

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—WEDNESDAY, APRIL 5, 2000

The Senate met pursuant to adjournment.

Staples Steelman Stoll Westfall
Wiggins Yeckel—34

President Pro Tem Quick in the Chair.

Absent with leave—Senators—None

The Reverend Carl Gauck offered the following prayer:

The Lieutenant Governor was present.

In the Book of Matthew 17:20 we hear: "If you have faith as a grain of mustard seed...nothing shall be impossible unto you."

Gracious God, grant us grace to have faith in You knowing that with You nothing is impossible if done in keeping with Your love. So we ask remove the doubts and fears that assail our hearts and souls and grant us that strength, joy and triumph which You have promised, so we may better serve those You have given to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

RESOLUTIONS

Senators Quick and Johnson offered Senate Resolution No. 1466, regarding the Eightieth Birthday of Mrs. Catherine Hart, Platte City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, care for the elderly constitutes a vital service within the State of Missouri; and

WHEREAS, the delivery of care and other services to the elderly is a complex issue and deserving of organized study and review; and

WHEREAS, the Division of Aging is an integral part of the management and delivery of care and other services to the elderly; and

WHEREAS, the organization and oversight of the Division of Aging by the Department of Social Services is in a period of re-evaluation and little time exists to study the best overall solution:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on the Transfer of the Division of Aging" to be composed of seven members of the Senate and seven members of the House of Representatives; and

BE IT FURTHER RESOLVED, the committee shall make an

in-depth study of the transfer of the Division of Aging and shall determine the benefits or detriments, including the financial ramifications, of such a transfer on the elderly population. The committee shall make such recommendations as it deems necessary and shall be authorized to function from August 1, 2000, to January 5, 2001; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by July 1, 2000, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, and the Speaker of the House of Representatives.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 610**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Stoll moved that **SB 926**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 926, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 926

An Act to repeal section 163.031, RSMo Supp. 1999, relating to state school aid to school districts based upon payment amounts in a previous year,

and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SB 926** be adopted.

Senator Stoll offered **SS** for **SCS** for **SB 926**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 926

An Act to repeal sections 163.011 and 163.031, RSMo Supp. 1999, relating to state school aid to school districts, and to enact in lieu thereof two new sections relating to the same subject.

Senator Stoll moved that **SS** for **SCS** for **SB 926** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 1, In the Title, Line 3, by striking the following: "state school aid to school districts" and inserting in lieu thereof the following: "public schools"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"160.700. 1. There is hereby established a pilot program for public middle school students using military training and motivation methods. This program shall be established jointly by the department of elementary and secondary education, the department of social services and the national guard.

2. The program may include and emphasize appropriate role model examples, adventure training, codes of conduct and policies on discipline as necessary to train students to become personally disciplined.

3. Students in the seventh or eighth grades may apply to attend the program upon recommendation of their school administration, or upon recommendation by local division of family services counselors.

4. This program shall be a four week residential program at a national guard facility during which time military training instructors from the national guard shall have overall responsibility for the students. Academic instruction shall be provided by the local school system and needed training for the families of the students shall be provided by school counselors or the department of social services.

4. There is hereby established in the state treasury the "National Guard Pilot Instruction Program Fund". The pilot program of public instruction established pursuant to this section shall be funded by moneys from this fund. The fund may receive any grants, gifts, donations and appropriations for the purpose of establishing and operating this program."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Stoll raised the point of order that SA 1 is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

Senator Klarich offered SA 2, and asked that it be printed:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 17, Section 163.031, Line 10 of said page, by inserting after "amount." the following: "**In addition to any other adjustments pursuant to this subsection, for all school years in which the state appropriations to fund lines 1 to 10 of the state school aid formula pursuant to this section for the current year exceed the previous year appropriations for that purpose, the amount per pupil for those districts receiving an addition to**

the payment amount pursuant to this subsection for the preceding school year and eligible for such addition in the current school year shall be increased by the percentage increase in such appropriations from the preceding school year to the current school year.".

Senator Klarich moved that the above amendment be adopted.

Senator Clay assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Klarich, SA 2 was withdrawn.

Senator Clay offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 1, Section A, Line 3 of said page, by inserting immediately after said line the following:

"162.581. 1. The members of the board of education shall be elected from the city, as provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city[, and shall have been residents and citizens] for at least three years immediately preceding their election, **and residents of the subdistrict from which they are elected for at least one year immediately preceding their election.** They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If, at any time after [the] **his or her** election [of], any member of the board [he] becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he **or she** was elected.

