

# Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—TUESDAY, MAY 9, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

David wrote: "The eyes of the Lord are upon the righteous, and His ears are open to their cry." (Psalm 34:15)

Gracious and loving Father, we know that like a loving mother's eyes are ever on her newborn Your eyes are upon us, persons of Your tender care. Let us be ever aware of the assurance of Your loving presence, whose eyes seek us out and ears open to the whispers and sighs of our souls, not to catch us doing wrong but so that we may know we are blessed with the comfort that nothing escapes Your attentiveness and that You hold us in the hollow of Your hands. 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.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

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
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Childers offered Senate Resolution No. 1761, regarding Olen Leon Allen, Highlandville, which was adopted.

Senator Childers offered Senate Resolution No. 1762, regarding Wilda Smith, Galena, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 1763

WHEREAS, the members of the Missouri Senate have learned of the impending retirement of Representative Steve McLuckie from the Missouri House of Representatives; and

WHEREAS, Representative McLuckie, representing the 44th District, south Kansas City, has served as a member of the Missouri House of Representatives since 1992; and

WHEREAS, Representative McLuckie has served as Chair, Joint Committee on Economic Development Policy, and Planning, Vice Chairman of Appropriations: General Administration, as a member of Accounts, Operations and Finance, Budget, Critical Issues, Education, Elementary and Secondary, Ethics, and Fiscal Review; and

WHEREAS, Representatives McLuckie served as an Organizing Director for the American Federation of Teachers for this year and is currently an Organizing Director for the Missouri National Education Association; and

WHEREAS, Representative McLuckie and his wife, Jan, are the parents of two very active All American boys, Zack and Kramer who add a lot of excitement and fun to their lives;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service to the citizens of the 44th District and to the people of Missouri by Representative Steve McLuckie, express their appreciation for his cheerful cooperation and dedication to duty during the past six years and extend to Representative McLuckie and his family very best wishes for many long years continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Representative Steve McLuckie and MNEA.

CONCURRENT RESOLUTIONS

Senator Caskey moved that SCR 38, with HA 1, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Graves—1

Absent—Senators

Bland	Clay	Ehlmann—3
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Absent with leave—Senators—None

On motion of Senator Caskey, SCR 38, as amended, was adopted by the following vote:

YEAS—Senators

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

Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators

Graves	Klarich—2
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Absent—Senators—None

Absent with leave—Senators—None

Senator Maxwell moved that SCR 43 be taken up for adoption, which motion prevailed.

On motion of Senator Maxwell, SCR 43 was adopted by the following vote:

YEAS—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
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Senator Scott moved that SCR 41, with SCS, be taken up for adoption, which motion prevailed.

SCS for SCR 41, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, for many years St. Louis has been known as the Gateway to the West; and

WHEREAS, in a city more than two hundred years old, there is a new spirit of revitalization that is focused on its historic core in Downtown; and

WHEREAS, this spirit of renewal is evident from the Gateway Arch with its Museum of Westbound Expansion through Laclede's Landing, to Union Station, Soulard and along Washington Avenue; and

WHEREAS, Downtown St. Louis is the largest employment center in the State of Missouri and the heart of the St. Louis Metropolitan Area; and

WHEREAS, Downtown St. Louis has gone through a period

of decline with the loss of businesses, jobs and deteriorating buildings and public facilities, and is having to face the growth of many shopping centers in the surrounding areas; and

WHEREAS, over the years numerous plans have been offered to rejuvenate Downtown St. Louis:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, establish the Joint Interim Committee on the Revitalization of the City of St. Louis. The members shall consist of five state senators appointed by the President Pro Tem of the Senate and five state representatives appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee may solicit input from governmental and business leaders of the City of St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall review and evaluate reports, studies and other information with respect to the revitalization of Downtown St. Louis; and

BE IT FURTHER RESOLVED that the Committee shall make an in-depth study and evaluation of the alternatives to finance the revitalization of Downtown St. Louis; 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 General Assembly by January 1, 2001; and

BE IT FURTHER RESOLVED that the expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties.

Senator Scott moved that **SCS** for **SCR 41** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SCR 41** was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Rohrbach      Schneider—2

Absent with leave—Senators—None

Senator Rohrbach moved that **SCR 42**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

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

On motion of Senator Rohrbach, **SCR 42**, as amended, was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Howard      Schneider—2

Absent with leave—Senators—None

Senator Howard moved that **HCR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **HCR 4** was adopted by the following vote:

YEAS—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
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Schneider      Scott—2

Absent with leave—Senators—None

Senator Jacob moved that **HCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Jacob, **HCR 29** was adopted by the following vote:

YEAS—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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Senator Jacob moved that **HCR 10**, with **SCA 1**, be taken up for adoption, which motion prevailed.

**SCA 1** was taken up.

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

On motion of Senator Jacob, **HCR 10**, as amended, was adopted by the following vote:

YEAS—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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Senator Mathewson requested unanimous consent of the Senate that the Committee on State Budget Control be allowed to meet while the Senate is in session, which request was granted.

**REFERRALS**

President Pro Tem Quick referred **HCR 28** to the Committee on Rules, Joint Rules and Resolutions.

**CONCURRENT RESOLUTIONS**

Senator Howard moved that **SCR 26** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 26** was adopted by the following vote:

YEAS—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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Senator DePasco moved that **HCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 34** was adopted by the following vote:

YEAS—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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Senator Stoll moved that **HCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **HCR 27** was adopted by the following vote:

YEAS—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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

**REPORTS OF STANDING COMMITTEES**

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HB 1292**, begs leave to report that it has considered the same and recommends that the bill do pass.

**CONCURRENT RESOLUTIONS**

Senator House moved that **HCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator House, **HCR 22** was

adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators

Clay DePasco—2

Absent—Senators

Quick Schneider Scott—3

Absent with leave—Senators—None

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 741**, entitled:

An Act to repeal sections 247.050 and 249.255, RSMo 1994, and sections 247.030, 249.422, 393.705 and 393.715, RSMo Supp. 1999, relating to water pollution control, by adding thereto nine new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4 and 5.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Bill No. 741, Pages 1 to 3, Section 247.030, Lines 1 to 70, by deleting all of said section; and

Further amend said bill, Pages 3 and 4, Section 247.050, Lines 1 to 42, by deleting all of said section; and

Further amend said bill, Pages 5 and 6, Section 393.705, Lines 1 to 35, by deleting all of said section; and

Further amend said bill, Pages 6 to 9, Section

393.715, Lines 1 to 88, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 741, Page 1, In the title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

“To repeal sections 247.050, 249.255 and 278.130, RSMo 1994, sections 247.030, 249.422, 393.705 and 393.715, RSMo Supp. 1999, section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, relating to water pollution control, and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for a certain section.”; and

Further amend said bill, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

“Section B. Section 278.130, RSMo 1994, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1999, as enacted by senate bill no. 65 of the first regular session of the eighty-eighth general assembly, are repealed and three new sections enacted in lieu thereof, to be known as sections 278.080, 278.130 and 278.135, to read as follows:

**278.080. 1. There is hereby established “The State Soil and Water Districts Commission” to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the**

**use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.**

**2. The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of the effective date of**

this act may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and

water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;

(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid

**needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;**

**(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;**

**(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections

278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and five farmer members, the latter five to be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and two of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than three of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the five farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year,



the state soil and water districts commission shall select from its current members a chairman and a vice chairman. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation

district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program. No rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water commission shall formulate policies and general programs for the saving of Missouri soil and water

by the soil and water conservation districts; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the legislature of this state for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of three ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. Not more than one of the farmer members shall be appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of his livelihood from a farm, all at the time of his appointment to the soil and water commission. The farmer members shall each be appointed for a period of three years; except that of the first five appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years, as designated by the governor at the time of appointment. The first board to be

appointed under this subsection shall be appointed no later than ninety days after August 13, 1986. All members of the board serving on August 13, 1986, shall continue to serve until their successors are duly appointed and qualified. There is no limitation on the number of terms which any of the farmer members appointed by the governor may serve. If any farmer member vacates his term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The chairman shall serve in a nonvoting capacity, unless the votes cast by the commission are equally divided, in which case the chairman shall cast the deciding vote. A majority of this commission shall constitute a quorum, but the concurrence of a majority of the whole commission shall be required for the determination of any matter within their duties. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of his duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and

procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(6) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district which has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(7) To give such other proper assistance as the

soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(8) To promulgate such rules and regulations and administrative guidelines as necessary to effectively administer a state-funded soil and water conservation cost-share program.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

7. Upon filing any proposed rule with the secretary of state the filing agency shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

8. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

9. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

10. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

11. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

12. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV, of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

278.130. 1. The soil and water supervisors of any soil and water district shall not

(1) Have or exercise the right of eminent domain;

(2) Incur indebtedness beyond available funds;

(3) Issue bonds;

(4) Levy taxes;

(5) Make or levy benefit assessments or any other kind of assessments;

(6) Take contributions from that soil and water district by exactions or persuasions;

(7) Engage in the marketing of farm products or in the buying and selling of farm supplies other

than those products or supplies used or needed directly or indirectly in soil and water conservation work, **subject to section 278.135;**

(8) Engage in agricultural research or agricultural extension teaching except under the instruction of the Missouri college of agriculture.

2. They may accept voluntary contributions from any source, if the donations are offered for the sole and exclusive purpose of promoting the saving of soil and water within the soil and water district, and if the soil and water supervisors satisfactorily guarantee to the donors the faithful use of their donations for that purpose.

**278.135. 1. Any soil and water conservation district engaged in the marketing or buying and selling of farm products used directly or indirectly in soil conservation shall be required to obtain approval from the state soil and water districts commission to continue such activity if the commission receives written complaints from three or more business entities. Upon request from any person, all soil and water conservation districts shall provide information on the complaint procedure provided for in this section, including information on how to contact the state soil and water districts commission.**

**2. The commission shall notify the district upon receiving complaints from three or more business entities pursuant to subsection 1 of this section, and request that the district provide information to the commission on the marketing, buying, and selling activity within sixty days. The commission shall consider information provided by the district and any written comments from concerned citizens and businesses in making its determination. The commission shall grant approval only upon finding that the products being marketed, bought, and sold are:**

**(1) Reasonably related to soil and water conservation; and**

**(2) Not readily available in the area.**

**If the commission grants approval to a district, no complaints about the marketing, buying, or**

selling activities of such district shall be accepted by the commission from any business entity for a period of one year after the date of approval, and no such complaints shall be accepted by the commission from the same business entities that initiated the approval procedure pursuant to this section for a period of three years after the date of approval.

3. The commission shall enact rules to allow districts with a pending approval request, or districts that have had their approval denied, to sell any existing inventory of products within a reasonable time. This subsection shall not be interpreted to allow any district with a pending approval request to restock or replenish its inventory until such district has received approval from the commission.

4. The commission is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

Section C. Because immediate action is necessary for the soil and water districts commission to administer the state soil and water districts, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 741, Page 3, Section A, Line 70, by inserting after all of said line the following:

“247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds[, or] **and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water.** If any such bonds [are] or debt is outstanding, [that] **and** the written consent of the holders [thereof] **of such bonds or the creditors to such debt** is obtained, **then such territory may be detached in spite of the existence of such bonds or debt**, except such consent shall not be required for special obligation bonds if the district has no waterlines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit

court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF .....  
COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR  
TERRITORIAL DETACHMENT FROM  
PUBLIC WATER SUPPLY DISTRICT NO. ....  
OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the ..... day of ....., [19] 20 ...., at ....., ....m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of  
..... County, Missouri

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

5. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

6. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

247.170. 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a

public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than twenty-five voters within the water supply district, shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the

assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the date of the election, and in addition thereto that the city has assumed and agreed to **assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.**

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 741, Page 9, Section 393.715, Line 88, by inserting after all of said line the following:

“640.220. 1. For the purpose of protecting the air, water and land resources of the state, there is hereby created in the state treasury a fund to be known as the “Natural Resources Protection Fund”. All funds received from air pollution permit fees, gifts, bequests, donations, or any other moneys so designated shall be paid to the **director of the department of natural resources, transmitted to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund and shall be used for the purposes specified by law. The air pollution permit fee revenues shall be deposited in an appropriate subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the general administration of section 643.075, RSMo. The water pollution permit fee revenues generated through sections 644.052 [and], 644.053, **644.054 and 644.061**, RSMo, shall be paid to the **director of the department of natural resources, transmitted to the director of the department of revenue and deposited to the credit of the water pollution permit fee subaccount of the natural resources protection fund and, subject to appropriation by the general assembly, shall be used by the department to carry out the administration of sections 644.006 to 644.141, RSMo.****

2. Effective July 1, 1991, the provisions of section 33.080, RSMo, to the contrary notwithstanding, any unexpended balance in the subaccounts of the natural resources protection fund that exceeds the preceding biennium's collections shall revert to the general revenue fund of the state at the end of each biennium. All interest earned on the natural resources protection funds shall accrue to appropriate subaccounts.

