

SECOND REGULAR SESSION

HOUSE BILL NO. 1398

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), WITTE, FISHER, WETER, WHORTON, SMITH (118), MEADOWS, MUNZLINGER, SMITH (14), SANDER, RICHARD, WILSON (119), MCGHEE, WILDBERGER, DARROUGH, BIVINS, HOBBS, MOORE AND BROWN (50) (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3297L.03I

AN ACT

To repeal section 41.655, 41.1010, 42.007, 160.053, and 168.021, RSMo, and to enact in lieu thereof five new sections relating to the members of the military and their families.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 41.655, 41.1010, 42.007, 160.053, and 168.021, RSMo, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 41.655, 41.1010, 42.007,
3 160.053, and 168.021, to read as follows:

41.655. **1.** The governing body or county planning commission, if any, of any county
2 of the second classification with more than forty-eight thousand two hundred but fewer than
3 forty-eight thousand three hundred inhabitants shall provide for the planning, zoning, subdivision
4 and building within all or any portion of the unincorporated area extending three thousand feet
5 outward from the boundaries of any military base located in such county and the area within the
6 perimeter of accident potential zones one and two [if the county has a zoning commission and
7 a board of adjustment established under sections 64.510 to 64.727, RSMo]. As used in this
8 section, the term "accident potential zones one and two" means any land area [that was]
9 identified in the [April, 1976] **current** Air Installation Compatible Use Zone Report at the north
10 and south ends of the clear zone of a military installation located in any county of the second
11 classification with more than forty-eight thousand two hundred but fewer than forty-eight

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 thousand three hundred inhabitants and which is in significant danger of aircraft accidents by
13 being beneath that airspace where the potential for aircraft accidents is most likely to occur.

14 **2. The governing body of any county of the second classification with more than**
15 **forty-eight thousand two hundred but fewer than forty-eight thousand three hundred**
16 **inhabitants may adopt, administer, and enforce airport hazard area zoning regulations**
17 **that are substantially similar to the airport hazard area zoning regulations in sections**
18 **67.1200 to 67.1222, RSMo, subject to any exceptions listed in this section. Such exceptions**
19 **are as follows:**

20 (1) All definitions in section 67.1200, RSMo, shall apply, except that any reference
21 to a political subdivision in sections 67.1200 to 67.1222, RSMo, shall be construed to
22 include any county of the second classification with more than forty-eight thousand two
23 hundred but fewer than forty-eight thousand three hundred inhabitants;

24 (2) Sections 67.1207 and 67.1212, RSMo, shall not apply;

25 (3) The county shall employ any existing airport planning commission or airport
26 zoning commission as created in section 67.1210, RSMo, or shall form such commission,
27 with the following exceptions:

28 (a) The commission shall consist of five members as follows:

29 a. Three residents of the county, with at least two of such county residents residing
30 in the township containing the military base;

31 b. The presiding county commissioner or such commissioner's designee; and

32 c. The county road commissioner;

33 (b) The commission may appoint an ex officio military liaison from the armed
34 forces of the United States who is stationed at the military base;

35 (c) The terms of office of each member under this section shall be identical to the
36 terms of office in section 67.1210, RSMo, with the member chosen to serve as chair serving
37 for an initial term of two years. The commission shall elect its chairman;

38 (4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo, shall apply in their
39 entirety, except that any reference to a municipality in such sections shall be construed to
40 include any county of the second classification with more than forty-eight thousand two
41 hundred but fewer than forty-eight thousand three hundred inhabitants;

42 (5) Section 67.1220 shall apply in its entirety, except that the board of variance shall
43 consist of three members as follows:

44 (a) Three residents of the county, with at least two of such county residents residing
45 in the township containing the military base;

46 (b) The board shall elect its chairman.

41.1010. 1. There is hereby established the "Missouri Military Preparedness and Enhancement Commission". The commission shall have as its purpose the design and implementation of measures intended to protect, retain, and enhance the present and future mission capabilities at the military posts or bases within the state. The commission shall consist of nine members:

(1) Five members to be appointed by the governor;

(2) Two members of the house of representatives, one appointed by the speaker of the house of representatives, and one appointed by the minority floor leader;

(3) Two members of the senate, one appointed by the president pro tempore, and one appointed by the minority floor leader;

(4) The director of the department of economic development or the director's designee, ex officio;

(5) The chairman of the Missouri veteran's commission or the chairman's designee, ex officio.

