

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—TUESDAY, FEBRUARY 27, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will bind up the injured, and I will strengthen the weak, says the Lord.” (Ezekiel 34:16)

Merciful God, as we gather this day we are mindful of those who are weak and in need of our help. Let us be mindful that You call us to be compassionate and caring in the legislative work we are called to do. May we provide resources and aid to strengthen and assist those who need help to once more be able to help themselves. 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 and KRCG-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Bland—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 253, regarding the Saint Louis Symphony Orchestra, St. Louis, which was adopted.

Senators House and Gross offered Senate Resolution No. 254, regarding Linda and Keri Stutsman, St. Charles, which was adopted.

Senators House and Gross offered Senate Resolution No. 255, regarding Pundmann Ford, St. Charles, which was adopted.

Senators House and Gross offered Senate Resolution No. 256, regarding the Alliance for the Mentally III-NAMI, St. Louis, which was adopted.

Senators House and Gross offered Senate Resolution No. 257, regarding Janet “Jan” Lewien, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 258, regarding Sister Mary Ann Falbe, O.S.F., St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 259, regarding Dennis Emge, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 260, regarding Jack Banas, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 261, regarding Roy C. Wilson, M.D., St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 262, regarding Audrey Yarbrough, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 263, regarding Bruce Sowatsky, LCSW, St. Charles County, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 558—By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

SB 559—By Singleton.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the return of pharmaceuticals, with an expiration date.

SB 560—By Caskey.

An Act to repeal section 571.030, RSMo 2000, relating to concealable weapons, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 561—By Quick.

An Act to amend chapter 50, RSMo, by adding thereto one new section relating to salaries of county commissioners.

SB 562—By Gibbons.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for motor vehicle owners.

SB 563—By Gibbons.

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to the notarization of sales tax refund documents, and to enact in lieu thereof two new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Sims moved that **SCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 19** was adopted by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob Schneider—2

Absent with leave—Senator Bland—1

REFERRALS

President Pro Tem Kinder referred **SCR 20** and **HCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 97**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

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

Senator Rohrbach assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 1, Section A, Line 2, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent, publicly supported school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; or

(3) A community college located in the district.

3. A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes. **An urban school district which leases vacant building space to charter schools shall lease all such vacant building space to charter schools on substantially equivalent terms and for substantially equivalent compensation. An urban school district shall negotiate, in good faith, a fair market price for any property that is vacant and make it available for lease to any charter school located within said district.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section

163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following receipt of any such funds.

(5) **For a charter school located in a building owned by a school district**, the per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided

by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any

liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.”; and

Further amend said bill, Page 2, Section 160.560, Line 45, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to resolve the shortage of school employees in this state, 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 this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator House offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 97, Page 2, Section 160.400, Line 6 of said page, by inserting at the end of said line the following: “**Nothing in this subsection shall be construed to affect any contract in force and effect on or prior to January 1, 2001.**”

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

Senator Kenney moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 97, Page 1, Section A, Line 2 of said page, by inserting after all of said line the following:

“160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. **The proposed charter shall specify a proposed starting date which shall be no earlier than eleven months following the date the proposed charter is submitted.** If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located **and the state board of education, [when] within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil

performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

(1) **A charter application shall be provided to a proposed sponsor no later than eleven months prior to the proposed starting date for the charter school to begin operation. Within five business days of receipt of the application, the proposed sponsor shall forward a copy of the charter application to the state board of education and to the school board of the district if the proposed sponsor is not a school board;**

(2) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

[(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**

[(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of**

the proposed charter and shall notify the applicant in writing as to the reasons for its denial, if applicable; [and]

[(4)] (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.400 to 160.420.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided pursuant to chapter 165, RSMo, provided that the annual financial report may be published via the Internet on the secretary of state's website in lieu of other publishing requirements**, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, [participate in] **employ** the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school

improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide, in a timely fashion, all information necessary to confirm on-going compliance with all provisions of the charter and sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked. **The sponsor may require the remedial plan to provide for a change in methodology or leadership, or both.**

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds

for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

8. A sponsor shall take all reasonable steps necessary to confirm each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] **10.** A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be

subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The board of directors of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided pursuant to sections 557.700 to 557.755, RSMo.”; and

Further amend said bill, Page 2, Section 160.560, Line 45 by inserting after said line the following:

“Section 1. No sponsor shall grant a charter pursuant to sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the board of directors of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the board of directors of the charter school.”;

And further amend the title and enacting clause accordingly.