644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated [under authority of] **pursuant to**

sections 644.006 to 644.141, the following words and phrases mean:

(1) **“Commission”, the clean water commission of the state of Missouri created in section 644.021;**

(2) **“Conference, conciliation and persuasion”, a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;**

[(2)] (3) **“Department”, the department of natural resources;**

(4) **“Director”, the director of the department of natural resources;**

(5) **“Discharge”, the causing or permitting of one or more water contaminants to enter the waters of the state;**

[(3)] (6) **“Effluent control regulations”, limitations on the discharge of water contaminants;**

(7) **“General permit”, a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;**

(8) **“Human sewage”, human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;**

[(4)] (9) **“Income” includes retirement benefits, consultant fees, and stock dividends;**

[(5)] (10) **“Minor violation”, a violation which possesses a small potential to harm the**



environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

**(11) “Permit by rule”, a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;**

[(6)] **(12)** “Permit holders or applicants for a permit” shall not include officials or employees who work full time for any department or agency of the state of Missouri;

[(7)] **(13)** “Person”, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

[(8)] **(14)** “Point source”, any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged;

[(9)] **(15)** “Pollution”, such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

[(10)] **(16)** “Pretreatment regulations”, limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with

their operation, except that wastes as determined compatible for treatment [under] **pursuant to** any federal water pollution control act or guidelines shall be limited or treated [hereunder] **pursuant to this chapter** only as required by such act or guidelines;

[(11)] **(17)** “Residential housing development”, any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

**(18)** “Sewer system”, pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

[(12)] **(19)** “Significant portion of his or her income” shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

[(13)] **(20)** “Site-specific permit”, a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

**(21)** “Treatment facilities”, any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

[(14)] **(22)** “Water contaminant”, any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

[(15)] (23) “Water contaminant source”, the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source [under] **pursuant to** any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

[(16)] (24) “Water quality standards”, specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

[(17)] (25) “Waters of the state”, all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

644.021. 1. There is hereby created a water contaminant control agency to be known as the “Clean Water Commission of the State of Missouri”, whose domicile for the purposes of sections 644.006 to 644.141 shall be deemed to be that of the department of natural resources. The commission shall consist of six members appointed by the governor with the advice and consent of the senate. No more than three of the members shall belong to the same political party. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of conservation and the effects and control of water contaminants. Two such members, but no more than two, shall be knowledgeable concerning the needs of agriculture, industry or mining and interested in protecting these needs in a manner consistent with the purposes of sections 644.006 to 644.141. No member shall receive, or have received during the previous two years, a significant portion of his **or her** income directly or indirectly from permit holders or applicants for a permit [under] **pursuant to** any federal water pollution control act as amended and as applicable

to this state. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. The members' terms of office shall be four years and until their successors are selected and qualified. Provided, however, that the first three members appointed shall serve a term of two years, the next three members appointed shall serve a term of four years, thereafter all members appointed shall serve a term of four years. There is no limitation on the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

3. The commission shall hold at least four regular meetings each year and such additional meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice of all meetings shall be given by the [executive secretary] **director** to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred specifically upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public. Any member absent from six consecutive regular commission meetings for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 **of this section.**

[4. The commission shall appoint an executive secretary who shall act as its administrative agent and whose powers shall be limited to those necessary under sections 644.006 to 644.141 or any federal water pollution control act, and he shall be qualified, by education, training, and experience, in

technical matters in water contaminant control.]

644.026. 1. The commission shall:

(1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;

(2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;

(3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;

(4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;

(5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties [under] **pursuant to** sections 644.006 to 644.141;

(6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible [under] **pursuant to** any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing, rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any

required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, **except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;**

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent

standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

**(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;**

**(15)** Require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities and systems;

[(15)] **(16)** Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

[(16)] **(17)** Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

[(17)] **(18)** Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this

state;

[(18)] **(19)** Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

[(19)] **(20)** Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

[(20)] **(21)** Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued [hereunder] **pursuant to sections 644.006 to 644.141**, any condition which the commission or [executive secretary] **director** has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued [hereunder] **pursuant to sections 644.006 to 644.141**. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection [under this provision] **pursuant to this subdivision**, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him **or her** to make such

inspection. Information obtained [under] **pursuant to** this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required [under] **pursuant to** any federal water pollution control act;

[(21)] **(22)** Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

[(22)] **(23)** Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board, department, or other agency of any political subdivision of the state or the federal government;

[(23)] **(24)** Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the [executive secretary hereunder] **director**, and to make them public, except as provided in subdivision [(20)] **(21)** of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program [under] **pursuant to** any federal water pollution control act;

[(24)] **(25)** Take any action necessary to implement continuing planning processes and

areawide waste treatment management as established [under] **pursuant to** any federal water pollution control act or sections 644.006 to 644.141.

2. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to [the provisions of section 536.024,] **chapter 536**, RSMo.

644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the [executive secretary] **director** for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the [executive secretary] **director**, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the

commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission [if not subject to effluent regulations adopted pursuant to sections 644.006 to 644.141];

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into

publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the [executive secretary] **director** for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the [executive secretary] **director** for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The [executive secretary] **director** shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the [executive secretary] **director** determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the [executive secretary] **director** shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the [executive secretary] **director** determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the [executive secretary] **director** shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the [executive secretary] **director** shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006

to 644.141 or any federal water pollution control act. The [executive secretary] **director** shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The [executive secretary] **director**, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The [executive secretary] **director** shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The [executive secretary] **director** or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The [executive secretary] **director** shall promptly notify the applicant [or other affected party] in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty

days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit [hereunder] **issued pursuant to this section** shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. [All moneys remaining in the Missouri clean water fund on August 28, 1990, shall be transferred to the water pollution permit fee subaccount of the natural resources protection fund.] Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

10. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and

quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

11. The [executive secretary] **director** or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

12. (1) **The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.**

(2) **If the department fails to issue or deny with good cause a construction or operating permit application within the timeframes established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established timeframe. If the department fails to refund the application fee within forty-five days, the refund amount**

**shall accrue interest at a rate established pursuant to section 32.065, RSMo.**

(3) **Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.**

(4) **No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the timeframes established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the timeframes established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semi-annual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.**

(5) **During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.**

(6) **Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any**



rules promulgated pursuant to sections 644.006 to 644.141.

13. The department shall respond to all requests for individual certification under section 401 of the federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

14. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

644.052. 1. Persons with operating permits **or permits by rule** issued pursuant to this chapter shall pay [a permit fee as provided in this section. For the purposes of this section “population equivalent” is a measure used in the design and comparison of sewage treatment plants which represents the number of people who could be expected to contribute any specific amount of waste water. A city or publicly owned treatment works or a sewer district shall annually pay a fee as established in subsection 2 of this section but such fee shall be at least one and one-half cents per population equivalent and not more than ten cents per population equivalent; provided, however, that such fee shall not be less than fifteen dollars annually.] **fees pursuant to subsections 2 to 8 and 12 to 13 of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district or other publicly owned treatment works shall pay a permit fee pursuant to subsections 10 and 11 of this section.**

2. A [city or publicly owned treatment works, a] privately owned treatment works[,] **or** an industry which treats only [domestic] **human** sewage [as defined in section 701.025, RSMo, or a

sewer district] shall annually [collect and] pay a **fee based upon the design flow of the facility as follows:**

(1) [Fifteen] **One hundred** dollars if the design flow is less than five thousand gallons per day;

(2) [Fifty] **One hundred fifty** dollars if the design flow is equal to or greater than five thousand gallons per day but less than [two hundred fifty] **six** thousand gallons per day;

(3) [Five hundred dollars if the design flow is equal to or greater than two hundred fifty thousand gallons per day but less than five hundred thousand gallons per day;

(4) One thousand dollars if the design flow is equal to or greater than five hundred thousand gallons per day but less than seven hundred fifty thousand gallons per day;

(5) One thousand five hundred dollars if the design flow is equal to or greater than seven hundred fifty thousand gallons per day but less than one million gallons per day;

(6) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day but less than five million gallons per day; or

(7) Three thousand dollars if the design flow is equal to or greater than five million gallons per day.] **One hundred seventy-five dollars if the design flow is equal to or greater than six thousand gallons per day but less than seven thousand gallons per day;**

(4) **Two hundred dollars if the design flow is equal to or greater than seven thousand gallons per day but less than eight thousand gallons per day;**

(5) **Two hundred twenty-five dollars if the design flow is equal to or greater than eight thousand gallons per day but less than nine thousand gallons per day;**

(6) **Two hundred fifty dollars if the design flow is equal to or greater than nine thousand gallons per day but less than ten thousand gallons per day;**

**(7) Three hundred seventy-five dollars if the design flow is equal to or greater than ten thousand gallons per day but less than eleven thousand gallons per day;**

**(8) Four hundred dollars if the design flow is equal to or greater than eleven thousand gallons per day but less than twelve thousand gallons per day;**

**(9) Four hundred fifty dollars if the design flow is equal to or greater than twelve thousand gallons per day but less than thirteen thousand gallons per day;**

**(10) Five hundred dollars if the design flow is equal to or greater than thirteen thousand gallons per day but less than fourteen thousand gallons per day;**

**(11) Five hundred fifty dollars if the design flow is equal to or greater than fourteen thousand gallons per day but less than fifteen thousand gallons per day;**

**(12) Six hundred dollars if the design flow is equal to or greater than fifteen thousand gallons per day but less than sixteen thousand gallons per day;**

**(13) Six hundred fifty dollars if the design flow is equal to or greater than sixteen thousand gallons per day but less than seventeen thousand gallons per day;**

**(14) Eight hundred dollars if the design flow is equal to or greater than seventeen thousand gallons per day but less than twenty thousand gallons per day;**

**(15) One thousand dollars if the design flow is equal to or greater than twenty thousand gallons per day but less than twenty-three thousand gallons per day;**

**(16) Two thousand dollars if the design flow is equal to or greater than twenty-three thousand gallons per day but less than twenty-five thousand gallons per day;**

**(17) Two thousand five hundred dollars if the design flow is equal to or greater than twenty-five thousand gallons per day but less than thirty thousand gallons per day;**

**(18) Three thousand dollars if the design flow is equal to or greater than thirty thousand gallons per day but less than one million gallons per day; or**

**(19) Three thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.**

3. [In addition to the fees required in subsection 2 of this section, a city or publicly owned treatment works, a privately owned treatment works or a sewer district which operates an approved pretreatment program shall annually collect and pay:

(1) Three thousand dollars if the combined design flow is less than five million gallons per day; or

(2) Six thousand dollars if the combined design flow is equal to or greater than five million gallons per day.

4.] Persons who produce industrial process wastewater which requires treatment[, identified in 40 CFR 405 through 40 CFR 464,] **and who apply for or possess a site-specific permit** shall annually pay:

(1) **Five thousand dollars if the industry is a class IA animal feeding operation as defined by the commission; or**

(2) **For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:**

(a) Three thousand five hundred dollars if the design flow is less than one million gallons per day; or

[(2)] (b) Five thousand dollars if the design flow is equal to or greater than one million gallons per day.