No more than three of the five members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated experience in economic development, the defense industry, military installation operation, environmental issues, finance, local government, or the use of air space for future military missions. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, two shall be for one-year terms, two shall be for two-year terms, and one shall be for a three-year term. No appointed member of the commission shall serve more than six years total. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the commission shall be selected by the members of the commission.

4. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

5. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission's annual appropriation shall be based on a competitive bid process.

6. The commission shall:

(1) Advise the governor and the general assembly on military issues and economic and industrial development related to military issues;

- 37 (2) Make recommendations regarding:
- 38 (a) Developing policies and plans to support the long-term viability and prosperity of the
- 39 military, active and civilian, in this state, including promoting strategic regional alliances that
- 40 may extend over state lines;
- 41 (b) Developing methods to improve private and public employment opportunities for
- 42 former members of the military residing in this state; and
- 43 (c) Developing methods to assist defense-dependent communities in the design and
- 44 execution of programs that enhance a community's relationship with military installations and
- 45 defense-related businesses;
- 46 (3) Provide information to communities, the general assembly, the state's congressional
- 47 delegation, and state agencies regarding federal actions affecting military installations and
- 48 missions;
- 49 (4) Serve as a clearinghouse for:
- 50 (a) Defense economic adjustment and transition information and activities; and
- 51 (b) Information concerning the following:
- 52 a. Issues related to the operating costs, missions, and strategic value of federal military
- 53 installations located in the state;
- 54 b. Employment issues for communities that depend on defense bases and in
- 55 defense-related businesses; and
- 56 c. Defense strategies and incentive programs that other states are using to maintain,
- 57 expand, and attract new defense contractors;
- 58 (5) Provide assistance to communities that have experienced a defense-related closure
- 59 or realignment;
- 60 (6) Assist communities in the design and execution of programs that enhance a
- 61 community's relationship with military installations and defense-related businesses, including
- 62 regional alliances that may extend over state lines;
- 63 (7) Assist communities in the retention and recruiting of defense-related businesses,
- 64 including fostering strategic regional alliances that may extend over state lines;
- 65 (8) Prepare a biennial strategic plan that:
- 66 (a) Fosters the enhancement of military value of the contributions of Missouri military
- 67 installations to national defense strategies;
- 68 (b) Considers all current and anticipated base realignment and closure criteria; and
- 69 (c) Develops strategies to protect the state's existing military missions and positions the
- 70 state to be competitive for new and expanded military missions;
- 71 (9) Encourage economic development in this state by fostering the development of
- 72 industries related to defense affairs.

73 7. The commission shall prepare and present an annual report to the governor and the
74 general assembly by December thirty-first of each year.

75 8. The department of economic development shall furnish administrative support and
76 staff for the effective operation of the commission.

 42.007. 1. There is hereby established within the department of public safety the
2 "Missouri Veterans' Commission", such commission to be a type III agency within the
3 department of public safety under the Omnibus State Reorganization Act of 1974. All duties and
4 activities carried on by the division of veterans' affairs on August 28, 1989, shall be vested in
5 such commission as provided by the Omnibus Reorganization Act of 1974.

6 2. The commission shall be composed of five members, who shall be veterans appointed
7 by the governor, with the advice and consent of the senate, for a four-year term; except that
8 initial appointments to the commission shall consist of two veterans to serve four-year terms, two
9 veterans to serve three-year terms, and one veteran to serve a two-year term. **In addition, the**
10 **chair of the Missouri military preparedness and enhancement commission or the chair's**
11 **designee shall be an ex officio member of the commission.**

12 3. The governor shall make all appointments to the commission from lists of nominees
13 recommended by each of the statewide veterans' organizations incorporated in this state,
14 chartered by Congress, or authorized under Title 38, United States Code. Vacancies shall be
15 filled by appointment made in the same manner as the original appointments. A member of the
16 commission shall be a resident of the state of Missouri but shall not be an employee of the state.
17 Members of the commission shall not be compensated for their services, but shall be reimbursed
18 from funds appropriated therefor for actual and necessary expenses incurred in the performance
19 of their duties.

20 4. The commission shall organize by electing one member as chairman and another as
21 vice chairman. Such officers shall serve for a term of two years. The commission shall meet no
22 fewer than four times per calendar year, at the call of the chairman, and at times and places
23 established by the chairman by written notice. The commission's executive director shall serve
24 as secretary to the commission.