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

Senator Carter offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 97, Page 2, Section 160.560, Line 45, by inserting one new section after said section to read as follows:

“Section 1. The score on any assessment test developed pursuant to section 160.518, RSMo, chapter 160, RSMo, 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.

On motion of Senator Bentley, **SB 97**, as amended, was declared perfected and ordered printed.

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 **HB 288**, entitled:

An Act to amend chapter 327, RSMo, relating to architects and engineers by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 266**, entitled:

An Act to amend chapter 339, RSMo, relating to real estate agents and brokers by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 236**, entitled:

An Act to amend chapter 210, RSMo, relating to the state juvenile information system, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

has taken up and passed **HB 180**, entitled:

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 264, regarding the death of former Representative Lynn M. Ewing, Jr., Nevada, which was adopted.

Senator Westfall offered Senate Resolution No. 265, regarding Janice K. Hogan, Humansville, which was adopted.

Senator Mathewson offered Senate Resolution No. 266, regarding the Santa Fe Elementary School, Waverly, which was adopted.

THIRD READING OF SENATE BILLS

SB 344, with **SCS**, introduced by Senators Rohrbach and Jacob, entitled:

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date and an emergency clause.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **SB 344**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 344

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date and an

emergency clause.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 344** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Dougherty	Quick	Schneider—3
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Absent with leave—Senator Bland—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Dougherty	Schneider—2
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Absent with leave—Senator Bland—1

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

Senator Gross assumed the Chair.

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

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

SB 287, with **SCS**, introduced by Senator Klarich, entitled:

An Act to repeal section 32.056, RSMo 2000, and to enact in lieu thereof one new section relating to certain peace officers.

Was called from the Consent Calendar and taken up.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal section 32.056, RSMo 2000, and to enact in lieu thereof one new section relating to certain peace officers.

Was taken up.

Senator Klarich moved that **SCS** for **SB 287** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 287** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Dougherty	Schneider—2
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Absent with leave—Senator Bland—1

The President declared the bill passed.

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

Senator Klarich moved that the vote by which

the bill passed be reconsidered.

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

Senator Klarich assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 184** be taken up for perfection, which motion prevailed.

Senator Sims offered **SS** for **SB 184**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 184

An Act to repeal sections 205.968, 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Senator Sims moved that **SS** for **SB 184** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 184, Page 5, Section 205.970, Line 19, by adding after the word "**terms.**" the following:

"Subsequent to the effective date of this section, in addition to the above requirements, at least three of the board members shall be associated with a sheltered workshop."

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

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 184, Page 8, Section 205.971, Line 1 of said section, by inserting immediately after the numeral "205.971." the following: "**1.**"; and

Further amend said bill, Page 9, Section 205.971, Line 25, by inserting after all of said line the following:

"2. Subject to the provisions in this subsection, all funds must be spent in the manner in which the ballot language imposing the tax specifies. If the board wishes to alter the

expenditure of funds from that which is authorized by the ballot language, then such question shall be submitted to the voters without a change in the existing tax."

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 184**, with **SS**, as amended, and **SA 2** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 564—By Rohrbach, Russell and Childers.

An Act to repeal section 316.210, RSMo 2000, relating to amusement rides, and to enact in lieu thereof one new section relating to the same subject.

SB 565—By Staples.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to interstate public rest areas.

SB 566—By Gibbons and Goode.

An Act to repeal section 144.062, RSMo 2000, relating to certain exempt sales at retail of tangible personal property and materials to be used for the purpose of constructing, repairing or remodeling facilities for certain entities, and to enact in lieu thereof one new section relating to the same subject.

SB 567—By Gross.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 568—By Mathewson.

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

SB 569—By Singleton.

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665 and 334.670, RSMo 2000, relating to physical therapists and physical therapist assistants, and to enact in lieu thereof eight new sections relating to

the same subject.

SB 570—By Singleton.

An Act to repeal sections 190.142, 190.160, 190.165 and 190.171, RSMo 2000, relating to emergency medical technicians, and to enact in lieu thereof five new sections relating to the same subject.

SB 571—By Dougherty.

An Act to repeal sections 451.151, 488.445 and 488.607, RSMo 2000, relating to funding for shelters for domestic violence, and to enact in lieu thereof four new sections relating to the same subject.

SB 572—By Dougherty.

An Act to repeal sections 701.322, 701.326 and 701.328, RSMo 2000, relating to lead poisoning, and to enact in lieu thereof ten new sections relating to the same subject.

