a local chapter which is officially recognized by the student's school.**

**4. For the purpose of distributing state school aid pursuant to section 163.031, RSMo, a student who is**

**participating in an officially-sanctioned activity of any such program, as provided pursuant to subsection 3 of this section, shall be considered to be attending regularly scheduled instruction in the district and such hours of participation occurring during the regular school day shall be included in the district's calculation of average daily attendance, as defined in section 163.011, RSMo.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 1711, Page 5, Section 163.011, Line 154, by inserting after all of said line the following:

“163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater. Except as otherwise provided in subsection 3 of this section, any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. (1) For any district which has, for at least five years immediately preceding the year in which the error is discovered, adopted a calendar for the school term in which elementary schools are in session for twelve months of each calendar year, any error made in the apportionment of state aid to such district because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the amount to which the district was actually entitled by more than five percent and the district provides written application to the state board requesting that the deductions be made pursuant to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision (2) of this subsection.

(2) For deductions made pursuant to this subdivision, interest at the rate of six percent shall be charged on the excess and shall be included in the amount deducted and the total amount of such excess plus accrued interest shall be deducted from the district's apportionment in equal monthly amounts beginning with the succeeding school year and extending for a period of months specified by the district in its written request and no longer than sixty months.

4. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

**5. For the purposes of distribution of state school aid pursuant to section 163.031, a school district with ten percent or more of its assessed valuation owned by one person or corporation as commercial and/or personal property and this person or corporation is delinquent in its property tax payment, may elect, after receiving notice from the county clerk on or before March fifteenth, except in the year enacted, that more than ten percent of its current taxes due the preceding December thirty-first by a single property owner are delinquent, to use on line 2 of the state aid formula the district's equalized assessed valuation for the preceding year or the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which**

the current year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year for which the taxes are delinquent less the assessed valuation of property for which the current year's property tax is delinquent, a district must notify the department of elementary and secondary education on or before April first, except in the year enacted, of the current year amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes are owed and the total assessed valuation of the district for the year in which the taxes were due but not paid. Any district giving such notice to the department of elementary and secondary education shall present verification of the accuracy of such notice obtained from the clerk of the county levying delinquent taxes. When any of the delinquent taxes identified by such notice are paid during a four year period following the due date the county clerk shall give notice to the district and the department of elementary and secondary education and state aid paid to the district shall be reduced by an amount equal to the delinquent taxes received plus interest. The reduction in state aid shall occur over a period not to exceed five years and the interest rate on excess state aid not refunded shall be six percent annually.

6. If a district receives state aid based on equalized assessed valuation as determined by subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year of such notice and the first year following shall equal the sum of state aid paid pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference between the state aid amount being paid after such notice minus the amount of state aid the district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 before such notice. To be eligible to receive state aid based on this provision the district must levy during the first year following such notice at least the maximum levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars assessed valuation.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**“82.293. Absent explicit statutory authority, no such city shall enact any ordinance, regulation or resolution that would impose a surcharge or other fee to compensate any political subdivision organized pursuant to chapter 162, RSMo.”; and**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 1711, Page 6, Section 163.011, Line 6, by adding:

**“Section C. Notwithstanding any other provisions of law, the provisions of this Act will be null and void July 1, 2004.”.**

*Senate Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 1711, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“108.140. 1. The various counties in this state for themselves, as well as for and on behalf of any township, or other political subdivision for which the counties may have issued any general obligation bonds, and the several cities, school districts or other political corporations or subdivisions of the state, are hereby authorized to refund, extend, and unify the whole or part of their valid general obligation bonded indebtedness, or judgment indebtedness, and for such purpose may issue, negotiate, sell and deliver refunding general obligation bonds and with the proceeds therefrom **pay costs and expenses related to issuing such refunding general obligation bonds and pay off, redeem and cancel the****



bonds to be refunded in advance of their maturity or redemption or as the same mature or are called for redemption, or pay and cancel such judgment indebtedness, or such refunding general obligation bonds may be issued and delivered in exchange for and upon surrender and cancellation of the bonds refunded thereby, or such judgment indebtedness. In no case shall the refunding general obligation bonds exceed the amount of the principal of the outstanding bond or judgment indebtedness to be refunded and the interest accrued thereon to the date of such refunding bonds. No refunding bond issued as provided in this subsection shall be payable in more than twenty years from the date thereof and such refunding bonds shall bear interest not to exceed the same rate as the bonds refunded, or judgment indebtedness; provided, that nothing in this section shall be so construed as to prohibit any county, city, school district, or other political corporation or subdivision of the state from refunding its general obligation bonded indebtedness without the submission of the question to a popular vote.