**4. Persons who apply for or possess a site-specific permit solely for industrial stormwater shall pay an annual fee of:**

(1) **One thousand three hundred fifty dollars if the design flow is less than one million gallons per day; or**

**(2) Two thousand three hundred fifty dollars if the design flow is equal to or greater than one million gallons per day.**

5. Persons who produce industrial process wastewater who are not included in **subsection 2 or 3** of this section shall annually pay:

(1) One thousand five hundred dollars if the design flow is less than one million gallons per day; or

(2) Two thousand five hundred dollars if the design flow is equal to or greater than one million gallons per day.

6. [The commission shall promulgate rules and regulations which specify treatment works, by category, whose discharge has only a minimal impact. Persons owning such treatment works, including private trout farms or hatcheries, may apply for a general permit. Persons who apply for a general permit which authorizes more than one discharge of the same type within a specific area shall pay a fee of one hundred fifty dollars for each such permit.] **Persons who apply for or possess a general permit shall pay:**

**(1) Three hundred dollars for the discharge of stormwater from a land disturbance site;**

**(2) Fifty dollars annually for the operation of a chemical fertilizer or pesticide facility;**

**(3) One hundred fifty dollars for the operation of an animal feeding operation or a concentrated animal feeding operation;**

**(4) One hundred fifty dollars annually for new permits for the discharge of process water or stormwater potentially contaminated by activities not included in subdivisions (1) to (3) of this subsection. Persons paying fees pursuant to this subdivision with existing general permits on August 27, 2000, and persons paying fees pursuant to this subdivision who receive renewed general permits on the same facility after August 27, 2000, shall pay sixty dollars annually.**

7. Requests for modifications to state operating permits on entities that charge a service connection fee pursuant to subsection 10 of this section shall be accompanied by a two

hundred dollar fee. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

8. Requests for state operating permit modifications other than those described in subsection 7 of this section shall be accompanied by a fee equal to twenty-five percent of the annual operating fee assessed for the facility pursuant to this section. The department may waive the fee if it is determined that the necessary modification was either initiated by the department or caused by an error made by the department.

9. Persons requesting water quality certifications in accordance with section 401 of the Federal Clean Water Act shall pay a fee of seventy-five dollars and shall submit the standard application form for a section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued and accepted for activities authorized pursuant to a general permit or nationwide permit by the U.S. Army Corps of Engineers.

10. Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in subsection

11 of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall not exceed:

(1) For sewer systems that serve more than thirty-five thousand customers, forty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(2) For sewer systems that serve equal to or less than thirty-five thousand but more than twenty thousand customers, fifty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(3) For sewer systems that serve equal to or less than twenty thousand but more than seven thousand customers, sixty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(4) For sewer systems that serve equal to or less than seven thousand but more than one thousand customers, seventy cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(5) For sewer systems that serve equal to or less than one thousand customers, eighty cents per residential customer as defined by the provider of said sewer service until such time as the commission promulgates rules defining the billing procedure;

(6) Three dollars for commercial or industrial customers not served by a public water system as defined in chapter 640, RSMo;

(7) Three dollars per water service connection for all other customers with water service connections of less than or equal to one inch excluding taps for fire suppression and irrigation systems;

(8) Ten dollars per water service connection for all other customers with water service connections of more than one inch but less than or equal to four inches, excluding taps for fire suppression and irrigation systems;

(9) Twenty-five dollars per water service connection for all other customers with water service connections of more than four inches, excluding taps for fire suppression and irrigation systems.

11. Customers served by any district formed pursuant to the provisions of section 30(a) of article VI of the Missouri Constitution shall pay the fees set forth in subsection 10 of this section according to the following schedule:

(1) From August 28, 2000, through September 30, 2001, customers of any such district shall pay fifty percent of such fees; and

(2) Beginning October 1, 2001, customers of any such districts shall pay one hundred percent of such fees.

12. Persons submitting a notice of intent to operate pursuant to a permit by rule shall pay a filing fee of twenty-five dollars.

13. For any general permit issued to a state agency for highway construction pursuant to subdivision (1) of subsection 6 of this section, a single fee may cover all sites subject to the permit.

644.053. 1. Persons applying for a construction permit issued pursuant to this chapter shall pay a construction permit fee as [provided herein] follows:

(1) [Five hundred dollars] **Seven hundred fifty** for a [sewage] **wastewater** treatment plant if the design flow is less than five hundred thousand gallons per day;

(2) [One thousand five] **Two thousand two hundred** dollars for a [sewage] **wastewater** treatment plant if the design flow is equal to or more than five hundred thousand gallons per day;

(3) [Fifty] **Seventy-five** dollars for a sewer extension [if the extension is] **of** less than one thousand lineal feet of pipe;

(4) [Two] **Three** hundred dollars [for a construction permit] for a sewer extension equal to or more than one thousand lineal feet of pipe; or

(5) [Two] **Three** hundred dollars for each sewage pumping station.

2. The applicant shall pay the highest appropriate fee [under] **pursuant to** subdivisions (1) to (5) of subsection 1 of this section, but shall pay only [under] **pursuant to** one subdivision regardless of the nature of the planned construction.

**3. The commission may establish, by rule, general permits for construction and establish fees for such permits that shall not exceed the construction permit fees provided for in subsection 1 of this section.**

**4. Persons who apply for or possess an operator's certificate for treatment of wastewater or for concentrated animal feeding operation waste management shall pay fees of:**

(1) **Forty-five dollars for an application for a certificate of competency, including an initial exam and the issuance of an initial certificate of competency;**

(2) **Twenty dollars for an application for subsequent exams of the same certification type and level if the applicant fails the initial exam;**

(3) **Forty-five dollars for an application for a renewal of a certificate of competency;**

(4) **Forty dollars for an application for reciprocity with other certification programs; and**

(5) **Twenty-five dollars for the issuance of a reciprocated certificate of competency.**

644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, **except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052**, become effective October 1, 1990, and shall expire December 31, [2000] **2007. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on December 31, 2007.** The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All

sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected **pursuant to subsection 10 of section 644.052** by a city, a public sewer district, a public water district or other publicly owned treatment works [or a sewer district in sections 644.052 and 644.053] are state fees. [These fees may be passed through to persons who utilize the treatment works or sewer district and may be enumerated separately from all other charges.] **Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.**

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due in accordance with the following schedule after August 27, 2000:

(1) For new or renewed permits, fees shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated;

(2) For permits in effect on August 27, 2000, fees shall be due on each anniversary date of permit issuance until the permit is terminated;

(3) For general permits issued pursuant to subdivisions (2) and (4) of subsection 6 of section 644.052 and in effect on August 27, 2000, the permittee will be credited thirty dollars on each anniversary date of permit issuance that falls between August 27, 2000, and the date the permit expires.

644.056. 1. The [executive secretary] **director** shall cause investigations to be made upon the

request of the commission or upon receipt of information concerning alleged violations of sections 644.006 to 644.141 or any standard, limitation, order, rule or regulation promulgated pursuant thereto, or any term or condition of any permit and may cause to be made any other investigations he **or she** deems advisable. Violations shall include obtaining a permit [hereunder] by misrepresentation or failure to fully disclose all relevant facts.

2. If, in the opinion of the [executive secretary] **director**, the investigation discloses that a violation does exist, [he] **the director** may, by conference, conciliation or persuasion, endeavor to eliminate the violation.

3. In case of the failure by conference, conciliation or persuasion to correct or remedy any claimed violation, or as required to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants, the [executive secretary] **director** shall order abatement or file an abatement complaint with the commission if no permit has been issued, or in addition may file a complaint to revoke a permit if such permit has been issued. When the [executive secretary] **director** files a complaint, the commission shall order a hearing. The [executive secretary] **director** shall cause to have issued and served upon the person complained against a written notice of the order or complaint, together with a copy of the order or complaint, which shall specify the provision of sections 644.006 to 644.141 or the standard, rule, limitation, or regulation adopted pursuant thereto, or the condition of the permit of which the person is alleged to be in violation, and a statement of the manner in which and the extent to which the person is alleged to violate sections 644.006 to 644.141 or the standard, rule, limitation, or regulation, or condition of the permit. In any case involving a complaint, the commission shall require the person complained against to answer the charges of the formal complaint at a hearing before the commission at a time not less than thirty days after the date of notice. Service may be made upon any person within or without the state by registered

mail, return receipt requested. Any person against whom the [executive secretary] **director** issues an order may appeal the order to the commission within thirty days and the appeal shall stay the enforcement of the order until final determination by the commission. The commission shall set appeals for a hearing at a time not less than thirty days after the date of the request. The commission may sustain, reverse, or modify the [executive secretary's] **director's** order or may make such other orders as the commission deems appropriate under the circumstances. If any order issued by the [executive secretary] **director** is not appealed within the time [herein] provided **in this section**, the order becomes final and may be enforced as provided in section 644.076.

4. Permits [issued hereunder] may be terminated or modified if obtained in violation of sections 644.006 to 644.141 or by misrepresentation or failing to fully disclose all relevant facts, or when required to prevent violations of any provision of sections 644.006 to 644.141, or to protect the waters of this state, when such action is required by a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge, subject to the right of appeal contained in this section.

5. When the commission schedules a matter for hearing, the petitioner on appeal or the respondent to a formal complaint may appear at the hearing in person or by counsel, and may make oral argument, offer testimony and evidence, and cross-examine witnesses.

6. After due consideration of the record, or upon default in appearance of the respondent on the return day specified in the notice given as provided in subsection 3, the commission shall issue and enter such final order, or make such final determination as it deems appropriate under the circumstances, and it shall immediately notify the petitioner or respondent thereof in writing by certified or registered mail.

644.061. 1. Unless prohibited by any federal water pollution control act, or if an application does not require a permit [under] **pursuant to** any federal water pollution control act, the commission

may grant individual variances beyond the limitations prescribed in sections 644.006 to 644.141 whenever it is found, upon presentation of adequate proof, that compliance with any provisions of sections 644.006 to 644.141 or rule or regulation, standard, requirement, limitation, or order of the commission or [executive secretary] **director** adopted pursuant thereto will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case, without sufficient corresponding benefit or advantage to the people; but no variance shall be granted where the effect of a variance will permit the continuance of a condition which may unreasonably cause or contribute to adverse health effects upon humans or upon fish or other aquatic life or upon game or other wildlife, and any variance so granted shall not be so construed as to relieve the person who receives the variance from any liability imposed by other law for the commission or maintenance of a nuisance.

2. In determining under what conditions and to what extent a variance may be granted, the commission shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the applicant and to those affected by water contaminants emitted by the applicant.

3. Variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with sections 644.006 to 644.141 or any standard, rule or regulation promulgated [hereunder] **pursuant to sections 644.006 to 644.141.**

4. Any person seeking a variance shall file a petition for variance with the [executive secretary] **director**. There shall be a [twenty-five] **two hundred fifty** dollar filing fee payable to the state of Missouri with each [application before a variance is granted] **petition for variance**. The [executive secretary] **director** shall promptly investigate the application and make a

recommendation to the commission within sixty days after the application is received as to whether the variance should be granted or denied. The [executive secretary] **director** shall promptly notify the petitioner of his **or her** action and at the same time shall send notice to those persons registered with the [executive secretary] **director** pursuant to section 644.036 who reside in the county where the water contaminant or point source is located.

5. If the recommendation of the [executive secretary] **director** is to deny the variance, a hearing as provided in section 644.066 shall be held by the commission if requested by the petitioner within thirty days of the date of notice of the recommendation of the [executive secretary] **director**. If the recommendation of the [executive secretary] **director** is for the granting of the variance, the commission may grant the variance without a hearing, or, if not, shall set the matter for a hearing. If the commission grants the variance without a hearing the matter shall be passed upon at a public meeting no sooner than thirty days from the date of notice of the recommendation of the [executive secretary] **director**, except that upon petition, filed within thirty days from the date of notice, of any person aggrieved by the granting of the variance, a hearing shall be held and such petitioner shall become a party to the proceeding. In any hearing [under] **pursuant to** this section the burden of proof shall be on the person petitioning for a variance.

