

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 135
94TH GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, April 19, 2007, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0633S.04C

AN ACT

To repeal sections 41.655, 168.021, and 313.835, RSMo, and to enact in lieu thereof three new sections relating to military affairs.

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

Section A. Sections 41.655, 168.021, and 313.835, RSMo, are repealed and
2 three new sections enacted in lieu thereof, to be known as sections 41.655,
3 168.021, and 313.835, to read as follows:

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

24 (1) All definitions in section 67.1200, RSMo, shall apply, except
25 that any reference to a political subdivision in sections 67.1200 to
26 67.1222, RSMo, shall be construed to include any county of the second
27 classification with more than forty-eight thousand two hundred but
28 fewer than forty-eight thousand three hundred inhabitants;

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

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

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

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

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

38 c. The county road commissioner;

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

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

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

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

53 (a) Three residents of the county, with at least two of such

54 **county residents residing in the township containing the military base;**

55 **(b) The board shall elect its chairman.**

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

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

21 (a) Recommendation of a state-approved baccalaureate-level teacher
22 preparation program;

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

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

31 2. All valid teaching certificates issued pursuant to law or state board
32 policies and regulations prior to September 1, 1988, shall be exempt from the
33 professional development requirements of this section and shall continue in effect
34 until they expire, are revoked or suspended, as provided by law. When such

35 certificates are required to be renewed, the state board or its designee shall grant
36 to each holder of such a certificate the certificate most nearly equivalent to the
37 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
38 continuous professional certificate shall, upon expiration of his or her current
39 certificate, be issued the appropriate level of certificate based upon the
40 classification system established pursuant to subsection 3 of this section.

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

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

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

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

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

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

60 (b) The career continuous professional certificate shall be continuous
61 based upon verification of actual employment in an educational position as
62 provided for in state board guidelines and completion of fifteen contact hours of
63 professional development per year which may include hours spent in class in an
64 appropriate college curriculum. Should the possessor of a valid career continuous
65 professional certificate fail, in any given year, to meet the fifteen-hour
66 professional development requirement, the possessor may, within two years, make
67 up the missing hours. In order to make up for missing hours, the possessor shall
68 first complete the fifteen-hour requirement for the current year and then may
69 count hours in excess of the current year requirement as make-up hours. Should
70 the possessor fail to make up the missing hours within two years, the certificate

71 shall become inactive. In order to reactivate the certificate, the possessor shall
72 complete twenty-four contact hours of professional development which may
73 include hours spent in the classroom in an appropriate college curriculum within
74 the six months prior to or after reactivating his or her certificate. The
75 requirements of this paragraph shall be monitored and verified by the local school
76 district which employs the holder of the career continuous professional certificate.

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

81 a. Has ten years of teaching experience as defined by the state board of
82 education;

83 b. Possesses a master's degree; or

84 c. Obtains a rigorous national certification as approved by the state board
85 of education.

86 4. Policies and procedures shall be established by which a teacher who
87 was not retained due to a reduction in force may retain the current level of
88 certification. There shall also be established policies and procedures allowing a
89 teacher who has not been employed in an educational position for three years or
90 more to reactivate his or her last level of certification by completing twenty-four
91 contact hours of professional development which may include hours spent in the
92 classroom in an appropriate college curriculum within the six months prior to or
93 after reactivating his or her certificate.

94 5. The state board shall, upon an appropriate background check, issue a
95 professional certificate classification in the areas most closely aligned with an
96 applicant's current areas of certification, commensurate with the years of
97 teaching experience of the applicant, to any person who is hired to teach in a
98 public school in this state and who possesses a valid teaching certificate from
99 another state, provided that the certificate holder shall annually complete the
100 state board's requirements for such level of certification, and shall establish
101 policies by which residents of states other than the state of Missouri may be
102 assessed a fee for a certificate license to teach in the public schools of
103 Missouri. Such fee shall be in an amount sufficient to recover any or all costs
104 associated with the issuing of a certificate of license to teach. **The board shall**
105 **additionally promulgate a rule to permit the issuance of a provisional**
106 **certificate of license permitting the holder to assume classroom duties**

107 **pending the completion of a background check conducted pursuant to**
108 **section 168.133 when the applicant is the spouse of a member of the**
109 **United States armed forces stationed in Missouri who has relocated**
110 **from another state within one year from the date of application for**
111 **Missouri certificate of license, who otherwise qualifies under the**
112 **provisions of this subsection, if a background check was required for**
113 **the issuance of the teaching certificate from another state.**

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

120 7. Any member of the public school retirement system of Missouri who
121 entered covered employment with ten or more years of educational experience in
122 another state or states and held a certificate issued by another state and
123 subsequently worked in a school district covered by the public school retirement
124 system of Missouri for ten or more years who later became certificated in
125 Missouri shall have that certificate dated back to his or her original date of
126 employment in a Missouri public school.