2. The various counties in this state for themselves, as well as for and on behalf of any township, or other political subdivision for which the counties may have issued any revenue bonds, notes or other obligations, and the several cities, school districts or other political corporations or subdivisions of the state, are hereby authorized to refund, extend, and unify the whole or part of their valid outstanding revenue bonds, notes or other obligations, and for such purpose may issue, negotiate, sell and deliver refunding revenue bonds, notes or other obligations and with the proceeds therefrom pay off, redeem and cancel the obligations to be refunded in advance of their maturity or redemption or as the same mature or are called for redemption, or such refunding revenue bonds, notes or other obligations may be issued and delivered in exchange for and upon surrender and cancellation of the obligations refunded thereby. In no case shall the refunding revenue bonds, notes or other obligations exceed the amount determined by the governing body of the issuing political corporation or subdivision to be necessary to pay or provide for the payment of the principal of the outstanding obligations to be refunded, together with the interest accrued thereon to the date of such refunding obligations and the interest to accrue thereon to the date of maturity or redemption of such obligations to be refunded and any premium which may be due under the terms of such obligations to be refunded and any amounts necessary for the payment of costs and expenses related to issuing such refunding obligations and to fund a debt service reserve fund for the obligations. All such refunding revenue bonds, notes or other obligations shall bear interest at such rates as the governing body of the issuing political subdivision shall provide, which rates of interest may exceed the rates of interest on the obligations being refunded but shall not exceed the maximum legal rate established by section 108.170. The refunding revenue bonds, notes or other obligations may be payable from the same sources as were pledged to the payment of the obligations refunded and, in the discretion of the governing body of the issuing political subdivision, may be payable from any other source which may be pledged to the payment of revenue bonds, notes or other obligations under any provision of law relating to the issuance of the obligations refunded. Nothing in this section shall be so construed as to prohibit any county, city, school district, or other political corporation or subdivision of the state from refunding its revenue bonded indebtedness without the submission of the question to a popular vote.”; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 1711, Page 3, Section 163.011, Line 53, by adding immediately preceding the “;” on said line the following: “with the second count of summer school average daily attendance not to exceed three percent of the school term average daily attendance”.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 1111, as amended**, relating to appropriations, was taken up by Representative Troupe.

Representative Britt assumed the Chair.

Representative Troupe moved that the House refuse to adopt **SCS HCS HB 1111, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HCS HB 1112**, relating to appropriations, was taken up by Representative Bonner.

Representative Bonner moved that the House refuse to adopt **SCS HCS HB 1112** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HCS HB 1711, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 11**, relating to state school aid, was taken up by Representative Graham.

Representative Graham moved that the House refuse to concur in **Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 11** to **HCS HB 1711** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HS HB 1594** - Fiscal Review and Government Reform (Fiscal Note)

**HCS HB 1886** - Fiscal Review and Government Reform (Fiscal Note)

### **COMMITTEE REPORTS**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1077, HB 1187, HB 1579**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Environment and Energy**, Chairman Lawson reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 1599**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

### **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 1101** 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 1102, 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 1103, 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 1104, 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 1105** 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 1106** 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 1107, 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 1108** 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 1109** 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 1110** 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 1111, 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 1112** 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 **Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, and Senate Amendment No. 11 to HCS HB 1711**, 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 Jacob, Caskey, Bentley, Sims and Kenney.

### **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 1101:** Representatives Green (73), Bonner, Merideth, Bearden and Legan

**SCS HCS HB 1102:** Representatives Green (73), Graham, Kreider, Legan and Shields

**HCS HB 1711:** Representatives Graham, Franklin, Davis, Fares and Shields

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, April 30, 2002.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-ninth Day, Thursday, April 25, 2002, page 1372, line 12, by inserting immediately after said line, the following:

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1110**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2002 and ending June 30, 2003.

In which the concurrence of the House is respectfully requested.

Pages 1347 and 1348, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".

Pages 1348 and 1349, roll call, by showing Representatives Champion, Rector and Shoemaker (8) voting "no" rather than "absent with leave".