6. The commission may require the filing of a bond as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to insure compliance with the terms and conditions of the variance. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the variance are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

7. Upon failure to comply with the terms and conditions of any variance as specified by the commission, the variance may be revoked or

modified or the bond may be revoked, or both, by the commission after a hearing held upon not less than thirty days' written notice. Notice shall be served upon all persons who will be subjected to greater restrictions if the variance is revoked or modified, or who have filed with the [executive secretary] **director** a written request for notification.

8. Any decision of the commission made pursuant to a hearing held [under] **pursuant to** this section is subject to judicial review as provided in section 644.071.

644.066. 1. At any public hearing all testimony taken before the commission shall be under oath and recorded stenographically. The transcript so recorded shall be made available to any member of the public or to the respondent or party to a hearing on a complaint, or any party to a hearing on a petition for variance, or appealing any order or determination of the [executive secretary] **director** upon payment of the usual charge therefor.

2. In any such hearing, any member of the commission or the hearing officer shall issue in the name of the commission notice of hearing and subpoenas. Subpoenas shall be issued and enforced as provided in section 536.077, RSMo. The rules of discovery that apply in any civil case apply to hearings held by the commission.

3. (1) All hearings to promulgate standards, rules, limitations, and regulations and to establish areas of the state shall be held before at least four members of the commission;

(2) All other hearings may be held before one commission member designated by the commission chairman or by a hearing officer who shall be a member of the Missouri bar and shall be appointed by the commission chairman. The hearing officer or commission member shall preside at the hearing and hear all evidence and rule on the admissibility of evidence. The hearing officer or commission member shall make recommended findings of fact and may make recommended conclusions of law to the commission;

(3) All final orders or determinations or other final actions by the commission shall be approved in writing by at least four members of the

commission. Any commission member approving in writing any final order or determination or other final action, who did not attend the hearing, shall do so only after reviewing all exhibits and reading the entire transcript.

644.071. 1. All final orders or determinations of the commission or the [executive secretary] **director** made pursuant to the provisions of sections 644.006 to 644.141 are subject to judicial review pursuant to the provisions of chapter 536, RSMo. No judicial review shall be available, however, unless and until all administrative remedies are exhausted.

2. In any suit filed pursuant to section 536.050, RSMo, concerning the validity of the commission's standards, rules and regulations, the court shall review the record made before the commission to determine the validity and reasonableness of such standards, rules, limitations, and regulations and may hear such additional evidence as it deems necessary.

644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or [its executive secretary] **the director** determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the [executive secretary] **director**, or any filing requirement [under] **pursuant to** sections 644.006 to 644.141 or any other provision which this state is required to enforce [under] **pursuant to** any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or [executive secretary] **director** may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both,



as the court deems proper. A civil monetary penalty [under] **pursuant to** this section shall not be assessed for a violation where an administrative penalty was assessed [under] **pursuant to** section 644.079. The commission or the [executive secretary] **director** may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty [under] **pursuant to** this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department [under authority of] **pursuant to** this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion.

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained [under] **pursuant to** sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained [under] **pursuant to** sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth [under] **pursuant to** subsection 1 of this section shall, upon conviction, be punished by a fine of not less than twenty-five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision [hereunder] **of this section** by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.

644.101. The state may provide assistance, as funds are available, pursuant to this chapter, to any county, municipality, public water district, public sewer district, or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**, to assist them in the construction of public drinking water and water pollution control projects as authorized by the clean water commission. The state may provide assistance pursuant to this chapter, including but not limited to the purchase of water and/or wastewater revenue or general obligation bonds, bonds of any county, instrumentality of the state, state entity, municipality, public sewer district, public water district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended**.

644.122. 1. There is hereby created in the state treasury for use of the department a fund to be known as "The Water and Wastewater Loan Fund". All moneys received by the department for activities authorized in subdivisions (1), (3), (4), (5), and (6) of subsection 2 of this section shall be deposited in the fund for the use of the commission. Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.

2. The commission is hereby authorized to expend or use moneys deposited in the water and wastewater loan fund, upon appropriation by the general assembly to the department, for one or more of the following purposes as the same relate to the construction of public drinking water and water pollution control projects as authorized by the commission pursuant to this chapter:

(1) To make loans to any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, **or any entity eligible pursuant to the Safe Drinking Water Act, as amended, or the Clean Water Act, as amended;**

(2) For the costs of administering programs and projects financed, in part, by the water and wastewater loan fund;

(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds or notes issued by the state or any agency or instrumentality thereof;

(4) To buy or refinance the debt obligation of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system, or any combination of the same;

(5) To guarantee, or purchase insurance for, notes or obligations of any county, instrumentality of the state, municipality, public water district, public sewer district, community water system, nonprofit noncommunity water system or any combination of the same, where such action would improve credit market access or reduce interest rates;

(6) To provide loan guarantees for similar revolving funds established by any county, instrumentality of the state, municipality, public water district, public sewer district, or any combination of the same; and

(7) To earn interest on the water and wastewater loan fund accounts.

3. The unexpended balance in the water and wastewater loan fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

4. For purposes of this section, public drinking water and water pollution control projects shall

include, but not be limited to, the planning, design, and construction of water or wastewater facilities, or both, and the planning, design, and construction of nonpoint source control facilities identified in a nonpoint source control plan prepared by the department of natural resources.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 741, Page 9, Section 644.576, Line 5, by inserting after all of said line the following:

**“Section 1. 1. Any person who resides within the boundary of a public water supply district and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such resident prior to the certified date that the district received the request for removal.**

**2. This section shall only apply to persons living in, and water supply districts located in, any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants.”;** and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 961**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 961**, as amended: Representatives Ransdall, Boucher, Ward, Ross and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1948**: Representatives Gratz, Ransdall, Koller, Marble and Hartzler 124.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1396** and has again taken up and passed **SCS** for **HB 1396**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1848** and has taken up and passed **CCS** for **SCS** for **HB 1848**.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 961**, as amended: Senators Stoll, Maxwell, Jacob, Yeckel and Mueller.

**HOUSE BILLS ON THIRD READING**

Senator Jacob moved that **SCS** for **HB 1292**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 1292**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland	Quick	Schneider—3
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Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HS** for **HCS** for **HBs 1677, 1675 and 1676**, with **SCS**, entitled:

An Act to repeal sections 455.085, 455.220, 455.230 and 565.090, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty-three new sections relating to domestic violence, with penalty provisions.

Was taken up by Senator Jacob.

**SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1677, 1675 and 1676

An Act to repeal sections 455.085, 455.220 and 455.230, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof eighteen new sections relating to domestic violence, with penalty provisions.

Was taken up.

Senator Jacob moved that **SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 5, Section 455.010, Line 27, by striking the words “pursuant to sections 454.1200 to 454.1209, RSMo”.

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

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 4, Section 375.1312, Line 52, by inserting after the word “affidavit” the following: “**for the insurer**”; and further amend said section, page 4, line 60, by inserting at the end of said line the following: “**An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.**”.

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

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 14, Section 491.073, Lines 1-4, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 2,

Section 43.508, Line 34, by inserting after all of said line the following:

“210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

(1) The St. Louis city child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center; [and]

(8) The St. Charles County child assessment center;

**(9) The Jefferson County child assessment center; and**

**(10) The Pettis County child assessment center.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 17, Section 565.074, Line 25, by inserting after all of said line the following:

“595.218. **1. Except as provided in subsection 2 of this section**, nothing in sections 595.200 to 595.215 shall be construed as creating a cause of action on behalf of any person against any public employee, public agency, the state or any agency responsible for the enforcement of rights and provisions of services set forth in sections 595.200 to 595.215.

**2. Upon motion by an aggrieved party, the court may assess a fine not to exceed five thousand dollars per incident against any public employee who flagrantly and knowingly fails to enforce the rights of a crime victim.**

**3. If the court determines that a motion filed pursuant to this section is frivolous and without merit, the court shall order the moving party to pay the respondent’s attorney’s fees and all court costs, and shall assess damages in favor of the respondent of twice any amount requested in the motion.”; and**

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Jacob raised the point of order that **SA 5** is out of order as the amendment goes beyond the scope of the bill.

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

Senator Klarich offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bills Nos. 1677, 1675 and 1676, Page 4, Section 375.1312, Line 62, by inserting after all of said line the following:

“[451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.]

**451. 022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.**

**2. Any purported marriage not between a man and a woman is invalid.**

**3. No recorder shall issue a marriage license, except to a man and a woman.**

**4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.”; and**

Further amend said bill, Page 17, Section 565.074, Line 25, by inserting after all of said line the following:

“Section B. Section 451.022 of this act are hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 6** is out of order as the amendment goes beyond the scope of the bill.

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

Senator Kenney offered SA 7:

**SENATE AMENDMENT NO. 7**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 12, Section 455.230, Line 24, by inserting after all of said line the following:

**“455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

**(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;**

**(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and**

**(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general**

**assembly in the same manner required for notifying the general public of meetings of the general assembly.**

**3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.**

**4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.**

**5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.**

**6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing domestic violence prevention facilities where no such facilities exist for the following purposes:**

**(1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;**

**(2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;**

**(3) To provide treatment and counseling to victims of domestic violence; and**

**(4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.**

**2. Funding for the pilot programs shall be subject to appropriation.**

**3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

**4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 2, Section 43.505, Lines 24-26, by striking all of said lines and inserting in lieu thereof the following:

**“(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.”.**

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

Senator Schneider offered **SA 9**, which was read:

**SENATE AMENDMENT NO. 9**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 6, Section 455.050, Line 9, by striking the word “or” as it appears the first time in the line and insert a comma “,” after the word “leased” and insert the words “or occupied” after the word “rented”; and amend line 10, by striking the word “or” after the word “leased” and insert the words “or occupied” after the word “rented”.

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

Senator Ehlmann offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1677, 1675 and 1676, Page 14, Section 565.063, Lines 12-13, by deleting all the boldface language; and

Further amend said bill, page 16, section 565.072, line 3, by inserting after the word “member” the following: “**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**”; and

Further amend said bill, page 16, section 565.073, line 2, by inserting after the word “member” the following: “**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**”; and

Further amend said bill and page, section 565.074, line 2, by inserting after the word “member” the following: “**or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor**”.

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

Senator Jacob moved that **SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676**, as amended, be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HS** for **HCS** for **HBs 1677, 1675 and 1676**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bentley            Scott—2

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Stoll, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 961**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR SENATE BILL NO. 961

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Bill No. 961, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 961, as amended;
2. That the Senate recede from its position on Senate Bill No. 961;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:    FOR THE HOUSE:

/s/ Stephen Stoll	/s/ Bill Ransdall
/s/ Joe Maxwell	/s/ Bill Boucher
/s/ Ken Jacob	/s/ Dan Ward
/s/ Walt Mueller	/s/ Jon Dolan
/s/ Anita Yeckel	/s/ C. Ross

Senator Stoll moved that the above conference committee report be adopted, which motion prevailed by the following vote:



YEAS—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
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Stoll, **CCS** for **HS** for **SB 961**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 961

An Act to repeal sections 8.012 and 173.239, RSMo Supp. 1999, relating to military affairs, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—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	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Sims—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the

following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Ehlmann	Schneider	Sims—3
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Absent with leave—Senators—None

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 881**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 881

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Bill No. 881 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 881;
2. That the Senate recede from its position on

Senate Bill No. 881;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harry Wiggins /s/ Thomas J. Hoppe

/s/ John E. Scott /s/ Ron Auer

/s/ Harold Caskey /s/ May Scheve

/s/ Anita Yeckel /s/ Jon Dolan

/s/ Betty Sims /s/ John S. Griesheimer

Senator Wiggins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Kenney	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Wiggins	Yeckel—28

NAYS—Senator Johnson—1

Absent—Senators

Ehlmann	Jacob	Kinder	Staples
Westfall—5			

Absent with leave—Senators—None

On motion of Senator Wiggins, **CCS** for **HS** for **HCS** for **SB 881**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 881

An Act to repeal sections 92.418 and 238.060, RSMo 1994, and section 94.655, RSMo Supp. 1999, relating to transportation in cities, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron

Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Johnson—1

Absent—Senators

Ehlmann	Jacob	Staples—3
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Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 896**, as amended, and request the Senate grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1808**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1808**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HCS** for **SB 944**, as amended, and requests a further conference on **HCS** for **SB 944**, as amended.

Photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

**PRIVILEGED MOTIONS**

Senator Klarich moved that the Senate grant the House a conference on **HS** for **HCS** for **SB 896**, as amended, which motion prevailed.

Senator Caskey moved that the Senate grant further conference on **HCS** for **SB 944**, as amended, which motion prevailed.

**CONFERENCE COMMITTEE REPORTS**

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1808**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1808**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 1808 with Senate Amendment 1, Senate Amendment 2, Senate Substitute Amendment 1 for Senate Amendment 3, Senate Amendment 4, Senate Amendment 1 to Senate Amendment 5, Senate Amendment 5, as amended, Senate Amendment 7, Senate Amendment 8, Senate Amendment 10, Senate Amendment 12 and Senate Substitute Amendment 1 for Senate Committee Amendment 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1808, as amended;
2. That the House recede from its position on House Bill No. 1808;
3. That the attached Conference Committee Substitute be adopted.

**FOR THE SENATE: FOR THE HOUSE:**

- |                    |                        |
|--------------------|------------------------|
| /s/ John E. Scott  | /s/ James O’Toole      |
| /s/ Jim Mathewson  | /s/ Richard Franklin   |
| /s/ Ronnie DePasco | /s/ Mary Hagan-Harrell |
| /s/ David Klarich  | /s/ T. Mark Elliott    |
| /s/ Peter Kinder   | /s/ Bill Foster        |

Senator Scott moved that the above conference committee report be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 1808**, as amended, and request the House to grant the Senate a further conference thereon.

A quorum was established by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Clay	Jacob	Russell	Staples—4
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Absent with leave—Senators—None

At the request of Senator Singleton, his substitute motion was withdrawn.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 1808**, as amended, and request the House to grant further conference thereon and that the Senate conferees be bound to support **SA 5**, which motion failed.

On motion of Senator Scott, the Conference Committee Report on **SS** for **SCS** for **HB 1808**, as amended, was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Stoll	Westfall
Wiggins	Yeckel—26		

## NAYS—Senators

Caskey	Kenney	Rohrbach	Singleton
Stelman—5			

## Absent—Senators

Clay	Jacob	Staples—3
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## Absent with leave—Senators—None

On motion of Senator Scott, **CCS** for **SS** for **SCS** for **HB 1808**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1808

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.120, 87.176, 87.230, 87.237, 103.085, 104.140, 104.345, 355.561 and 355.596, RSMo 1994, and sections 67.210, 70.655, 70.675, 84.160, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320, 86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.010, 104.090, 104.103, 104.335, 104.344, 104.350, 104.372, 104.380, 104.395, 104.420, 104.517, 104.610, 104.1015, 104.1024, 104.1027, 104.1042, 104.1072, 104.1090, 168.021, 169.060, 169.070, 169.075, 169.600, 169.620, 169.663, 169.670, 476.690 and 513.430, RSMo Supp. 1999, relating to certain pension benefits and compensation, and to enact in lieu thereof one hundred fifteen new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bland	Carter	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Stoll	Westfall
Wiggins	Yeckel—26		

## NAYS—Senators

Caskey	Rohrbach	Singleton	Stelman—4
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## Absent—Senators

Bentley	Clay	Jacob	Staples—4
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## Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Schneider	Scott	Sims
Stoll	Westfall	Wiggins	Yeckel—28

## NAYS—Senators

Rohrbach	Singleton	Stelman—3
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## Absent—Senators

Clay	Jacob	Staples—3
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## Absent with leave—Senators—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that the motion lay on the table, which motion prevailed.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 896**, as amended: Senators Scott, Staples, Clay, Kenney and Klarich.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 944**, as amended: Senators Caskey, Maxwell, Howard, Bentley and Westfall.

**PRIVILEGED MOTIONS**

Senator Maxwell moved that the Senate refuse to concur in **HCS** for **SB 741**, as amended, and request the House recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Maxwell moved that the Senate refuse to concur in **HCS** for **SB 858**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SB 577**, with **HCS**, as amended be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 577**, as amended entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 577**

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546 and 260.569, RSMo 1994, and sections 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

Senator Maxwell moved that **HCS** for **SS** for **SCS** for **SB 577** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bentley	Ehlmann	Jacob	Johnson
Schneider	Scott	Staples—7	

Absent with leave—Senators—None

On motion of Senator Maxwell, **HCS** for **SS** for **SCS** for **SB 577**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob	Johnson	Schneider—3
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Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

Senator Carter, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1848**, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1848**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the

House on Senate Committee Substitute for House Bill No. 1848, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1848;

2. That the House recede from its position on House Bill No. 1848;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Paula Carter /s/ Joseph P. Treadway  
 /s/ Mary Groves Bland /s/ James Foley  
 /s/ John E. Scott /s/ Joan Barry  
 /s/ Betty Sims /s/ Roy Holand  
 /s/ Anita Yeckel /s/ Daniel Hegeman

Senator Carter moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Maxwell	Quick	Russell	Schneider—4
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Absent with leave—Senators—None

On motion of Senator Carter, **CCS for SCS for HB 1848**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1848

An Act to repeal sections 324.130 and 334.040,

RSMo Supp. 1999, relating to licensing of health practitioners, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Mueller—1

Absent—Senator Schneider—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Carter, title to the bill was agreed to.

Senator Carter moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SB 813**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 813

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 813, with House Amendment Nos. 1, 3, 4, 5, 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10 and House Amendment No. 10, as amended, House

Amendment Nos. 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 813, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 813;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 813 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ted House	/s/ Don Kissell
/s/ William Clay	/s/ Phillip Britt
/s/ Stephen Stoll	/s/ Steve McLuckie
/s/ Sarah Steelman	/s/ Jon Dolan
/s/ David Klarich	/s/ Rex Barnett

Senator House moved that the above conference committee report be adopted.

Senator Flotron offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS for SS for SB 813**, as amended, and request the House to grant further conference thereon.

Senator Stoll assumed the Chair.

At the request of Senator Flotron, his substitute motion was withdrawn.

Senator House offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS for SS for SB 813**, as amended, and request the House to recede from its position on **HCS for SS for SB 813**, as amended, and take up and pass **SS for SB 813**.

Senator Singleton offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS for SS for SB 813**, as amended, and request the House grant further conference.

Senator Mathewson raised the point of order

that the substitute motion made by Senator Singleton is out of order as there is a substitute motion presently pending before the body.

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

At the request of Senator Mathewson, his point of order was withdrawn.

At the request of Senator Singleton, his substitute motion was withdrawn.

At the request of Senator House, his substitute motion was withdrawn.

Senator House offered a substitute motion that the Senate refuse to adopt the conference committee report on **HCS for SS for SB 813**, as amended, and request the House to grant further conference thereon, which motion prevailed

Senator Mathewson moved that the conference committee report on **SCS for HS for HCS for HB 1742**, as amended, be taken up for adoption, which motion prevailed.

President Wilson assumed the Chair.

On motion of Senator Mathewson, the conference committee report on **SCS for HS for HCS for HB 1742**, as amended, was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel—22		

NAYS—Senators

Bland	Carter	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Steelman—10		

Absent—Senators

Schneider	Singleton—2
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Absent with leave—Senators—None

On motion of Senator Mathewson, **CCS for SCS for HS for HCS for HB 1742**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1742

An Act to repeal sections 142.345, 226.133 and 226.134, RSMo 1994, and section 226.200, RSMo Supp. 1999, relating to bonding for transportation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Flotron	Mueller	Rohrbach—3
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Absent—Senator Singleton—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins—26		

NAYS—Senators

Graves	Kenney	Kinder	Klarich
Rohrbach	Steelman	Yeckel—7	

Absent—Senator House—1

Absent with leave—Senators—None

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 944**, as amended: Representatives Smith, Davis 122, Hollingsworth, McClelland and Patek.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 896**, as amended: Representatives May 108, Liese, Kreider, Luetkemeyer, Hartzler 123.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 858**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1292**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of



Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 542**, entitled:

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 542, Page 6, Section 473.742, Line 20 of said page, by inserting after all of said line the following:

**“5. Any public administrator in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 922**, entitled:

An Act to repeal sections 70.605, 70.661, 70.680, 70.685, 86.203, 86.207, 86.210, 86.213, 86.217, 86.220, 86.227, 86.237, 86.240, 86.243, 86.247, 86.250, 86.257, 86.263, 86.270, 86.277, 86.288, 86.290, 86.293, 86.297, 86.300, 86.303, 86.307, 86.310, 86.313, 86.317, 86.323, 86.327, 86.330, 86.337, 86.340, 86.343, 86.344, 86.350, 86.353, 86.357, 86.360, 86.364, 86.365, 86.366, 86.403, 86.433, 86.437, 86.442, 86.493, 86.675, 86.730, 86.780, 87.230, 87.237, 169.280, RSMo 1994, and sections 70.655, 70.675, 86.200, 86.248, 86.251, 86.252, 86.253, 86.254, 86.255, 86.256, 86.260, 86.267, 86.280, 86.283, 86.287, 86.320,

86.354, 86.440, 86.441, 86.447, 86.483, 86.750, 86.770, 104.090, 104.110, 104.371, 104.374, 160.420, 169.270, 169.291, 169.315, 169.324, 169.410, 476.690 and 513.430, RSMo Supp. 1999, relating to retirement benefits, and to enact in lieu thereof ninety new sections relating to the same subject.

With House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 8, House Amendments Nos. 10, 11, 12, 14, 15 and 16.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Lines 9 and 10, by deleting from said lines the following: “104.110, 104.371, 104.374,”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “ninety” and inserting in lieu thereof the word “eighty-seven”; and

Further amend said bill, Page 1, Section A, Line 8, by deleting from said line the following: “104.110, 104.371, 104.374,”; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word “ninety” and inserting in lieu thereof the word “eighty-seven”; and

Further amend said bill, Page 2, Section A, Line 17, by deleting from said line the following: “104.110, 104.371, 104.374,”; and

Further amend said bill, Pages 62 through 66, Sections 104.110, 104.371 and 104.374, by deleting all of said sections; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 922, Page 2, Section 50.1175, Line 11, by adding after all of said line the following:

“67.210. Any political subdivision which provides or pays for health insurance benefits for its officers and employees may also provide or pay for all or part of such benefits, as may be determined by the governing body of the political subdivision, for the dependents of its officers and

employees, and for retired employees **and their dependents and the dependents of deceased employees** of the political subdivision.”; and

Further amend the title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 10, by inserting immediately after “160.420,” the following: “169.070.”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after “160.420,” the following: “169.070.”; and

Further amend said bill, Page 2, Section A, Line 9, by striking the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 2, Section A, Line 17, by inserting immediately after “160.420,” the following: “169.070.”; and

Further amend said bill, Page 67, Section 160.420, Line 32, by inserting immediately after said line the following:

“169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Between July 1, 1998, and July 1, [2000] **2003**, two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Between July 1, 1998, and July 1, [2000] **2003**, two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Between July 1, 1998, and July 1, [2000] **2003**, two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Between July 1, 1998, and July 1, [2000] **2003**, two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Between July 1, 1998, and July 1, [2000] **2003**, two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for

each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1;

OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to,

such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1;

OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the estate of the last person to receive a monthly allowance;

OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve of the remainder of such sixty monthly payments shall be paid to the estate of the last person to receive a monthly allowance.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on

disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's primary beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the estate of the individual, if there be no beneficiary. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the

contributions, the difference shall be paid to the estate of the beneficiary unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or to the estate of the member, if there be no beneficiary; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the estate of the beneficiary.

6. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

7. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

8. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable

service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

10. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

12. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; with the provision that the increases provided for in this subsection shall not

become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, **or in the case of any member retiring on or after July 1, 2000, and not for any member retiring before July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement.** Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed [seventy-five] **eighty** percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

13. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 12 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

14. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

15. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary

nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

16. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code **except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.**

17. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of

retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

(1) Thirty or more years of service, one thousand two hundred dollars;

(2) At least twenty-five years but less than thirty years, one thousand dollars;

(3) At least twenty years but less than twenty-five years, eight hundred dollars;

(4) At least fifteen years but less than twenty years, six hundred dollars.

18. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service, have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 12 of this section.

19. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a

deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.

20. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the person shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

21. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

**22. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit,**

which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section for the purposes of the limit on the total amount of increases which may be received.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 12, by inserting after the word “subject” the following: “, with an emergency clause”; and

Further amend said bill, Page 83, Section 513.430, Line 85, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary to provide equitable treatment and timely application of certain pension benefits and compensation, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2000, or upon its passage and approval, whichever later occurs.”; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 11, by deleting the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 2, Section A, by deleting the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 2, Section A, Line 18, by deleting “and 513.430” and inserting in lieu thereof the following: “, 513.430 and 1”; and

Further amend said bill, Page 83, Section 513.430, Line 85, by inserting immediately after said line the following:

**“Section 1. Beginning in fiscal year 2002, no**

**school district in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants offering more than one health care plan to any retiree eligible for Medicare shall enter into a contract for Medicare-coordinated coverage if the out-of-pocket expense for prescription drugs exceeds one hundred ten percent of the out-of-pocket expense for prescription drugs under the district's nonMedicare plan for retirees. This section shall not apply to plans provided pursuant to chapter 103, RSMo.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 922, Page 66, Section 104.374, Line 19, by adding after all of said line the following:

“104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the transportation department employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases in the rate in the formula for calculating benefits in his or



her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefitted from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the transportation department employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this

chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of

retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

**9. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to Section 1 of this bill if such person were an active employee or beneficiary of an active employee, such person, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases pursuant to section 1 of this bill.”;** and

Further amend said bill, Page 83, Section 513.430, Line 85, by adding after all of said line the following:

**“Section 1. In addition to the amount determined pursuant to subsection 1 of section 104.374, RSMo, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third of the benefit.”;** and

Further amend the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 922, Page 80, Section 169.569, Line 22, by adding after all of said line the following:

**“69.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers, but not retired administrators, from any Missouri public teacher retirement system to teach full time in a teaching assignment for up to two years without losing his or her retirement benefits provided said teacher had taught for at least thirty years prior to retirement. 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 completed 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 with a shortage of non-certified employees, as determined by the school district, may allow retired non-certificated employees, but not retired non-certificated administrators, from the Non-Teacher School Employee Retirement System to work full time in a non-certificated assignment for up to two years without losing his or her retirement benefits provided said employee had worked for a school district for at least thirty years prior to retirement. The total number of such retired non-certificated employees shall not exceed, at any one time, the greater of ten percent of the total non-certificated staff for that school district or five persons. The provisions of this section shall not become**

**effective until the affected retirement system has completed actuarial studies assuring that the provisions are cost-neutral and the system remains actuarially sound. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.**”; and

Further amend said bill, Page 83, Section 513.430, Line 85, by adding after all of said line the following:

“Section B. Section 169.596 shall terminate on June 30, 2003.”; and

Further amend the title, Line 12, by adding after the word “subject” the following:

“, with a termination date for a certain section”; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT 1  
TO HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Bill No. 922, by adding the following new subsection 3 at the end of subsection 2:

**“3. Notwithstanding the provisions of subsections 1 and 2 of this section, any Missouri public school retirement system shall, upon notification from the school district, waive the hour limitation for employment of any certificated retiree serving as a substitute teacher in a school district that is experiencing a shortage of qualified substitute teachers; [retired certificated teachers hired as substitutes shall not exceed six weeks at any one assignment.]”.**

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 6, by inserting immediately after “86.780,” the following: “87.050,”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 1, Section A,

Line 5, by inserting immediately after “86.780,” the following: “87.050,”; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word “ninety” and inserting in lieu thereof the word “ninety-one”; and

Further amend said bill, Page 2, Section A, Line 16, by inserting immediately after “86.780,” the following: “87.050,”; and

Further amend said bill, Page 60, Section 86.780, Line 13, by inserting immediately after said line the following:

“87.050. 1. If any member shall be killed or die while in the performance of [this] **his or her** duty or as the result of any injury received in the line of duty, or of any disease contracted by reason of his **or her** occupation, or shall die from any cause whatever while a member of said fire department, or shall die while receiving a disability or service pension, and shall leave a [widow] **survivor** or child or children under the age of eighteen years surviving, said board of trustees shall order and direct the payment from the pension fund, monthly, to such [widow] **survivor**, a sum equal to not less than twenty percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member or seventy-five dollars, whichever is greater; and to or for the benefit of each child until it reaches the age of eighteen, a sum equal to not less than five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; and to or for each unmarried child, regardless of age, who is totally and permanently mentally or physically incapacitated from engaging in gainful employment sufficiently remunerative to support himself **or herself**, a sum equal to five percent of the monthly compensation allowed a first class fireman of the fire department as salary at the date of the death of the member; provided that no benefits shall be paid to or for any child over eighteen years of age who is totally and permanently mentally or physically disabled or incapacitated if such child is a patient or ward in a publicly supported institution. [In the case of widows, payments shall be made only to those widows whose marriage to the member occurred prior to his retirement on disability or service

pension, and shall be made only while said widow is unmarried and are to cease forever immediately upon remarriage.] In the case of children no payments shall be made to or for any child born or adopted after the effective date of the member's retirement on disability or service pension, or the date of his **or her** death, and payments shall not be made for more than three eligible children and, if there are more than three eligible children, payments shall be made for the three youngest eligible children. If the member who dies is a member of a volunteer department, the amount to be paid monthly to [his widow] **the survivor** and children aforesaid shall be fixed by the board of trustees.

2. Any [widow] **survivor** who is receiving survivors' pension benefits under the provisions of this section as it existed at any time prior to August 13, 1982, upon application to the board of trustees, shall be employed by the board as a special consultant on the problems of retirement, aging, and other pension system matters for the remainder of her life and upon request of the board shall give opinions in writing or orally, as may be requested, and for such services shall be compensated monthly in an amount equal to the difference between the amount of the monthly pension benefit the [widow] **survivor** is receiving for **himself or herself** and seventy-five dollars. This compensation shall be consolidated with the pension benefits the [widow] **survivor** is receiving and shall be paid out of the same fund as are such benefits. Employment as a special consultant shall in no way affect any [widow's] **survivor's** eligibility for survivors' pension benefits or in any way have the effect of reducing such benefits, other provisions of law to the contrary notwithstanding."; and

Further amend said title, enacting clause and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 2, by inserting immediately after "70.605," the following: "70.610,"; and

Further amend said bill, Page 1, In the Title,

Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after "70.605," the following: "70.610,"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after "70.605," the following: "70.610,"; and

Further amend said bill, Page 2, Section 70.605, Line 11, by placing opening and closing brackets, "[ " and " ]", around the word "seven" on said line and inserting after the closing bracket the following: "**nine**"; and

Further amend said bill, Page 2, Section 70.605, Line 13, by placing opening and closing brackets, "[ " and " ]", around the word "and" on said line; and

Further amend said bill, Page 2, Section 70.605, Line 15, by inserting after the word "subdivision" the following: "**; one member of the house of representatives, appointed by the speaker of the house of representatives; and one member of the senate, appointed by the president pro tempore of the senate**"; and

Further amend said bill, Page 3, Section 70.605, Line 24, by deleting all of said line and inserting in lieu thereof the following: "(3) [That person] **Those persons** appointed by the governor, **the speaker of the house of representatives and the president pro tempore of the senate** under the provisions of subsection 2 of this"; and

Further amend said bill, Page 4, Section 70.605, Lines 66 and 67, by placing opening and closing brackets, "[ " and " ]", around the word "Four" as such word appears on each line, and by inserting after each closing bracket the following: "**Five**"; and

Further amend said bill, Page 4, Section 70.605, Lines 72, 76 and 80, by placing opening and closing brackets, "[ " and " ]", around the word "four" as such word appears on each line, and by inserting after each closing bracket the following:

“five”; and

Further amend said bill, Page 6, Section 70.605, Line 135, by inserting immediately after said line the following:

“70.610. 1. Each political subdivision, by a majority vote of its governing body, may elect to become an employer and cover its employees under the system, as follows:

(1) The clerk or secretary of the political subdivision shall certify the election to be an employer to the board within ten days after the vote of the governing body. The effective date of the political subdivision's coverage is the first day of the calendar month next following receipt by the board of the election to be an employer, or the operative date of the system, whichever is the later.

(2) An employer must cover all its employees who are neither policemen nor firemen and may cover its policemen or firemen or both.

**2. Any home rule city with a population over seventy thousand, located in a county of the first classification without a charter form of government, may permit, during the period beginning on January 1, 2001, and ending on January 1, 2002, any of its employees who are firemen to participate in the local government employees' retirement system pursuant to sections 87.005 and 87.105, RSMo. Any written election by an employee opting to participate in the local government employees' retirement system shall be irrevocable, and shall entitle such employee to become a member of such system and be entitled to the system's benefit program, as determined by the board of trustees.”; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 922, Page 83, Section 513.430, Line 85, by inserting immediately after all of said line the following:

“Section 1. 1. It is the public policy of this state in respect to public employee retirement system plans, as “plan” is defined in section

**105.660, RSMo., to recognize marriage only between a man and a woman in defining “marriage” and “spouse” for benefit purposes.**

**2. Any purported marriage not between a man and a woman is invalid.**

**3. A marriage or any other union between persons of the same sex will not be recognized for the purposes of this section in this state even when valid where contracted.”; and**

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 922, Page 69, Section 169.270, Lines 50-53, by deleting from said lines the following:

**“In no event shall a person reported for federal tax purposes as an employee of a private, for-profit entity be deemed to be an employee eligible to participate in the retirement system established by section 169.280 with respect to such employment.”.**

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 922, Pages 11 and 12, Section 70.661, Lines 17 to 33, by deleting said lines and inserting in lieu thereof the following:

**“(2) If the board finds that the member's death was the result of an accident that did not arise out of and in the course of his or her actual performance of duty as an employee, or that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, the requirement that the surviving spouse must have been married to the member for not less than two years immediately preceding the time of the member's death shall not apply.**

**3. If the board finds that the member's death was the natural and proximate result of a personal injury or disease arising out of and in the course of his or her actual performance of duty as an employee, then, other provisions of**

**law to the contrary notwithstanding, for the purpose of computing the amount of the allowance payable under this section and for the purpose of determining eligibility under subsection 1 of this section, credited service shall include the period from the date of the member's death to the date he or she would have attained age sixty, or the date he or she would have acquired five years of credited service, if later."**

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 922, Page 1, In the Title, Line 10, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "ninety" and inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 8, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word "ninety" and by inserting in lieu thereof the word "ninety-one"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting immediately after "160.420," the following: "169.075,"; and

Further amend said bill, Page 67, Section 160.420, Line 32, by inserting immediately after said line the following:

"169.075. 1. Certain survivors specified in this section and meeting the requirements of this section may elect to forfeit any payments payable pursuant to subsection 3 or 5 of section 169.070 and to receive certain other benefits described in this section upon the death of a member prior to retirement, except retirement with disability benefits, whose period of creditable service in districts included in the retirement system is two years or more and who dies (a) while teaching in a district included in the retirement system, or (b) as a result of an injury or sickness incurred while teaching in such a district and within one year of the commencement of such injury or sickness, or (c) while eligible for a disability retirement

allowance hereunder.