2. Every member of the board, before assuming the duties of [his] office, shall take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he **or she** possesses all the

qualifications required by this section, and that he **or she** will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as agent or employee of any individual, firm or corporation which is so interested, and that he **or she** will not be influenced, during his **or her** term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2000**, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, [1998] **2000**, shall serve for the remainder of the term to which the replaced member was elected.

2. [No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3.] Three board members, **one from each even numbered subdistrict**, shall be elected at the [second] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001 and every four years thereafter** to serve four-year terms.

[4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and two of such members shall be elected to] **the year 2003 and every four years thereafter** to serve four-year terms [and two of such members shall be elected to three-year terms].

[5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001**, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first

regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

[6.] **5.** Members of the board of directors shall be elected to represent seven subdistricts. [The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

In the event the aggregate number of wards in the district shall be either increased or decreased in total, or if the wards in one or more subdistricts are no longer contiguous, or if the subdistricts are no longer nearly equal in population as practicable upon redistricting of the wards by the city after each decennial census, the subdistricts shall, after notice and a public hearing, be redistricted by the state board of education. The subdistricts established by the state board of education shall be compact, contiguous and as nearly equal in population as practicable and shall not cross ward lines unless the total number of wards may not be evenly divided by seven.

[8.] **6.** No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular

meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the subdistrict** for the remainder of the term."; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 1, Section A, line 3, by striking "state school aid to school districts" and inserting in lieu thereof "school districts".

Senator Clay moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 3** is out of order as the amendment goes beyond the scope of the legislation.

Senator DePasco assumed the Chair.

The point of order was referred to the President Pro Tem.

Senator Mathewson assumed the Chair.

At the request of Senator Clay, **SA 3** was withdrawn, rendering the point of order moot.

Senator Westfall offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 926, Page 16, Section 163.031, Line 22 of said page, by inserting immediately after "previous year", the following: "**and which levies, in the current payment year, an operating levy for purposes, after all adjustments, at no less than two dollars and seventy-five cents per one hundred dollars assessed valuation**".

Senator Westfall moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 926**, with **SCS, SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1467, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Fiehler, St. Charles, which was adopted.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 729**, with **SCS, SA 1** and **SA 2** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

SA 2 to **SA 1** was again taken up.

At the request of Senator Bland, the above amendment was withdrawn.

Senator Johnson assumed the Chair.

Senator Bland offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 729, Section 160.420, Page 13, Line 2, by striking the opening bracket "["; and further amend lines 2-3, by striking the following: "the contract between the charter school and"; and further amend line 3, by striking the words "may provide" and inserting in lieu thereof the following: "**shall establish a uniform policy which provides**"; and further amend line 4, by striking the closing bracket "]; and further amend lines 5-6, by striking the following: "chooses to remain an employee of the district and provides written notice to the school board holder from July first of the school year,"; and further amend line 8, by striking the word "A" and inserting in lieu thereof the following: "**The district's policy may provide that any**"; and further amend lines 9 and 10 by striking the following: "and seniority rights"; and further amend line 10, by striking the following: "for two school years".

Senator Bland moved that the above substitute amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Childers, Clay, Kenney and Singleton.

Senator Wiggins assumed the Chair.

SSA 1 for SA 1 was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Scott	Staples	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Childers	Flotron	Graves	Kenney
Mueller	Rohrbach	Sims	Singleton
Steelman	Westfall—10		

Absent—Senators

Ehlmann	Schneider—2
---------	-------------

Absent with leave—Senators—None

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 729, Page 2, Section 160.400, Line 18, by inserting at the end of said line the following: "**An urban school district which leases vacant building space to charter schools shall lease all such vacant building space to charter schools on substantially equivalent terms and for substantially equivalent compensation. An urban school district shall negotiate, in good faith, a fair market price for any property that is vacant and make it available for lease to any charter school located within said district.**"; and

Further amend said bill, page 4, Section 160.400, Lines 97 to 100, by striking all of said lines; and

Further amend said bill and Section, Page 5, Line 101, by striking all of said line; and

Further amend said bill, Page 9, Section 160.410, Line 12, by striking the opening and

closing brackets "[]" from said line; and further amend line 14, by striking the following: "; and" and inserting in lieu thereof a period "."; and further amend lines 15 and 16, by striking all of said lines; and

Further amend said bill and section, Page 10, Lines 17 and 18, by striking all of said lines.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 729, Page 14, Section 160.420, Line 31, by inserting immediately after said line the following:

"162.581. 1. The members of the board of education shall be elected from the city, as provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age, citizens and residents of the city[, and shall have been residents and citizens] for at least three years immediately preceding their election, **and residents of the subdistrict from which they are elected for at least one year immediately preceding their election.** They shall not hold any office, except that of notary public, in the city or state, nor be interested in any contract with or claim against the board, either directly or indirectly. If, at any time after [the] **his or her** election [of], any member of the board [he] becomes interested in any contract with or claim against the board, either directly or indirectly, or as agent or employee of any individual, firm or corporation, which is so interested, he **or she** shall thereupon be disqualified to continue as a member of the board, and shall continue to be so disqualified during the remainder of the term for which he **or she** was elected.

2. Every member of the board, before assuming the duties of [his] office, shall take oath before a circuit or associate circuit judge of the city, which oath shall be kept of record in the office of the board, that he **or she** possesses all the qualifications required by this section, and that he **or she** will not, while serving as a member of the board, become interested in any contract with or claim against the board, directly or indirectly, or as

agent or employee of any individual, firm or corporation which is so interested, and that he **or she** will not be influenced, during his **or her** term of office, by any consideration except that of merit and fitness in the appointment of officers and the engagement of employees.

3. No compensation shall be paid to the members of the board, but they are exempt from service as election officers during the term of office.

162.601. 1. Elected members of the board in office on August 28, [1998] **2000**, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, [1998] **2000**, shall serve for the remainder of the term to which the replaced member was elected.

2. [No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3.] Three board members, **one from each even numbered subdistrict**, shall be elected at the [second] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001 and every four years thereafter** to serve four-year terms.

[4.] **3.** Four board members, **one from each odd-numbered subdistrict**, shall be elected at the [third] municipal election in [an odd-numbered year next following August 28, 1998, and two of such members shall be elected to] **the year 2003 and every four years thereafter to serve** four-year terms [and two of such members shall be elected to three-year terms].

[5.] **4.** Beginning with the [fourth] municipal election in [an odd-numbered year next following August 28, 1998,] **the year 2001**, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

[6.] **5.** Members of the board of directors shall

be elected to represent seven subdistricts. [The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7.] A member shall reside in and be elected [in] **by the voters of** the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

In the event the aggregate number of wards in the district shall be either increased or decreased in total, or if the wards in one or more subdistricts are no longer contiguous, or if the subdistricts are no longer nearly equal in population as practicable upon redistricting of the wards by the city after each decennial census, the subdistricts shall, after notice and a public hearing, be redistricted by the state board of education. The subdistricts established by the state board of education shall be compact, contiguous and as nearly equal in population as practicable and shall not cross ward lines unless the total number of wards may not be evenly divided by seven.

[8.] **6.** No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.

162.611. Any member failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall certify that fact to the mayor. The secretary shall likewise certify to the mayor any

other vacancy occurring in the board. Any vacancy shall be filled by the mayor by appointment **of a qualified resident of the subdistrict** for the remainder of the term.”; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 1, in the title, line 3, by striking the word “charter” and inserting in lieu thereof the word “public”.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 729, Page 13, Section 160.420, Line 15, by inserting after “personnel.”, the following: **“A charter school may employ noncertificated administrative personnel and noncertificated principals and assistant principals.”**.

Senator Westfall moved that the above amendment be adopted.

Senator Bland offered **SA 1 to SA 4**:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 5 of said page, by striking the period “.” and inserting in lieu thereof the following:

“; and

Further amend said bill, page 14, section 160.420, line 31, by inserting after all of said line, the following:

Section 1. Any school district may hire and employ noncertificated administrative personnel and noncertificated principals and assistant principals.”; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator House raised the point of order that **SA 1 to SA 4** is out of order as the amendment

goes beyond the scope and purpose of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 4 was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Kinder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 729, Page 5, Section 160.400, Line 101, by inserting after all of said line, the following:

“17. Charter schools may be established in any school district in which a petition has been filed with the county clerk requesting that an issue to authorize charter schools within the district be placed before voters of the district and signed by registered voters of the district totaling no less than five percent of the number of persons voting in the most recent school board election in the district and such issue has been approved by a majority of voters voting thereon.”.

Senator Kinder moved that the above amendment be adopted.

Senator Singleton offered **SA 1 to SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 4, by adding after the word “district” the following: “by resolution of the local school district board or”.

Senator Singleton moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SSA 1 for SA 1 to SA 5**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 729, Page 1, Line 4, after the word “district,” the following: “where the school district is non-accredited or only provisionally-accredited”.