313.835. 1. All revenue received by the commission from license fees,
2 penalties, administrative fees, reimbursement by any excursion gambling boat
3 operators for services provided by the commission and admission fees authorized
4 pursuant to the provisions of sections 313.800 to 313.850, except that portion of
5 the admission fee, not to exceed one cent, that may be appropriated to the
6 compulsive gamblers fund as provided in section 313.820, shall be deposited in
7 the state treasury to the credit of the "Gaming Commission Fund" which is
8 hereby created for the sole purpose of funding the administrative costs of the
9 commission, subject to appropriation. Moneys deposited into this fund shall not
10 be considered proceeds of gambling operations. Moneys deposited into the gaming
11 commission fund shall be considered state funds pursuant to article IV, section
12 15 of the Missouri Constitution. All interest received on the gaming commission
13 fund shall be credited to the gaming commission fund. In each fiscal year, total
14 revenues to the gaming commission fund for the preceding fiscal year shall be
15 compared to total expenditures and transfers from the gaming commission fund
16 for the preceding fiscal year. The remaining net proceeds in the gaming

17 commission fund shall be distributed in the following manner:

18 (1) The first five hundred thousand dollars shall be appropriated on a per
19 capita basis to cities and counties that match the state portion and have
20 demonstrated a need for funding community neighborhood organization programs
21 for the homeless and to deter gang-related violence and crimes;

22 (2) The remaining net proceeds in the gaming commission fund for fiscal
23 year 1998 and prior years shall be transferred to the "Veterans' Commission
24 Capital Improvement Trust Fund", as hereby created in the state treasury. The
25 state treasurer shall administer the veterans' commission capital improvement
26 trust fund, and the moneys in such fund shall be used solely, upon appropriation,
27 by the Missouri veterans' commission for:

28 (a) The construction, maintenance or renovation or equipment needs of
29 veterans' homes in this state;

30 (b) The construction, maintenance, renovation, equipment needs and
31 operation of veterans' cemeteries in this state;

32 (c) Fund transfers to Missouri veterans' homes fund established pursuant
33 to the provisions of section 42.121, RSMo, as necessary to maintain solvency of
34 the fund;

35 (d) Fund transfers to any municipality with a population greater than four
36 hundred thousand and located in part of a county with a population greater than
37 six hundred thousand in this state which has established a fund for the sole
38 purpose of the restoration, renovation and maintenance of a memorial or museum
39 or both dedicated to World War I. Appropriations from the veterans' commission
40 capital improvement trust fund to such memorial fund shall be provided only as
41 a one-time match for other funds devoted to the project and shall not exceed five
42 million dollars. Additional appropriations not to exceed ten million dollars total
43 may be made from the veterans' commission capital improvement trust fund as
44 a match to other funds for the new construction or renovation of other facilities
45 dedicated as veterans' memorials in the state. All appropriations for renovation,
46 new construction, reconstruction, and maintenance of veterans' memorials shall
47 be made only for applications received by the Missouri veterans' commission prior
48 to July 1, 2004;

49 (e) The issuance of matching fund grants for veterans' service officer
50 programs to any federally chartered veterans' organization or municipal
51 government agency that is certified by the Veterans Administration to process
52 veteran claims within the Veterans Administration System; provided that such

53 veterans' organization has maintained a veterans' service officer presence within
54 the state of Missouri for the three-year period immediately preceding the issuance
55 of any such grant. A total of [seven hundred fifty thousand] **one million** dollars
56 in grants shall be made available annually with grants being issued in July of
57 each year. Application for the matching grants shall be made through and
58 approved by the Missouri veterans' commission based on the requirements
59 established by the commission;

60 (f) For payment of Missouri national guard and Missouri veterans'
61 commission expenses associated with providing medals, medallions and
62 certificates in recognition of service in the armed forces of the United States
63 during World War II and the Korean Conflict pursuant to sections 42.170 to
64 42.206, RSMo. Any funds remaining from the medals, medallions and certificates
65 shall not be transferred to any other fund and shall only be utilized for the
66 awarding of future medals, medallions, and certificates in recognition of service
67 in the armed forces; and

68 (g) Fund transfers totaling ten million dollars to any municipality with
69 a population greater than three hundred fifty thousand inhabitants and located
70 in part in a county with a population greater than six hundred thousand
71 inhabitants and with a charter form of government, for the sole purpose of the
72 construction, restoration, renovation and maintenance of a memorial or museum
73 or both dedicated to World War I.