SB 573—By Dougherty.

An Act to repeal section 84.160, RSMo 2000, relating to compensation and employment benefits of police officers in certain cities, and to enact in lieu thereof one new section relating to the same subject.

SB 574—By Dougherty.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the business dropout abatement program.

SB 575—By Caskey.

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

SB 576—By Kinder and Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for donations to scholarship charities.

SB 577—By Stoll.

An Act to repeal section 149.015, RSMo 2000, relating to cigarette tax, and to enact in lieu thereof one new section relating to the same subject.

SB 578—By Goode and Russell.

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

SB 579—By Loudon.

An Act to repeal section 287.210, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 580—By Loudon.

An Act to repeal sections 287.020, 287.067, 287.120, 287.655 and 287.800, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof five new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 149**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 76**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 581—By Yeckel.

An Act to repeal section 188.037, RSMo 2000, relating to the transfer of human fetal parts, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 582—By Yeckel.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to payment of real property taxes.

SB 583—By Yeckel.

An Act to repeal sections 105.473, 105.475,

105.477, 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 267, regarding Bob Raines, Morgan County, which was adopted.

Senators Rohrbach and Sims offered Senate Resolution No. 268, regarding Maryanne H. Danforth, Jefferson City, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 26, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John Cauthorn to the position of the Joint Committee on Wetlands formerly occupied by Senator Anita Yeckel.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Bill Foster to the position on the Joint Committee on Wetlands formerly occupied by Jerry T. Howard. Senator Foster will serve as chairman of this committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Larry Rohrbach as chairman of the Joint Committee on Corrections.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator David Klindt to the Joint Committee on Corrections replacing Walt Mueller.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Marsha Brown, Amy Callahan and Jami Little, Cape Girardeau.

Senator Childers introduced to the Senate, Gaila Limeberry, Crane.

Senator Rohrbach introduced to the Senate, Pat A. Forbis, Jefferson City.

Senator Russell introduced to the Senate, the Physician of the Day, Dr. David Barbe, M.D., Mountain Grove.

Senator Sims introduced to the Senate, Robert and Kathy Maxey, and their daughter, Leah and Dennis and Ann Toellner, and their son, Samuel, Columbia; Brian and Melissa Kirmes, and their son, Alexander, Ashland; and Tim and Jane

Blackwell, and their daughter, Briana, Holts Summit.

Senator Yeckel introduced to the Senate, David and Patricia Breed, and their sons, David, Daniel and Jonathan, St. Louis County; and David, Daniel and Jonathan were made honorary pages.

Senator Klindt introduced to the Senate, Barb Burton, Eva Danner, Wayne Harlan, Ken Lauhoff, Dale Whiteside, Jerry Wilford, Bill Young and Maurice Zion, Chillicothe Chamber of Commerce.

On behalf of Senator Sims and himself, Senator Dougherty introduced to the Senate, students and staff from Fontbonne College, St. Louis.

Senator Steelman introduced to the Senate, twenty students from Cornerstone Kindergarten, Rolla.

On behalf of Senator Rohrbach, the President introduced to the Senate, Judy Opperman, Tipton.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit.

Senator Kinder introduced to the Senate, the Southeast Missouri State University chapter of Collegiate Farm Bureau, Cape Girardeau.

Senator Cauthorn introduced to the Senate, Kristen Curtis, Courtney Gash, Colleen Griswold, Bill McLain, Zach Crews, Rachel Hardecke, Jennifer Bloss, Heather Hogg, Justin Roberts, Kindsey Shad and Dana Henke, Columbia.

Senator Westfall introduced to the Senate, Garrett Hawkins, David Helton, Patrick Eslinger, Ryan Persinger, Dr. Bruce Johnson and Dr. Anson Elliott, Springfield.

Senator Kinder introduced to the Senate, representatives of the Missouri Beer Wholesalers Association from around the state.

Senator Kenney introduced to the Senate, Laurel and Andrew Morton, Gail Richards and Gabriel Farrar, Homeschoolers from Lee's Summit; and Andrew and Gabriel were made honorary pages.