2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and permanently disabled for not less than five years immediately preceding the death of a member if designated as the sole beneficiary, and if married to the member at least three years, and if living with such member at the time of the member's death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death or recovery prior to age sixty from the disability which qualified the spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3 of this section may receive benefits only pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for the benefit provided in this subsection because the surviving spouse may have received payments pursuant to subsection 3 of this section. **Beginning August 28, 2000, a surviving spouse who otherwise meets the requirements of this subsection but who remarried prior to August 28, 1995, shall be entitled, upon an election pursuant to subsection 1 of this section, to any remaining benefits that would otherwise have been received had the surviving spouse not remarried before the change in law permitting remarried surviving spouses to continue receiving benefits. Such surviving spouses may, upon application, become special consultants whose benefit will be to receive the remaining benefits described above. In no event shall any retroactive benefits be paid.**

3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried child, including a stepchild or adopted child, of the

deceased member, under eighteen years of age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until the surviving spouse's death, or the first date when no such dependent unmarried child under age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly payment shall not be less than three hundred dollars, for each such dependent unmarried child under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment to the surviving spouse as provided for in this subsection, each dependent unmarried child under the age of eighteen years of the deceased member not in the care of such surviving spouse shall be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary custodial parent or legal guardian; provided that the payment because of an unmarried dependent child shall be made until the child attains age twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total of all monthly payments to the surviving spouse, primary custodial parent or legal guardian, including payments for such dependent unmarried children, shall in no event exceed two thousand one hundred sixty dollars, the amount of the children's share to be allocated equally as to each dependent unmarried child eligible to receive payments pursuant to this subsection.

4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary is a dependent unmarried child as defined in this section or automatically upon the death of a surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving

dependent unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child under age twenty-four if the child is enrolled in school on a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year of creditable service as a teacher in a district included in the retirement system until death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars, and provided further that any child of the deceased member who is disabled before attainment of age eighteen because of a physical or mental impairment which renders the child unable to engage in any substantial gainful activity and which disability continues after the child has attained age eighteen shall be entitled to a like monthly payment, until death, marriage, adoption, or recovery from the disability, whichever first occurs; provided, however, that the total of all monthly payments to the surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

5. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if designated as the sole beneficiary, provided such dependent parent was receiving at least one-half of the parent's support from such member at the time of the member's death and provided the parent files proof of such support within two years of such death, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed for the member's last full year as a teacher in a district included in the retirement system until death; provided that the monthly payment shall not be less than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is a dependent, as defined in this section, the same amount shall be paid to each until death.

6. All else in this section to the contrary notwithstanding, a survivor may not be eligible to benefit pursuant to this section because of more than one terminated membership, and be it further provided that the board of trustees shall determine and decide all questions of doubt as to what constitutes dependency within the meaning of this section.

7. The provisions added to subsection 3 of this section in 1991[, other than the provisions increasing dollar limitations,] are intended to clarify the scope and meaning of this section as originally enacted and shall be applied in all cases in which such an election has occurred or will occur.

**8. After July 1, 2000, all benefits payable pursuant to subsections 1 to 7 of this section shall be payable to eligible current and future survivor beneficiaries in accordance with this section.**

9. The system shall pay a monthly retirement allowance for the month in which a retired member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.” and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS for HCS for SB 881**, as amended, and has taken up and passed **CCS for HS for HCS for SB 881**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 741**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SB 741**, as amended: Representatives Backer, Wiggins, Relford, Legan and Long.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SB 724**, entitled:

An Act to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS for SB 741**, as amended: Senators Maxwell, Quick, Goode, Flotron and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS for HCS for SB 858**, as amended: Senators Maxwell, Quick, Clay, Rohrbach and Ehlmann.

#### HOUSE BILLS ON THIRD READING

**HS for HCS for HB 1076**, with **SCS**, entitled:

An Act to repeal section 167.645, RSMo Supp. 1999, relating to promotion of students, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Stoll.

**SCS for HS for HCS for HB 1076**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1076

An Act to repeal sections 163.036, 163.172 and 167.645, RSMo Supp. 1999, relating to public schools, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Stoll moved that SCS for HS for HCS for HB 1076 be adopted.

Senator Caskey offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, In the Title, Line 4, by inserting after “**sections**” the following “, and with a termination date for a certain section”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line 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] **districts** 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] **pursuant to sections 167.340 to 167.346, RSMo, math, science, [and] special education, or any other full-time teaching assignment, except that school district administrative assignments shall be excluded. The total number of such retired certificated teachers shall not exceed, at any one**

**time, the greater of ten percent of the total certificated 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 and said teacher must have at least thirty years of combined service credit in Missouri public school retirement systems. No school district shall employ any person pursuant to this section until such time as the affected retirement system has completed an actuarial study assuring that implementation of the provisions of this section are cost-neutral and the system will remain actuarially sound and the system has provided written notice of such study to the district. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations.**

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.] **Retirees receiving a retirement allowance pursuant to section 169.600 to 169.715, RSMo, may be employed full-time in a non-administrative position in any school district for a period of up to two years without losing his or her benefits.**

**3. This section shall terminate on June 30, 2003.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Johnson assumed the Chair.

Senator Howard offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, In the Title, Lines 2-3, by striking “public schools” and inserting in lieu thereof the following: “education”; and

Further amend said bill, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

“178.870. Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion dollars **five hundred million** or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [five] **seven** hundred **fifty** million dollars but less than one billion **five hundred million** dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [two] **five** hundred [fifty] million dollars but less than [five] **seven** hundred **fifty** million dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [two] **five** hundred [fifty] million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the

changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts.”; and

Further amend said bill, Page 10, Section B, Line 2, by striking “and 167.645” and inserting in lieu thereof the following: “, 167.645 and 178.870”; and

Further amend said bill and section, page 11, Line 5, by striking “and 167.645” and inserting in lieu thereof the following: “, 167.645 and 178.870”; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Quick assumed the Chair.

Senator Singleton offered **SA 3**, which was read:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Pages 4-8, Section 163.172, Lines 1-153, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins assumed the Chair.

Senator Singleton offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 8, Section 163.172, Line 153, by adding the following:

“14. The provisions of section 165.011 RSMo, to the contrary notwithstanding, any district which is covered in this section and fully in compliance with all requirements of teacher salary mandates in the current year may transfer funds in the current year between teacher's, incidental and capital projects funds without limitations.”.

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

Senator Singleton offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 94, by inserting after all of said line the following:

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

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

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section;

**(3) By the state board, pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional accrediting association and documentation of at least five years of work experience. Such certificate shall be for 5 years and be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established**

**pursuant to subdivisions (1) and (2) of subsection 4 of this section; or**

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

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

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

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

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee, shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be

administered. The commissioner of education shall cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a

certificate of license to teach.”; and

Further amend the title and enacting clause accordingly.

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

Senator Carter offered **SA 6:**

**SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 1, Section A, Line 3, by inserting after all of said line the following:

“160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

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

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at

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

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

consistent with subsection 3 of this section.

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

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**“Section 1. There shall be a faculty representative to the board of curators or the board of regents in each of the educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives.”; and**

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Johnson raised the point of order that SA 7 is out of order as it goes beyond the scope of the original bill.

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

Senator Scott offered SA 8:

## SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 8, Section 163.172, Line 153, by inserting after all of said line the following:

“167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven [and sixteen] years **and the compulsory attendance age for the district** is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven [and sixteen] years of age **and the compulsory attendance age for the district** shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen [and sixteen] years of age **and the compulsory attendance age for the district** may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has

been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five and seven years of age shall be excused from attendance at school if a parent, guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a “home school” is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils between the ages of seven [and sixteen] years **and the compulsory attendance age for the district**, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

(2) As evidence that a child is receiving regular instruction, the parent shall:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section shall be a defense to any prosecution under this section and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

**6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean seventeen years of age for any unaccredited school district and any school district in which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, and sixteen years of age for all other districts.**

167.051. 1. If a school board establishes part-time schools or classes for children under [sixteen years of age] **the compulsory attendance age for the district**, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.

2. All children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly the part-time classes not less than four hours a week

between the hours of eight o'clock in the morning and five o'clock in the afternoon during the entire year of the part-time classes.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graves, Jacob, Kenney and Kinder.

**SA 8** failed of adoption by the following vote:

YEAS—Senators			
Bentley	Carter	Clay	DePasco
Goode	Maxwell	Quick	Scott
Sims	Westfall	Wiggins	Yeckel—12

NAYS—Senators			
Bland	Caskey	Childers	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Singleton	Staples	Steelman
Stoll—21			

Absent—Senator Schneider—1

Absent with leave—Senators—None

Senator Kenney offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**“Section 1. The department of elementary and secondary education shall furnish sufficient copies of all assessments to each school district without charge, using funds appropriated for that purpose.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Graves offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**“Section 1. The provisions of section 165.011 to the contrary notwithstanding, money received from the county school fund from penalties paid by a concentrated animal feeding operation as defined by the department of natural resources shall be placed to the credit of the fund or funds designated by the board.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered SA 11:

## SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**“170.013. 1. In addition to the provisions of section 170.012, it is the intent of the general assembly that all professors or instructors now employed or being considered for employment at the University of Missouri, any state university, any state college or any community college shall be proficient in speaking the English language so that they may adequately instruct students.**

**2. By the first day of January of each year, the University of Missouri, all state universities, all state colleges and all community colleges shall file with the coordinating board for higher education a certification stating that the instructional faculty members, whose native language is other than English, employed either on August 28, 2000, or hired subsequent to the last annual certification, are proficient in the English language. Each institution listed in this subsection may evaluate its instructional faculty for oral, aural and written fluency in the**

**English language in the classroom in order to make the certification required pursuant to this subsection.**

**3. The University of Missouri, all state universities, all state colleges and all community colleges shall provide an annual report to the president pro tempore of the senate and the speaker of the house of representatives by the first Wednesday after the first Monday in January of each year setting forth the following information:**

**(1) Procedures established to guarantee faculty members have proficiency in both written and spoken English; and**

**(2) Procedures established to inform students of grievance procedures regarding instructors who are not able to speak the English language.**

**4. Any student may file a complaint of violation of this section with the office of president of the appropriate college, community college or university. It shall be the duty of that president to inquire after such complaint and report such complaints, and any action taken pursuant to such complaints, to the coordinating board of higher education on an annual basis.**

**5. This section shall not apply to include the instruction of courses that are:**

**(1) Designed to be taught predominantly in a foreign language; or**

**(2) Elective, special arrangement courses, such as individualized instruction and independent study courses.”; and**

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Stoll raised the point of order that SA 11 is out of order as it goes beyond the scope of the original bill.

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

Senator Stoll offered SA 12:



## SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by inserting after all of said line the following:

**“167.685. 1. Any school district in this state may develop a “Teacher Cadet Program”, pursuant to this section, which shall consist of both a course offered as a full, daily class period, or the district equivalent thereof, and any other activities as the district or the department of elementary and secondary education may provide. The course may be offered at all, or any one of, the secondary schools in any such district. The course shall provide introductory instruction in the field of elementary and secondary school classroom teaching, with emphasis on instruction in mathematics and reading, and shall provide interested students with an insight into the nature and challenges of the teaching profession.**

**2. In order to become eligible for any teacher cadet program, a student shall:**

**(1) Have a cumulative secondary school grade point average of 3.0 or higher;**

**(2) Submit an essay to the district, in the manner that the district may provide, detailing the reasons why he or she wants to become a member of the program; and**

**(3) Participate in an entrance interview, in the manner that the district or the department of elementary and secondary education may provide.**

**3. Any student successfully completing such program shall be:**

**(1) Eligible for college credit at the University of Missouri or at any state college or university, in an amount to be determined by the coordinating board for higher education;**

**(2) Given preference in approval for any teaching scholarship offered pursuant to sections 160.276 to 160.283, RSMo, and for any other scholarships designed by this state to**

**encourage the development of elementary and secondary school educators.**

**4. The department of elementary and secondary education shall develop minimum criteria for the program described in subsection 1 of this section, and any school district adopting the program shall, in addition to such other elements of any such program that the school district may provide, incorporate such criteria into such district's program.**

**5. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Maxwell offered SA 13:

## SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 2, Section 160.560, Line 40, by inserting after all of said line the following:

**“163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this**

section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

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

hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the

effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes **provided that an increase in the payment amount of line 14(a) shall be made by the department of elementary and secondary education, if needed, to ensure that a district receives no less total revenue from lines 14(a) and 14(b) than the district would receive if it levied an operating levy no greater than two dollars and seventy-five cents per one hundred dollars assessed valuation;** the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

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

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

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section,

shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the 2000-2001 school year, the eligible pupil number used in these calculations shall exclude voluntary transfer students, and the 1997-1998 line 14 total amount and amount per pupil will be recalculated to exclude the voluntary transfer students originally in the calculation. Beginning with the 2000-2001 school year, for any district with voluntary transfer students in 1997-1998, the current year per eligible pupil payment amount shall not be less than the previous year per eligible pupil payment amount.**

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

requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

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

levy pursuant to subdivision (1) of this subsection.