74 Any interest which accrues to the fund shall remain in the fund and shall be used
75 in the same manner as moneys which are transferred to the fund pursuant to this
76 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
77 moneys in the veterans' commission capital improvement trust fund at the end
78 of any biennium shall not be transferred to the credit of the general revenue fund;

79 (3) The remaining net proceeds in the gaming commission fund for fiscal
80 year 1999 and each fiscal year thereafter shall be distributed as follows:

81 (a) The first four and one-half million dollar portion shall be transferred
82 to the Missouri college guarantee fund, established pursuant to the provisions of
83 sections 173.810 to 173.830, RSMo, and additional moneys as annually
84 appropriated by the general assembly shall be appropriated to such fund;

85 (b) The second three million dollar portion shall be transferred to the
86 veterans' commission capital improvement trust fund;

87 (c) The third three million dollar portion shall be transferred to the
88 Missouri national guard trust fund created in section 41.214, RSMo;

89 (d) Subject to appropriations, one hundred percent of remaining net
90 proceeds in the gaming commission fund except as provided in paragraph (l) of
91 this subdivision, and after the appropriations made pursuant to the provisions of
92 paragraphs (a), (b), and (c) of this subdivision, shall be transferred to the "Early
93 Childhood Development, Education and Care Fund" which is hereby created to
94 give parents meaningful choices and assistance in choosing the child-care and
95 education arrangements that are appropriate for their family. All interest
96 received on the fund shall be credited to the fund. Notwithstanding the
97 provisions of section 33.080, RSMo, moneys in the fund at the end of any
98 biennium shall not be transferred to the credit of the general revenue fund. Any
99 moneys deposited in such fund shall be used to support programs that prepare
100 children prior to the age in which they are eligible to enroll in kindergarten,
101 pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys
102 deposited in the early childhood development, education and care fund shall be
103 annually appropriated for voluntary, early childhood development, education and
104 care programs serving children in every region of the state not yet enrolled in
105 kindergarten;

106 (e) No less than sixty percent of moneys deposited in the early childhood
107 development, education and care fund shall be appropriated as provided in this
108 paragraph to the department of elementary and secondary education and to the
109 department of social services to provide early childhood development, education
110 and care programs through competitive grants to, or contracts with, governmental
111 or private agencies. Eighty percent of such moneys pursuant to the provisions of
112 this paragraph and additional moneys as appropriated by the general assembly
113 shall be appropriated to the department of elementary and secondary education
114 and twenty percent of such moneys pursuant to the provisions of this paragraph
115 shall be appropriated to the department of social services. The departments shall
116 provide public notice and information about the grant process to potential
117 applicants.

118 a. Grants or contracts may be provided for:

119 (i) Start-up funds for necessary materials, supplies, equipment and
120 facilities; and

121 (ii) Ongoing costs associated with the implementation of a sliding parental
122 fee schedule based on income;

123 b. Grant and contract applications shall, at a minimum, include:

124 (i) A funding plan which demonstrates funding from a variety of sources

125 including parental fees;

126 (ii) A child development, education and care plan that is appropriate to
127 meet the needs of children;

128 (iii) The identity of any partner agencies or contractual service providers;

129 (iv) Documentation of community input into program development;

130 (v) Demonstration of financial and programmatic accountability on an
131 annual basis;

132 (vi) Commitment to state licensure within one year of the initial grant, if
133 funding comes from the appropriation to the department of elementary and
134 secondary education and commitment to compliance with the requirements of the
135 department of social services, if funding comes from the department of social
136 services; and

137 (vii) With respect to applications by public schools, the establishment of
138 a parent advisory committee within each public school program;

139 c. In awarding grants and contracts pursuant to this paragraph, the
140 departments may give preference to programs which:

141 (i) Are new or expanding programs which increase capacity;

142 (ii) Target geographic areas of high need, namely where the ratio of
143 program slots to children under the age of six in the area is less than the same
144 ratio statewide;

145 (iii) Are programs designed for special needs children;

146 (iv) Are programs that offer services during nontraditional hours and
147 weekends; or

148 (v) Are programs that serve a high concentration of low-income families;

149 d. Beginning on August 28, 1998, the department of elementary and
150 secondary education and the department of social services shall initiate and
151 conduct a four-year study to evaluate the impact of early childhood development,
152 education and care in this state. The study shall consist of an evaluation of
153 children eligible for moneys pursuant to this paragraph, including an evaluation
154 of the early childhood development, education and care of those children
155 participating in such program and those not participating in the program over a
156 four-year period. At the conclusion of the study, the department of elementary
157 and secondary education and the department of social services shall, within
158 ninety days of conclusion of the study, submit a report to the general assembly
159 and the governor, with an analysis of the study required pursuant to this
160 subparagraph, all data collected, findings, and other information relevant to early