25 5. The commission shall aid and assist all veterans and their dependents and legal
26 representatives, who live in the state of Missouri, in all matters relating to the rights of veterans
27 under the laws of the United States and under the rules and regulations of federal agencies,
28 boards, commissions and other authorities which are in any manner concerned with the interest
29 and welfare of veterans and their dependents. In addition to any other duties imposed by sections
30 42.002 to 42.135 and section 143.1001, RSMo, the commission shall:

31 (1) Disseminate by all means available information concerning the rights of veterans and
32 their dependents;

33 (2) Provide aid and assistance to all veterans, their dependents and legal representatives,
34 in preparing, presenting and prosecuting claims for compensation, education, pensions, insurance
35 benefits, hospitalization, rehabilitation and all other matters in which a veteran may have a claim
36 against the United States or any state arising out of or connected with service in the military
37 forces of the United States;

38 (3) Prosecute all claims listed in subdivision (2) of this subsection to conclusion, when
39 so authorized and empowered by a veteran, his survivors or legal representatives;

40 (4) Cooperate with the United States Employment Service, the United States Department
41 of Veterans' Affairs and all federal and state offices legally concerned with and interested in the
42 welfare of veterans and their dependents;

43 (5) Arrange for and accept through such mutual arrangements as may be made, the
44 volunteer services, equipment, facilities, properties, supplies, funds and personnel of all federal,
45 welfare, civic and service organizations, and other organized groups and individuals which are
46 in furtherance of the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

47 (6) Volunteers shall be deemed unpaid employees and shall be accorded the protection
48 of the legal expense fund and liability provisions. Reimbursement for transportation and other
49 necessary expenses may be furnished to those volunteers whose presence on special assignment
50 is determined to be necessary by the commission. Such expenses shall be reimbursed from the
51 regular appropriations of the commission. Volunteers may utilize state vehicles in the
52 performance of commission-related duties, subject to those rules and regulations governing use
53 of state vehicles by paid staff;

54 (7) Establish, maintain and operate offices throughout this state as necessary to carry out
55 the purposes of sections 42.002 to 42.135 and section 143.1001, RSMo;

56 (8) Provide to the executive director of the commission all appropriate authority for the
57 execution of the duties of the commission under this chapter;

58 (9) Employ such staff as necessary for performance of the duties and purposes of this
59 chapter.

160.053. 1. If a school district maintains a kindergarten program, a child is eligible for
2 admission to kindergarten and to the summer school session immediately preceding kindergarten,
3 if offered, if the child reaches the age of five before the first day of August of the school year
4 beginning in that calendar year **or if the child is a military dependent who has successfully**
5 **completed an accredited prekindergarten or kindergarten program in another state.** A
6 child is eligible for admission to first grade if the child reaches the age of six before the first day
7 of August of the school year beginning in that calendar year.

8 2. Any kindergarten or grade one pupil beginning the school term and any pupil
9 beginning summer school prior to a kindergarten school term in a metropolitan school district

10 or an urban school district containing the greater part of the population of a city which has more
11 than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and
12 subsequently transferring to another school district in this state in which the child's birth date
13 would preclude such child's eligibility for entrance shall be deemed eligible for attendance and
14 shall not be required to meet the minimum age requirements. The receiving school district shall
15 receive state aid for the child, notwithstanding the provisions of section 160.051.

16 3. Any child who completes the kindergarten year shall not be required to meet the age
17 requirements of a district for entrance into grade one.

18 4. The provisions of this section relating to kindergarten instruction and state aid
19 therefor, shall not apply during any particular school year to those districts which do not provide
20 kindergarten classes that year.

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it,

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section; or

14 (3) By the state board, which shall issue the professional certificate classification in both
15 the general and specialized areas most closely aligned with the current areas of certification
16 approved by the state board, commensurate with the years of teaching experience of the
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
21 teachers or administrators designated by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated examinations will be issued a
23 two-year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check and possession of a valid teaching certificate
25 in the state from which the applicant's teacher preparation program was completed.

26 2. All valid teaching certificates issued pursuant to law or state board policies and
27 regulations prior to September 1, 1988, shall be exempt from the professional development
28 requirements of this section and shall continue in effect until they expire, are revoked or
29 suspended, as provided by law. When such certificates are required to be renewed, the state
30 board or its designee shall grant to each holder of such a certificate the certificate most nearly
31 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
32 or continuous professional certificate shall, upon expiration of his or her current certificate, be
33 issued the appropriate level of certificate based upon the classification system established
34 pursuant to subsection 3 of this section.