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator House requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** to **SA 5** and was joined in his request by Senators Caskey, Howard, Kenney and Rohrbach.

Senator Mathewson assumed the Chair.

SSA 1 for **SA 1** to **SA 5** failed of adoption by the following vote:

YEAS—Senators

Bland	Carter	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Yeckel—16

NAYS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Scott	Stoll	Westfall

Wiggins—17

Absent—Senator Staples—1

Absent with leave—Senators—None

President Wilson assumed the Chair.

SA 1 to **SA 5** was again taken up.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kinder, Schneider and Westfall.

SA 1 to **SA 5** failed of adoption by the following vote:

YEAS—Senators

Clay	Flotron	Graves	Howard
Kenney	Kinder	Klarich	Schneider
Scott	Singleton	Steelman	Yeckel—12

NAYS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Jacob	Johnson	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Sims	Stoll	Westfall

Wiggins—21

Absent—Senator Staples—1

Absent with leave—Senators—None

SA 5 was again taken up.

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator Flotron offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 729, Page 9, Section 160.405, Line 163 of said section, by deleting lines 163 through 168 in their entirety and inserting in lieu thereof the following:

“11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state.”.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 729, Page 7, Section 160.405, Line 100 of said section, by deleting the bold language on lines 100 and 101 and inserting in lieu thereof the following: **“which shall also include a statement that background checks have been completed on the charter school’s board members,”**; and

Further amend said bill, page 10, section 160.410, line 50, by inserting immediately after the numeral 160.522 on said line the following: **“; and,**

(3) The results of background checks on the charter school’s board members.”.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 729, Page 1, Section 105.269, Lines 1-14, by striking all of said lines; and

Further amend said bill and section, Page 2, Lines 15-25, by striking all of said lines and inserting in lieu thereof the following:

"[105.269. 1. Any metropolitan school district who has individuals who work in said district which are employed by the state of Missouri who participate in the volunteer tutoring program as provided in said section and which has at least a five percent shortage of certified teachers may apply to the department of elementary and secondary education for waivers to allow retired teachers to teach in said metropolitan school district for up to two years without losing his or her retirement benefits. Said retired teacher need not be in the teacher's salary scale. Said metropolitan school district shall place an emphasis on hiring retired teachers to teach in areas that include but are not limited to, improving student reading, which may include elementary remedial reading and the "Read to be Ready Program" as established under this act*, math, science and special education.

2. The department of elementary and secondary education shall adopt rules to implement the provisions of this section.

3. 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 and section 167.640, RSMo, 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 section 167.640, RSMo, 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, 1999, shall be invalid and void.]" and

Further amend said bill, Page 14, Section 160.420, Line 31, by inserting after all of said line the following:

"Section 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district or five persons. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7. The provisions of this section shall not become effective until the affected retirement systems have actuarial studies assuring that the provisions are cost-neutral and the systems remain actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.

2. Any school district may employ retirees receiving a retirement allowance pursuant to sections 169.600 to 169.715, RSMo, for a period of up to two years without losing his or her benefits."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Clay assumed the Chair.

At the request of Senator House, **SB 729**, with **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

Senator Quick moved that **SJR 53** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS No. 2** for **SJR 53**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE JOINT RESOLUTION NO. 53**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the house of representatives, and adopting two new sections in lieu thereof relating to the same subject.

Senator Quick moved that **SS No. 2** for **SJR 53** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Scott, Steelman and Westfall.

SS No. 2 for **SJR 53** was adopted by the following vote:

YEAS—Senators

Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	Johnson
Kinder	Klarich	Quick	Scott
Sims	Singleton	Staples	Stoll

Wiggins—17

NAYS—Senators

Bland	Caskey	Childers	Graves
House	Howard	Kenney	Maxwell
Mueller	Rohrbach	Russell	Stelman
Westfall	Yeckel—14		

Absent—Senators

Jacob	Mathewson	Schneider—3
-------	-----------	-------------

Absent with leave—Senators—None

Senator Caskey requested a roll call vote be taken on the perfection of **SS No. 2** for **SJR 53** and was joined in his request by Senators Childers, Kenney, Russell and Westfall.