161 childhood development, education and care;

162 (f) No less than ten percent of moneys deposited in the early childhood
163 development, education and care fund shall be appropriated to the department
164 of social services to provide early childhood development, education and care
165 programs through child development, education and care certificates to families
166 whose income does not exceed one hundred eighty-five percent of the federal
167 poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C.
168 9858n(2) for the purpose of funding early childhood development, education and
169 care programs as approved by the department of social services. At a minimum,
170 the certificate shall be of a value per child which is commensurate with the per
171 child payment under item (ii) of subparagraph a. of paragraph (e) of this
172 subdivision pertaining to the grants or contracts. On February first of each year
173 the department shall certify the total amount of child development, education and
174 care certificates applied for and the unused balance of the funds shall be released
175 to be used for supplementing the competitive grants and contracts program
176 authorized pursuant to paragraph (e) of this subdivision;

177 (g) No less than ten percent of moneys deposited in the early childhood
178 development, education and care fund shall be appropriated to the department
179 of social services to increase reimbursements to child-care facilities for low-income
180 children that are accredited by a recognized, early childhood accrediting
181 organization;

182 (h) No less than ten percent of the funds deposited in the early childhood
183 development, education and care fund shall be appropriated to the department
184 of social services to provide assistance to eligible parents whose family income
185 does not exceed one hundred eighty-five percent of the federal poverty level who
186 wish to care for their children under three years of age in the home, to enable
187 such parent to take advantage of early childhood development, education and care
188 programs for such parent's child or children. At a minimum, the certificate shall
189 be of a value per child which is commensurate with the per child payment under
190 item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the
191 grants or contracts. The department of social services shall provide assistance
192 to these parents in the effective use of early childhood development, education
193 and care tools and methods;

194 (i) In setting the value of parental certificates under paragraph (f) of this
195 subdivision and payments under paragraph (h) of this subdivision, the
196 department of social services may increase the value based on the following:

197 a. The adult caretaker of the children successfully participates in the
198 parents as teachers program pursuant to the provisions of sections 178.691 to
199 178.699, RSMo, a training program provided by the department on early
200 childhood development, education and care, the home-based Head Start program
201 as defined in 42 U.S.C. 9832 or a similar program approved by the department;
202 b. The adult caretaker consents to and clears a child abuse or neglect
203 screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo;
204 and
205 c. The degree of economic need of the family;
206 (j) The department of elementary and secondary education and the
207 department of social services each shall by rule promulgated pursuant to chapter
208 536, RSMo, establish guidelines for the implementation of the early childhood
209 development, education and care programs as provided in paragraphs (e) through
210 (i) of this subdivision;
211 (k) Any rule or portion of a rule, as that term is defined in section
212 536.010, RSMo, that is promulgated under the authority delegated in paragraph
213 (j) of this subdivision shall become effective only if the agency has fully complied
214 with all of the requirements of chapter 536, RSMo, including but not limited to,
215 section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking
216 authority delegated prior to August 28, 1998, is of no force and effect and
217 repealed as of August 28, 1998, however, nothing in this section shall be
218 interpreted to repeal or affect the validity of any rule adopted or promulgated
219 prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the
220 provisions of this section are nonseverable and if any of the powers vested with
221 the general assembly pursuant to section 536.028, RSMo, to review, to delay the
222 effective date, or to disapprove and annul a rule or portion of a rule are held
223 unconstitutional or invalid, the purported grant of rulemaking authority and any
224 rule so proposed and contained in the order of rulemaking shall be invalid and
225 void, except that nothing in this act shall affect the validity of any rule adopted
226 and promulgated prior to August 28, 1998;
227 (l) When the remaining net proceeds, as such term is used pursuant to
228 paragraph (d) of this subdivision, in the gaming commission fund annually
229 exceeds twenty-eight million dollars: one-half million dollars of such proceeds
230 shall be transferred annually, subject to appropriation, to the Missouri college
231 guarantee fund, established pursuant to the provisions of section 173.830, RSMo;
232 three million dollars of such proceeds shall be transferred annually, subject to

233 appropriation, to the veterans' commission capital improvement trust fund; and
234 one million dollars of such proceeds shall be transferred annually, subject to
235 appropriation, to the Missouri national guard trust fund created in section
236 41.214, RSMo.

237 2. Upon request by the veterans' commission, the general assembly may
238 appropriate moneys from the veterans' commission capital improvements trust
239 fund to the Missouri national guard trust fund to support the activities described
240 in section 41.958, RSMo.

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