Pages 1348 and 1349, roll call, by showing Representative Wilson (42) voting "aye" rather than "absent with leave".

Pages 1351 and 1352, roll call, by showing Representatives Berkstresser and Enz voting "aye" rather than "absent with leave".

Pages 1352 and 1353, roll call, by showing Representatives Barnett, Behnen and Berkstresser voting "aye" rather than "absent with leave".

Pages 1353 and 1354, roll call, by showing Representatives Dempsey, Froelker, Moore, Myers and Quinn voting "no" rather than "aye".

Pages 1353 and 1354, roll call, by showing Representative Berkstresser voting "no" rather than "absent with leave".

Pages 1354 and 1355, roll call, by showing Representatives Berkstresser, Cooper and Hosmer voting "aye" rather than "absent with leave".

Pages 1355 and 1356, roll call, by showing Representative Hoppe voting "aye" rather than "absent with leave".

Pages 1356 and 1357, roll call, by showing Representatives King and Wilson (42) voting "aye" rather than "absent with leave".

Pages 1357 and 1358, roll call, by showing Representatives Hosmer and King voting "aye" rather than "absent with leave".

Pages 1358 and 1359, roll call, by showing Representative King voting "aye" rather than "absent with leave".

Pages 1359 and 1360, roll call, by showing Representatives Fraser and King voting "aye" rather than "absent with leave".

Pages 1360 and 1361, roll call, by showing Representatives King and Surface voting "no" rather than "absent with leave".

Pages 1361 and 1362, roll call, by showing Representative Fraser voting "no" rather than "present".

Pages 1361 and 1362, roll call, by showing Representative Cunningham voting "aye" rather than "no".

Pages 1361 and 1362, roll call, by showing Representatives Hoppe, Kelly (144), King and Surface voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRICULTURE**

Tuesday, April 30, 2002, 8:00 a.m. Hearing Room 1.  
Executive Session may follow.  
Public Hearing to be held on: SB 837, SB 1269, SCR 56

### **CHILDREN, FAMILIES, AND HEALTH**

Tuesday, April 30, 2002, 8:00 a.m. Hearing Room 7.  
Executive Session may follow.  
Public Hearing to be held on: SB 687, SB 741, SB 923

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 30, 2002, 7:30 a.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Tuesday, April 30, 2002, 7:30 p.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Wednesday, May 1, 2002, 7:30 a.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Wednesday, May 1, 2002, 7:30 p.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Thursday, May 2, 2002, 7:30 a.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Thursday, May 2, 2002. Hearing Room 3 upon adjournment.  
Bills in conference. SCS HCS HBs 1101 through 1112.

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Friday, May 3, 2002, 8:30 a.m. Hearing Room 3.  
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS

Sunday, May 5, 2002, 2:00 p.m. Hearing Room 3.

Bills in conference. SCS HCS HBs 1101 through 1112.

FISCAL REVIEW AND GOVERNMENT REFORM

Tuesday, April 30, 2002. Hearing Room 4 upon morning recess.

Fiscal Review HS HCS HB 1577,1760,1433, 1430,1029 & 1700 and HCS HB 1650.

INSURANCE

Tuesday, April 30, 2002, 8:00 a.m. Hearing Room 5.

Executive Session may follow.

Public Hearing to be held on: SB 893, SB 1227, SCR 58

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, April 30, 2002. Hearing Room 3 immediately upon morning recess. AMENDED.

Fire Protection District Special Review.

JUDICIARY

Tuesday, April 30, 2002. Hearing Room 5 upon morning adjournment.

Public Hearing to be held on: SB 931

LABOR

Tuesday, April 30, 2002, 9:00 a.m. Hearing Room 4

Public Hearing to be held on: SB 1005, SCR 41

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 1, 2002, 9:15 a.m. Hearing Room 6.

Executive Session to be held on: SB 894

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, April 30, 2002, 8:00 p.m. Hearing Room 6.

Executive session may follow.

Public Hearing to be held on: SB 670, SCR 35

TRANSPORTATION

Wednesday, May 1, 2002, 8:30 a.m. Hearing Room 3.

Executive Session to follow.

Public Hearing to be held on: SB 721, SB 915

WAYS AND MEANS

Tuesday, April 30, 2002, 8:30 a.m. Side gallery. AMENDED NOTICE.

Executive Session may or may no follow.