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

SENATE CALENDAR

THIRTY-THIRD DAY—WEDNESDAY, FEBRUARY 28, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al	SB 567-Gross
SB 550-Sims	SB 568-Mathewson
SB 551-Sims	SB 569-Singleton
SB 552-Sims	SB 570-Singleton
SB 553-Klindt	SB 571-Dougherty
SB 554-House	SB 572-Dougherty
SB 555-House	SB 573-Dougherty
SB 556-DePasco	SB 574-Dougherty
SB 557-Schneider	SB 575-Caskey
SB 558-Singleton	SB 576-Kinder and Steelman
SB 559-Singleton	SB 577-Stoll
SB 560-Caskey	SB 578-Goode and Russell
SB 561-Quick	SB 579-Loudon
SB 562-Gibbons	SB 580-Loudon
SB 563-Gibbons	SB 581-Yeckel
SB 564-Rohrbach, et al	SB 582-Yeckel
SB 565-Staples	SB 583-Yeckel
SB 566-Gibbons and Goode	

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38	HB 575-O'Connor, et al
HJR 5-Barry, et al	HB 621-Gratz and Vogel
HB 163-Berkowitz and Wagner	HB 288-Campbell
HCS for HBs 205, 323 & 549	HB 266-Treadway
HB 219-Townley, et al	HB 236-Smith
HCS for HBs 441, 94 & 244	HB 180-Thompson, et al

THIRD READING OF SENATE BILLS

SB 32-Kinder
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SBs 323 & 230-Childers, et al, with SCS | 17. SB 48-Sims, with SCS |
| 2. SB 226-Goode, et al, with SCS | 18. SB 400-Kenney, et al |
| 3. SB 220-Kinder and Gross | 19. SB 374-Steelman, with SCS |
| 4. SBs 67 & 40-Gross, with SCS | 20. SB 239-Stoll, with SCS |
| 5. SB 65-Gibbons, with SCS | 21. SBs 238 & 250-Staples, et al, with SCS |
| 6. SB 317-Stoll, with SCS | 22. SB 445-Singleton, with SCS |
| 7. SB 50-Childers | 23. SBs 22 & 106-Singleton, with SCS |
| 8. SBs 253 & 260-Gross, with SCS | 24. SBs 214, 124, 209 & 322-Gross, et al, with SCS |
| 9. SBs 391 & 395-Rohrbach, with SCS | 25. SJR 9-Goode, et al |
| 10. SB 222-Caskey | 26. SB 438-Bentley and Stoll |
| 11. SB 244-Staples | 27. SB 251-Kinder |
| 12. SBs 52 & 91-Childers, with SCS | 28. SB 375-Steelman, with SCS |
| 13. SB 267-Klarich and Schneider, with SCS | 29. SB 392-Kenney and DePasco |
| 14. SB 381-Klarich | 30. SB 372-Gibbons, with SCS |
| 15. SB 114-Loudon, with SCS | |
| 16. SB 339-Stoll and Childers, with SCA 1 | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 14-Mathewson | SB 123-Kinder, with SA 1 (pending) |
| SBs 39 & 269-Klarich and Goode, with SCS and SS for SCS (pending) | SB 184-Johnson, et al, with SS & SA 2 (pending) |
| SBs 89 & 37-Kinder, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 110-Gross	SB 352-Johnson, with SCS
SB 111-Gross	SB 365-Steelman
SB 303-Johnson	SB 394-Bentley
SB 321-Westfall	SB 293-Steelman, with SCA 1
SB 295-Stoll and Staples	SB 315-Childers, with SCS
SB 357-Schneider, with SCS	SB 366-House
SB 348-Sims	SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1	SB 370-Caskey and Goode
SB 270-Schneider, with SCS	

Reported 2/26

SB 308-Jacob, with SCS	SB 66-Gibbons, with SCS#2
SB 278-Westfall, with SCS	SB 148-Goode
SB 371-Scott	SB 179-Rohrbach
SB 316-Stoll	SB 341-Jacob, with SCS
SB 290-Wiggins and DePasco, with SCS	SB 420-Klarich
SB 264-Steelman, with SCS	SB 4-Wiggins, et al, with SCS
SB 263-Stoll	SB 383-Johnson, with SCS
SB 223-Caskey	SB 430-Dougherty
	SB 441-Caskey

Reported 2/27

SB 151-Childers, with SCS	SB 76-Wiggins
SB 135-Wiggins	SB 234-Wiggins, with SCS
SB 422-Steelman	SB 416-Stoll
SB 149-Goode, with SCS	

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey	SCR 13-Foster
SCR 10-Staples	SCR 14-Mathewson, with SCS

SCR 16-Yeckel
SCR 17-Steelman, et al

SCR 18-Goode

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

Unofficial

Journal

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