On motion of Senator Quick, **SS No. 2** for **SJR 53** was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bentley	Carter	Clay	DePasco
Ehlmann	Flotron	Goode	House
Johnson	Kinder	Klarich	Mathewson
Quick	Scott	Sims	Singleton
Staples	Stoll	Wiggins	Yeckel—20

NAYS—Senators

Bland	Caskey	Childers	Graves
Howard	Jacob	Kenney	Maxwell
Mueller	Rohrbach	Russell	Stelman

Westfall—13

Absent—Senator Schneider—1

Absent with leave—Senators—None

Senator Stoll moved that **SB 926**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Stoll, **SB 926**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1468, regarding Sharron Gae Heathman, Lexington, which was adopted.

Senator Flotron offered Senate Resolution No. 1469, regarding Linda Cloninger, Maryland Heights, which was adopted.

Senators Clay, Sims and Schneider offered Senate Resolution No. 1470, regarding Colonel Robert G. Lowery, Sr., Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Pam Heitzman, Margie Taylor, Sue Luedde, Sarah Heitzman, Rachel Ossac, Greg Heitzman, Ben Gruhn, Dan Gruhn and Thomas Wingfield, Franklin County; and Ben, Dan and Thomas were made honorary pages.

Senator Russell introduced to the Senate, Donald and Cathern Long, Hartville; and Shelby Long, Houston; and Shelby was made an honorary page.

Senator Flotron introduced to the Senate, members of the Missouri Federation of Republican Women.

On behalf of Senators DePasco, Bland and himself, Senator Wiggins introduced to the Senate, Jerry and Jean Macke and Joyce and Duane Robertson, Kansas City.

Senator Mathewson introduced to the Senate, twenty-five ninth grade students from Keytesville High School, Keytesville.

On behalf of Senator Westfall and herself, Senator Sims introduced to the Senate, Patricia Roston, Wellston; Jennae Neustadt, West Alton; Jessica Joy Federer, St. Louis; Brandi Anstine, Holden; Lindsay Green, Independence; Sarah Heller, Marceline; Stacey Burns, Bolivar; Carolyn Lea Moncrief, Licking; and Sarah R. Stock, Washington; and Patricia, Jennae, Jessica, Brandi, Lindsay, Sarah, Stacey, Carolyn and Sarah were made honorary pages.

On behalf of Senator Wiggins, the President introduced to the Senate, former State Senator Bill McKenna, Barnhart.

Senator Kinder introduced to the Senate, seventh and eighth grade students from Altenburg Public School, Altenburg; and seventh and eighth grade students from Salem Lutheran School, Farrar.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, thirty students and teachers from Willie Harris School, St. Charles.

Senator Caskey introduced to the Senate, Jim Hargrave, Nick Rizzo and twenty-five eleventh and twelfth grade students from Warrensburg High School, Warrensburg.

Senator Schneider introduced to the Senate, Mrs. Carnagy and students from Faith Christian School, St. Louis County; and Danielle Vitale, Jessica Deane, Joey Crets and Michael Mowrey were made honorary pages.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory Terpstra, D.O., Potosi.

On behalf of Senator Kinder and himself, Senator Childers introduced to the Senate, Paul Childers and Moe Sanford, West Plains.

Senator Bland introduced to the Senate, Tiffany Marie Wright and Alyce Richard, Kansas City; and Tiffany Marie was made an honorary page.

Senator Klarich introduced to the Senate, Sarah Tyler, Ansel Withaus, Matt Harneckan and Sara Stork, Washington; and Sarah, Ansel, Matt and Sara were made honorary pages.

Senator Johnson introduced to the Senate, sixty-eight fifth grade students from Mid Buchanan Elementary School, Buchanan County.

Senator Westfall introduced to the Senate, Elizabeth Rohrs, Debbie McGinnis, Linda Porter, Stacy Burns and Andrea Porter, Bolivar; and Andrea was made an honorary page.

Senator Rohrbach introduced to the Senate, Zach and Luke Porter and Richard and Sarah Poire, Jefferson City; and Zach, Luke and Richard were made honorary pages.

Senator Flotron introduced to the Senate, Donna Sisk and Jean Hacker, St. Louis.

Senator Rohrbach introduced to the Senate, Cammie Caldwell, Jefferson City.

Senator Stoll introduced to the Senate, Victoria Fricke and fifty fourth grade students from Hillsboro Elementary School, Hillsboro.

Senator Kinder introduced to the Senate, Ed, Karen, Hayley and Wesley Buchheit and Donna Ozark, Perryville.

Senator Schneider introduced to the Senate, Trevor Peroutka, Florissant; and Trevor was made an honorary page.

Senator Yeckel introduced to the Senate, Cindy Herbig and eight foreign exchange students from the St. Louis area; and Alex Havadi-Nagy, Julia Simtion, Christina Vonderbank and Katja Lieschke were made honorary pages.