Public Hearing to be held on: SB 688



**HOUSE CALENDAR**

SIXTY-FIRST DAY, TUESDAY, APRIL 30, 2002

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 1120 - Green (73)
- 2 HB 1121 - Green (73)

**HOUSE BILLS FOR PERFECTION**

- 1 HB 1988 - Kelly (144)
- 2 HCS HB 1868 - Barry
- 3 HB 2160 - Britt
- 4 HB 1916 - Franklin
- 5 HCS HB 1231 - Harding
- 6 HB 2097 - Copenhaver
- 7 HCS HB 1318 - George
- 8 HCS HB 1777 - Johnson (61)
- 9 HCS HB 1576 - Hilgemann
- 10 HCS HB 1914 - Mays (50)
- 11 HB 2137 - Crump
- 12 HCS HB 1680 - Hampton
- 13 HB 1708 - Daus
- 14 HB 1427 - Hosmer
- 15 HCS HB 1863 - Whorton
- 16 HCS HB 1923 - Barry
- 17 HB 1813 - Monaco
- 18 HB 1530 - Hoppe
- 19 HB 1721 - Shelton
- 20 HB 1211 - Smith
- 21 HB 1191 - Davis
- 22 HB 1198 - Graham
- 23 HB 1794, HCA 1 - Legan
- 24 HCS HB 1570 - Koller
- 25 HCS HB 1780 - Green (73)
- 26 HCS HB 1445 - Smith
- 27 HB 1663 - Seigfreid
- 28 HB 1596 - Harding
- 29 HB 1084 - Fraser
- 30 HCS HB 1321 & 1491 - Williams
- 31 HCS HB 1723 - Boucher
- 32 HB 1485 - Johnson (90)
- 33 HB 1439, HCA 1 - Myers
- 34 HB 1970 - Townley

- 35 HB 1052 - Ward
- 36 HCS HB 1725 - Walton
- 37 HB 1609 - Robirds
- 38 HCS HB 1828 - Cunningham
- 39 HCS HB 1407 - Riback Wilson (25)
- 40 HCS HB 1889 & 1946 - Foley
- 41 HCS HB 2065 - Ransdall
- 42 HCS HB 1077, 1187 & 1579 - Jolly
- 43 HCS HB 1599 - Lawson

#### **HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 1069 - Bray
- 2 HCS HB 1479 - Ladd Baker

#### **HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- 1 HJR 32 - Barry
- 2 HCS HJR 47 - Willoughby

#### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HB 1726 - Walton
- 3 HS HCS HB 1936 - Shoemyer (9)
- 4 HS HCS HB 1577, 1760, 1433, 1430, 1029 & 1700, E.C. (Fiscal Review 4-25-02) - Britt
- 5 HS HB 1594, (Fiscal Review 4-29-02) - Gratz
- 6 HCS HB 1216 - Johnson (61)
- 7 HB 1350, E.C. - Liese
- 8 HCS HB 1656 - Wright
- 9 HB 1627 - Kreider
- 10 HS HCS HB 1650, E.C. (Fiscal Review 4-25-02) - Hoppe
- 11 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo

