

SECOND REGULAR SESSION

SENATE BILL NO. 898

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS KOSTER AND BARNITZ.

Read 1st time January 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4511L.011

AN ACT

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Section A. Sections 41.655, 41.1010, 42.007, 160.053, and 168.021, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 41.655, 41.1010, 42.007, 160.053, and 168.021, to read as follows:

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

2. **The governing body of any county of the second classification**

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

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.**

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

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

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

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

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

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

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

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

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

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

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

36 6. The commission shall:

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

39 (2) Make recommendations regarding:

40 (a) Developing policies and plans to support the long-term viability and
41 prosperity of the military, active and civilian, in this state, including promoting
42 strategic regional alliances that may extend over state lines;

43 (b) Developing methods to improve private and public employment
44 opportunities for former members of the military residing in this state; and

45 (c) Developing methods to assist defense-dependent communities in the
46 design and execution of programs that enhance a community's relationship with
47 military installations and defense-related businesses;

48 (3) Provide information to communities, the general assembly, the state's
49 congressional delegation, and state agencies regarding federal actions affecting
50 military installations and missions;

51 (4) Serve as a clearinghouse for:

52 (a) Defense economic adjustment and transition information and
53 activities; and

54 (b) Information concerning the following:

55 a. Issues related to the operating costs, missions, and strategic value of
56 federal military installations located in the state;

57 b. Employment issues for communities that depend on defense bases and
58 in defense-related businesses; and

59 c. Defense strategies and incentive programs that other states are using
60 to maintain, expand, and attract new defense contractors;

61 (5) Provide assistance to communities that have experienced a
62 defense-related closure or realignment;

63 (6) Assist communities in the design and execution of programs that
64 enhance a community's relationship with military installations and
65 defense-related businesses, including regional alliances that may extend over
66 state lines;

67 (7) Assist communities in the retention and recruiting of defense-related
68 businesses, including fostering strategic regional alliances that may extend over
69 state lines;

70 (8) Prepare a biennial strategic plan that:

71 (a) Fosters the enhancement of military value of the contributions of

72 Missouri military installations to national defense strategies;

73 (b) Considers all current and anticipated base realignment and closure
74 criteria; and

75 (c) Develops strategies to protect the state's existing military missions and
76 positions the state to be competitive for new and expanded military missions;

77 (9) Encourage economic development in this state by fostering the
78 development of industries related to defense affairs.

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

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

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

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

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

23 4. The commission shall organize by electing one member as chairman
24 and another as vice chairman. Such officers shall serve for a term of two
25 years. The commission shall meet no fewer than four times per calendar year, at

26 the call of the chairman, and at times and places established by the chairman by
27 written notice. The commission's executive director shall serve as secretary to the
28 commission.

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

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

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

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

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

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

55 (6) Volunteers shall be deemed unpaid employees and shall be accorded
56 the protection of the legal expense fund and liability provisions. Reimbursement
57 for transportation and other necessary expenses may be furnished to those
58 volunteers whose presence on special assignment is determined to be necessary
59 by the commission. Such expenses shall be reimbursed from the regular
60 appropriations of the commission. Volunteers may utilize state vehicles in the
61 performance of commission-related duties, subject to those rules and regulations

62 governing use of state vehicles by paid staff;

63 (7) Establish, maintain and operate offices throughout this state as
64 necessary to carry out the purposes of sections 42.002 to 42.135 and section
65 143.1001, RSMo;

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

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

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

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

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

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

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.

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Bill

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