Senator Caskey introduced to the Senate, Pat Simms, Windsor; and Elzie and June Berry, Clinton.

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY—THURSDAY, APRIL 6, 2000

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1568-Riback Wilson and
Holand
HB 1596-Auer
HB 1948-Gratz, et al
HB 1077-Relford

HB 1808-O'Toole
HB 1647-Skaggs
HB 1841-Kreider and
Robirds

Journal

THIRD READING OF SENATE BILLS

SS for SCS for SBs 867 &
552-Maxwell
(In Budget Control)
SCS for SB 597-Steelman
(In Budget Control)

SB 944-Caskey
(In Budget Control)
SB 1017-Mathewson, et al
SB 610-Staples and
DePasco

Copy

SENATE BILLS FOR PERFECTION

1. SB 826-Jacob, et al,
with SCS
2. SB 930-Jacob, with SCS
3. SJR 50-Stoll
4. SB 885-Mathewson,
with SCS
5. SB 902-Mathewson
6. SB 720-Caskey
7. SB 980-Jacob, with SCS
8. SB 1016-Jacob, et al

9. SB 851-Wiggins and
Stoll
10. SB 817-Stoll, with SCS
11. SB 830-Caskey
12. SB 892-Quick
13. SB 793-Staples, with SCS
14. SBs 959 & 598-Howard,
with SCS
15. SB 954-Bentley and
Johnson, with SCS

- | | |
|--|---|
| <p>16. SBs 1027 & 815-Sims,
with SCS</p> <p>17. SBs 538 & 565-Russell,
with SCS</p> <p>18. SBs 584, 539, 630,
777, 796, 918 &
927-Bentley, with SCS</p> <p>19. SBs 818 & 564-Maxwell
and Kinder, with SCS</p> <p>20. SB 955-Mathewson, et al</p> | <p>21. SB 1048-Mathewson,
with SCS</p> <p>22. SB 866-Klarich</p> <p>23. SB 748-Johnson, with SCS</p> <p>24. SB 1047-Rohrbach,
with SCS</p> <p>25. SB 1045-Caskey, with SCS</p> <p>26. SBs 1043, 1031, 580 &
671-Mathewson,
with SCS</p> |
|--|---|

Unofficial

HOUSE BILLS ON THIRD READING

HS for HCS for HJR 61-
Van Zandt, with SCS

Journal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <p>SBs 545, 628, 647, 728,
834 & 832-Staples,
with SCS (pending)</p> <p>SBs 599 & 531-Schneider,
with SCS (pending)</p> <p>SB 604-Wiggins</p> <p>SB 697-Schneider, with
SCS & SA 1 (pending)</p> <p>SB 729-House, with SCS &
SA 8 (pending)</p> <p>SB 744-Klarich</p> <p>SB 772-Goode</p> <p>SB 803-Goode, et al, with
SCS</p> <p>SBs 807, 553, 574, 614,
747 & 860-Jacob, with
SCS, SS for SCS & SA 2
(pending)</p> <p>SB 827-Scott, et al, with
SS & SA 2 (pending)</p> | <p>SB 925-Caskey, et al,
with SCS (pending)</p> <p>SB 926-Stoll and House,
with SCS & SS for SCS
(pending)</p> <p>SB 957-Johnson and Quick,
with SCS, SA 2, SSA 1
for SA 2 & SA 2 to SSA
1 for SA 2 (pending)</p> <p>SJR 31-Schneider</p> <p>SJR 35-Goode, et al, with
SS & SS#2 for SS
(pending)</p> <p>SJR 45 & 41-House, with
SCS (pending)</p> <p>SJR 46-Goode, et al, with
SCS (pending)</p> <p>SJR 47-Quick, et al, with SCS,
SS for SCS, SA 1, SSA 1 for
SA 1 & point of order (pending)</p> |
|---|---|

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

Reported 3/13

SB 683-Childers, with SCS
(In Budget Control)

Reported 3/15

SB 956-Flotron and Goode,
with SCS
(In Budget Control)

SB 1066-Bland and Maxwell,
with SCS
(In Budget Control)

SB 1059-Westfall, with SCS
(In Budget Control)

Reported 3/16

SB 864-Caskey
(In Budget Control)

SB 1075-Jacob, with SCS

RESOLUTIONS

SR 1204-Goode
SR 1373-Mathewson

SCR 33-Kinder, et al

To be Referred

SCR 36-Sims

T