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

6. State aid shall be determined as follows:

District Entitlement

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

Deductions

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

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes).....\$.....
  4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous year for school purposes)\$.....
  5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes).....\$.....
  6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%.....\$.....
  7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087\$.....
  8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo.....\$.....
  9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo.....\$.....
  10. Total deductions (sum of lines 2-9)....\$.....  
Categorical Add-ons
  11. The amount distributed pursuant to section 163.161 x proration.....\$.....
  12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration...\$.....
  13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration.....\$.....
  - 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per \$100 AV x proration .....\$.....
  - 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes.....\$.....
  15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration.....\$.....
  16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration.....\$.....
  17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration.....\$.....
  18. Sum of categorical add-ons for the district (sum of lines 11-17).....\$.....
  19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero)\$.....
7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.
8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five

percent.

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

Further amend said bill, page 10, Section 167.645, line 99, by inserting immediately after said line the following:

**“Section 1. Notwithstanding the provisions of chapter 163, RSMo, to the contrary, for the purposes of determining state aid, a nonresident student enrolled pursuant to a contract authorized pursuant to subsection 2 of section 167.164, RSMo, to provide alternative education may be counted, at the election of the serving school district, as a resident pupil.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Ehlmann offered **SA 14**, which was read:

**SENATE AMENDMENT NO. 14**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1076, Page 10, Section 167.645, Line 99, by adding the following:

**“Section 1. Whenever the Department of Elementary and Secondary Education releases ACT scores for the State of Missouri they shall report composite scores for public and non-public schools separately.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Stoll moved that **SCS** for **HS** for **HCS** for **HB 1076**, as amended, be adopted, which motion prevailed.

Senator Stoll was recognized to close on the passage of the bill.

President Pro Tem Quick referred **SCS** for **HS** for **HCS** for **HB 1076**, as amended, to the Committee on State Budget Control.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SAs 1, 2, 3, 4, 7, 8, 9, 10** to **SCS** for **HS** for **HCS** for **HBs 1677, 1675** and **1676** and has again taken up and passed **SCS** for **HS** for **HCS** for **HBs 1677, 1675** and **1676**, as amended.

**PRIVILEGED MOTIONS**

Senator Jacob moved that the Senate refuse to recede from its position on **SCS** for **HB 1292**, as amended, and grant the House a conference thereon, which motion prevailed.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1292**, as amended: Senators Jacob, Clay, Carter, Mueller and Sims.

**RESOLUTIONS**

Senator Graves offered Senate Resolution No. 1764, regarding Kara Riley, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1765, regarding the One Hundredth Birthday of Frances Wood, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1766, regarding the One Hundredth Birthday of Anna (Markt) Shotwell, Pomona, California, which

was adopted.

Senator DePasco offered Senate Resolution No. 1767, regarding Marjorie Larson, Lee's Summit, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1768, regarding Dr. Ronald M. Berrey, Wentzville, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1769, regarding Ruth Elizabeth Pair, Ph.D., O'Fallon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1770, regarding Tony Raymon, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1771, regarding Roy Kohrs, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1772, regarding Dr. Terry L. Holder, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1773, regarding Joe Helmsing, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 1774, regarding Brandon Heck, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1775, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Doss, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1776, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Larry Fox, Cainsville, which was adopted.

Senator Graves offered Senate Resolution No. 1777, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Null, Pickering, which was adopted.

Senator Graves offered Senate Resolution No. 1778, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James R. Schoonover, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1779, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Garland Bestgen, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1780, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Crow, Trenton, which was adopted.

Senator Carter offered Senate Resolution No. 1781, regarding Reyna Spencer, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1782, regarding Reverend John A. Stormer, Florissant, which was adopted.

Senator Graves offered Senate Resolution No. 1783, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth D. Davis, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1784, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Brundage, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 1785, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Rogers Tadlock, Guilford, which was adopted.

Senator Graves offered Senate Resolution No. 1786, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Reynolds, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 1787, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William D. Bailey, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Davenport, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1789, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Dean Howard, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1790, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leman Courtney, Galt, which was adopted.

Senator Graves offered Senate Resolution No. 1791, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James R. Merrigan, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Lynch, Great Bend, Kansas, which was adopted.

Senator Graves offered Senate Resolution No. 1793, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jesse Reeves, Tarkio, which was adopted.

Senator Stoll offered Senate Resolution No. 1794, regarding Adam Wayne Nausley, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1795, regarding Adam Gregory Ferguson, Festus, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Robert Jackson, D.O., Kirksville.

Senator Howard introduced to the Senate, Carol Gross, Jeff Ross, Danny Rowland, Nondis Jordan, eighth grade students from Twin Rivers R-10 Middle School and eighth grade students from Qulin Middle School.

Senator Childers introduced to the Senate, Steve Long and fifteen juniors from Chadwick R-1 School, Chadwick.

Senator Childers introduced to the Senate, David R. Kirk, Shirley Holstine, Kelda Jones, Mary Evans and twenty-one seventh grade students from Bakersfield R-IV School, Bakersfield.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 10, 2000.

# Journal

## SENATE CALENDAR

SEVENTY-FIRST DAY—WEDNESDAY, MAY 10, 2000

## FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 &  
671-Mathewson, with SCS

### HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs  
1652 & 1433-Hoppe,  
with SCAs 1, 2, 3,  
4, 5 & 6 (Caskey)  
(In Budget Control)

2. HS for HB 1238-Hoppe,  
with SCS (Mathewson)

3. HS for HCS for  
HB 1797-Gratz,  
with SCA 1 (Goode)

4. HS for HCS for HBs 1172,  
1501, 1633, 1440, 1634,  
1177 & 1430-Davis (122nd),  
with SCS (Howard)



5. HS for HCS for  
HB 1762-Williams  
(159th), with SCS  
(Caskey)
6. HCS for HB 1144, with  
SCS (Johnson)
7. HJR 43-Barry, et al  
(House)
8. HS for HCS for HB  
1481-Smith (Maxwell)
9. HCS for HB 1644, with  
SCS (Scott)
10. HS for HCS for HBs  
1215 & 1240-Smith,  
with SCS (Caskey)
11. HB 1768-Ward, with  
SCS (Staples)
12. HB 1326-Mays (50th),  
with SCAs 1 & 2  
(Goode)
13. HS for HB 1728-Backer,  
with SCS (Flotron)  
(In Budget Control)
14. HS for HCS for HBs  
1489, 1488 & 1650-  
Kennedy, with SCS  
(Maxwell)  
(In Budget Control)
15. HS for HCS for  
HB 1305-Rizzo,  
with SCS (DePasco)  
(In Budget Control)
16. HS for HCS for  
HB 1254-Kissell,  
with SCS (Caskey)
17. HB 1499 & HB 1579-  
Hoppe, with SCS  
(Scott)
18. HB 1946-Dougherty  
(Maxwell)

# Journal

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SBs 545, 628, 647, 728,<br>834 & 832-Staples,<br>with SCS (pending)                      | SB 748-Johnson, with SCS  |
| SBs 584, 539, 630, 777,<br>796, 918 & 927-Bentley,<br>with SCS & SS for SCS<br>(pending) | SB 803-Goode, et al, with<br>SCS  |
| SBs 599 & 531-Schneider,<br>with SCS (pending)   | SBs 807, 553, 574, 614,<br>747 & 860-Jacob, with<br>SCS, SS for SCS & SA 2<br>(pending) |
| SB 604-Wiggins   | SB 817-Stoll, with SCS  |
| SB 697-Schneider, with<br>SCS & SA 1 (pending)   | SBs 818 & 564-Maxwell and<br>Kinder, with SCS   |
| SB 720-Caskey, with SS &<br>SA 3 (pending)   | SB 826-Jacob, et al, with<br>SCS, SS for SCS & SA 5<br>(pending)                        |
| SB 729-House, with SCS &<br>SA 8 (pending)   | SB 827-Scott, et al, with<br>SS & SA 2 (pending)  |
| SB 744-Klarich   | SB 866-Klarich  |
|  | SB 930-Jacob, with SCS  |

SB 955-Mathewson, et al  
 SB 957-Johnson and Quick,  
 with SCS, SA 2, SSA 1  
 for SA 2 & SA 3 to SSA  
 1 for SA 2 (pending)  
 SB 980-Jacob, with SCS  
 SB 1016-Jacob, et al,  
 with SS, SA 2 & point  
 of order (pending)  
 SB 1047-Rohrbach, with  
 SCS (pending)

SB 1048-Mathewson, with  
 SCS  
 SJRs 45 & 41-House, with  
 SCS (pending)  
 SJR 46-Goode, et al, with  
 SCS (pending)  
 SJR 47-Quick, et al, with  
 SCS, SS for SCS, SA 1,  
 SSA 1 for SA 1 & point  
 of order (pending)

Unofficial

### HOUSE BILLS ON THIRD READING

SCS for HS for HCS for HB  
 1076-Relford (Stoll)  
 (In Budget Control)  
 HB 1082-Crump, with SCS &  
 SA 1 (pending) (Childers)  
 SCS for HCS for HBs 1386  
 & 1086 (Maxwell)  
 (In Budget Control)  
 HB 1443-Koller, with SCS  
 & SS for SCS (pending)  
 (Johnson)  
 HS for HCS for HBs 1566 &  
 1810-Bray, with SCS  
 (Scott)

HS for HB 1603-May  
 (108th), with SCS  
 (pending) (Jacob)  
 HS for HB 1615-Hosmer,  
 with SCS, SS for SCS,  
 SA 9 & SSA 1 for SA 9  
 (pending) (Caskey)  
 HB 1706-Gambaro, et al,  
 with SCS (Clay)  
 HS for HCS for HJR 61-Van  
 Zandt, with SCS, SA 1  
 & SA 7 to SA 1  
 (pending) (Quick)

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### CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin (Wiggins)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 542-Mathewson,  
with HS for HCS, as  
amended

SB 724-Rohrbach, with HS for HCS  
SB 922-Scott, with HCS,  
as amended

Unofficial  
BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amended  
SB 741-Maxwell, with HCS,  
as amended  
SB 788-Johnson, with HS  
for HCS, as amended  
SS for SB 813-House, with  
HCS, as amended  
(Senate requests House  
grant further conference)  
SB 856-Maxwell, with HS  
for HCS, as amended  
SB 858-Maxwell, with HS  
for HCS, as amended

SB 896-Klarich, with HS  
for HCS, as amended  
SB 944-Caskey, with HCS,  
as amended  
(Further conference granted)  
SB 961-Stoll and Maxwell,  
with HS, as amended  
(Senate adopted CCR  
and passed CCS)  
HB 1292-Auer, with SCS,  
as amended (Jacob)  
HB 1591-Backer, with SCS  
(Howard)  
HB 1948-Gratz, et al,  
with SCS (Staples)

RESOLUTIONS

SR 1204-Goode  
SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House