35 3. Certificates of license to teach in the public schools of the state shall be based upon
36 minimum requirements prescribed by the state board of education. The state board shall provide
37 for the following levels of professional certification: an initial professional certificate and a
38 career continuous professional certificate.

39 (1) The initial professional certificate shall be issued upon completion of requirements
40 established by the state board of education and shall be valid based upon verification of actual
41 teaching within a specified time period established by the state board of education. The state
42 board shall require holders of the four-year initial professional certificate to:

43 (a) Participate in a mentoring program approved and provided by the district for a
44 minimum of two years;

45 (b) Complete thirty contact hours of professional development, which may include hours
46 spent in class in an appropriate college curriculum; and

47 (c) Participate in a beginning teacher assistance program;

48 (2) (a) The career continuous professional certificate shall be issued upon verification
49 of completion of four years of teaching under the initial professional certificate and upon
50 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
51 subdivision (1) of this subsection.

52 (b) The career continuous professional certificate shall be continuous based upon
53 verification of actual employment in an educational position as provided for in state board
54 guidelines and completion of fifteen contact hours of professional development per year which
55 may include hours spent in class in an appropriate college curriculum. Should the possessor of
56 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
57 professional development requirement, the possessor may, within two years, make up the
58 missing hours. In order to make up for missing hours, the possessor shall first complete the
59 fifteen-hour requirement for the current year and then may count hours in excess of the current
60 year requirement as make-up hours. Should the possessor fail to make up the missing hours
61 within two years, the certificate shall become inactive. In order to reactivate the certificate, the

62 possessor shall complete twenty-four contact hours of professional development which may
63 include hours spent in the classroom in an appropriate college curriculum within the six months
64 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be
65 monitored and verified by the local school district which employs the holder of the career
66 continuous professional certificate.

67 (c) A holder of a career continuous professional certificate shall be exempt from the
68 professional development contact hour requirements of paragraph (b) of this subdivision if such
69 teacher has a local professional development plan in place within such teacher's school district
70 and meets two of the three following criteria:

- 71 a. Has ten years of teaching experience as defined by the state board of education;
 - 72 b. Possesses a master's degree; or
 - 73 c. Obtains a rigorous national certification as approved by the state board of education.
- 74 4. Policies and procedures shall be established by which a teacher who was not retained
75 due to a reduction in force may retain the current level of certification. There shall also be
76 established policies and procedures allowing a teacher who has not been employed in an
77 educational position for three years or more to reactivate his or her last level of certification by
78 completing twenty-four contact hours of professional development which may include hours
79 spent in the classroom in an appropriate college curriculum within the six months prior to or after
80 reactivating his or her certificate.

81 5. The state board shall, upon an appropriate background check, issue a professional
82 certificate classification in the areas most closely aligned with an applicant's current areas of
83 certification, commensurate with the years of teaching experience of the applicant, to any person
84 who is hired to teach in a public school in this state and who possesses a valid teaching
85 certificate from another state, provided that the certificate holder shall annually complete the
86 state board's requirements for such level of certification, and shall establish policies by which
87 residents of states other than the state of Missouri may be assessed a fee for a certificate license
88 to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover
89 any or all costs associated with the issuing of a certificate of license to teach. **The board shall**
90 **additionally promulgate a rule to permit the issuance of a provisional certificate of license**
91 **permitting the holder to assume classroom duties pending the completion of a background**
92 **check conducted pursuant to section 168.133 when the applicant is the spouse of a member**
93 **of the United States armed forces stationed in Missouri who has relocated from another**
94 **state within one year from the date of application for Missouri certificate of license, who**
95 **otherwise qualifies under the provisions of this subsection, if a background check was**
96 **required for the issuance of the teaching certificate from another state.**

97 6. The state board may assess to holders of an initial professional certificate a fee, to be
98 deposited into the excellence in education revolving fund established pursuant to section
99 160.268, RSMo, for the issuance of the career continuous professional certificate. However,
100 such fee shall not exceed the combined costs of issuance and any criminal background check
101 required as a condition of issuance.

102 7. Any member of the public school retirement system of Missouri who entered covered
103 employment with ten or more years of educational experience in another state or states and held
104 a certificate issued by another state and subsequently worked in a school district covered by the
105 public school retirement system of Missouri for ten or more years who later became certificated
106 in Missouri shall have that certificate dated back to his or her original date of employment in a
107 Missouri public school.