#### **HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL**

HB 2155 - Willoughby

#### **SENATE BILLS FOR SECOND READING**

- 1 SS#2 SB 1191
- 2 SS SB 1248

**SENATE BILLS FOR THIRD READING - CONSENT**

- 1 SCS SB 988, (Caskey) - Hartzler
- 2 HCS SB 992, (Johnson) - Rizzo
- 3 SB 1124, (Dougherty) - Gambaro
- 4 SCS SB 804, (DePasco) - Sanders Brooks
- 5 SB 639, (Caskey) - Williams
- 6 SCS SB 997, (Quick) - Willoughby
- 7 SCS SB 1132, (Kennedy) - Daus
- 8 SB 708, (Mathewson) - Lawson
- 9 SB 701, (Wiggins) - Lowe
- 10 SB 742, (Caskey) - Monaco
- 11 HCS SCS SB 1210, (Johnson) - Lawson
- 12 SB 1247, (Quick) - Willoughby
- 13 SB 1001, (Mathewson) - Crump
- 14 HCS SB 1078, (Kennedy) - Hoppe
- 15 SB 941, (DePasco) - Mays (50)
- 16 HCS SB 695, (Dougherty) - Barry
- 17 HCS SB 962, (Wiggins) - Jolly
- 18 HCS SB 1119, (Johnson) - Kelly (27)
- 19 SB 1217, (Coleman) - Boykins
- 20 SCS SB 967, (Kennedy) - Hagan-Harrell
- 21 SB 1243, (Johnson) - McKenna
- 22 HCS SCS SB 1212, (Mathewson) - Ransdall
- 23 SB 1041, HCAs 1, 2 & 3 (Russell) - Gratz
- 24 SB 1168, HCA 1 (Russell) - Gratz
- 25 SB 974, (Childers) - Koller
- 26 HCS SB 1251, (Gibbons) - Monaco
- 27 SCS SB 1163, (Steelman) - Ransdall
- 28 SB 720, (Westfall) - Hoppe
- 29 HCS SB 714, (Singleton) - Barry
- 30 SCS SB 729, (Yeckel) - Luetkenhaus
- 31 SB 891, (Kenney) - Rizzo
- 32 HCS SB 932, (Klarich) - Smith
- 33 SCS SB 1015, (Foster) - Relford
- 34 SCS SB 1071, (Klindt) - Lawson
- 35 HCS SB 1094, (Russell) - Green (73)
- 36 SB 1048, (Kenney) - Reinhart
- 37 SB 1028, (Russell) - Luetkemeyer
- 38 SB 812, (Russell) - Holand
- 39 SB 726, (Childers) - Gaskill
- 40 SB 865, (Foster) - Myers
- 41 SCS SB 918, (Klarich) - Linton
- 42 HCS SB 1102, (Westfall) - Hosmer
- 43 SB 1109, (Yeckel) - Portwood

- 44 HCS SCS SB 947, (Klindt) - Farnen
- 45 SCS SB 1207, (Bentley) - Holand
- 46 SCS SB 1151, (Kinder) - Myers
- 47 HCS SCS SB 980, (Singleton) - Hunter
- 48 SCS SB 874, (Bentley) - Franklin
- 49 HCS SB 1186, (Kenney) - Hoppe
- 50 SCS SB 1182, (Singleton) - Barry
- 51 HCS SCS SB 1202, E.C. (Westfall) - Koller
- 52 HCS SB 758, (Bentley) - Hosmer
- 53 SCS SB 1024, (Bentley) - Holand
- 54 SB 976, (Steelman) - Portwood
- 55 SB 644, (Mathewson) - Davis
- 56 SCS SB 1241, 1253 & 1189, (Coleman) - Boykins
- 57 SCS SB 966, (Kennedy) - Gambaro
- 58 SB 798, (Westfall) - Ross
- 59 SCS SB 745, (Russell) - Kelly (144)
- 60 HCS SB 950, (Gibbons) - Griesheimer
- 61 SB 1199, HCA 1 (Foster) - Bearden
- 62 HCS SCS SB 960, (Kenney) - O'Connor
- 63 HCS SCS SB 1093, (Loudon) - Hilgemann
- 64 SB 831, (Loudon) - Gambaro
- 65 HCS SCS SB 957, (Loudon) - Reid
- 66 SCS SB 656, (Rohrbach) - Luetkenhaus
- 67 HCS SCS SB 737, (Cauthorn) - Berkowitz

#### **SENATE BILLS FOR THIRD READING**

- 1 SB 1220, (Sims) - O'Toole
- 2 SS SCS SB 959, E.C. (Kenney) - Rizzo

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 2120 - Ridgeway
- 2 SCS HB 1537, as amended - Clayton

#### **BILLS IN CONFERENCE**

- 1 SCS HCS HB 1101 - Green (73)
- 2 SCS HCS HB 1102, as amended - Graham
- 3 SCS HCS HB 1103, as amended - Graham
- 4 SCS HCS HB 1104, as amended - Bray
- 5 SCS HCS HB 1105 - Bonner
- 6 SCS HCS HB 1106 - Ransdall
- 7 SCS HCS HB 1107, as amended - Ransdall
- 8 SCS HCS HB 1108 - Kelly (27)

- 9 SCS HCS HB 1109 - Kelly (27)
- 10 SCS HCS HB 1110 - Riback Wilson (25)
- 11 SCS HCS HB 1111, as amended - Troupe
- 12 SCS HCS HB 1112 - Bonner
- 13 HCS HB 1711, as amended, E.C. - Graham