

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—WEDNESDAY, MARCH 14, 2001

The Senate met pursuant to adjournment.

Senator Singleton in the Chair.

Reverend Carl Gauck offered the following prayer:

Evelyn Underhill wrote regarding the Prayer of silence: "In it the soul feeds upon God, draws new vitality from the source of all life. The citizen who is so strengthened is worth more to the state than the one whose roots do not strike deep into eternity."

Gracious Lord, as we reach this midpoint of our week help us to spend some time in silence with You our God. Let our "roots strike deep" into You so we too may be of greater worth to this State and the people we serve. And may we gain strength for the many tasks still ahead of us. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Bentley	Bland	Carter	Caskey
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	Stelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 335, regarding Jeffrey S. "Jeff" Signaigo, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 336, regarding Michael D. Allen, Arnold, which was adopted.

THIRD READING OF SENATE BILLS

SB 135, introduced by Senator Wiggins, entitled:

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo 2000, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Wiggins, **SB 135** was read the 3rd time and passed by the following vote:

YEAS—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

Stoll Westfall Wiggins
 Steelman Stoll
 Yeckel—33

NAYS—Senators—None

Absent—Senator Bland—1

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 Cauthorn moved that motion lay on the table, which motion prevailed.

SB 422, introduced by Senator Steelman, entitled:

An Act to repeal section 292.606, RSMo 2000, relating to the state emergency management agency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Steelman, **SB 422** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Goode—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 76, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 76** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Loudon—1

Absent—Senators

Bland Staples—2

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

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 445**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 445**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 445**

An Act to repeal sections 354.606 and 376.383, RSMo 2000, relating to health insurance

carriers, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 445** be adopted.

Senator Singleton offered **SS** for **SCS** for **SB 445**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL No. 445

An Act to repeal sections 354.606, 376.383 and 376.406, RSMo 2000, relating to health insurance carriers, and to enact in lieu thereof four new sections relating to the same subject.

Senator Singleton moved that **SS** for **SCS** for **SB 445** be adopted.

At the request of Senator Singleton, **SB 445**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 22** and **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 22** and **106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SBs 22** and **106** be adopted.

Senator Singleton offered **SS** for **SCS** for **SBs 22** and **106**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof eleven new sections relating to the same subject.

Senator Singleton moved that **SS** for **SCS** for **SBs 22** and **106** be adopted.

At the request of Senator Singleton, **SB 22** and **SB 106**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Gross moved that **SB 214**, **SB 124**, **SB 209**, and **SB 322**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 214**, **124**, **209** and **322**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 214, 124, 209 and 322

An Act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gross moved that **SCS** for **SBs 214**, **124**, **209** and **322** be adopted.

At the request of Senator Gross, **SBs 214**, **124**, **209**, and **322**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Goode moved that **SJR 9** be taken up for perfection, which motion prevailed.

Senator Goode offered **SS** for **SJR 9**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32 (a) and 32 (b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Senator Goode moved that **SS** for **SJR 9** be adopted.

At the request of Senator Goode, **SJR 9**, with **SS** (pending), was placed on the Informal Calendar.

Senator Stoll moved that **SB 239**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 239

An Act to repeal section 167.645, RSMo 2000, relating to promotion of students, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Stoll moved that **SCS** for **SB 239** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by striking "promotion of students" and inserting in lieu thereof the following: "school accountability"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.522. 1. [The state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis.] **School districts shall provide, at least annually, a school accountability report card for each school building to any household with a student enrolled in the district. Methods of distribution of the school accountability report card may include, but are not restricted to:**

- (1) Distribution at the time and place of student enrollment;**
- (2) Inclusion with student grade reports;**
- (3) Newspaper publication;**
- (4) Posting by the school district by Internet or other electronic means generally accessible to the public; or**
- (5) Making copies available upon request at all school or administrative buildings in any school district.**

The school district reports shall be distributed to all media outlets serving the district, and shall be made available, **upon request**, to all district patrons and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop [multiple reporting models] **a standard form for the school accountability report card** which may be used by school districts [for their public reports]. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, the rates and durations of, and reasons for, suspensions of ten days or longer and expulsions of pupils, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, **as appropriate**, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and [for each building in the district which has pupils at the same grade level as another building in the district,] **by attendance center as reported to the department of elementary and secondary education**, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, [extracurricular activities offered and the costs associated with each activity,] the number of students eligible for free or reduced lunch, school calendar information, including [the number of] days [and hours for] **of** student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.

3. The public reporting shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform.”; and

Further amend the title and enacting clause accordingly.

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

Senator Carter offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by inserting after “relating to” the following: “assessment and”; and

Further amend said bill, Page 1, Section A, Line 1, 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. Any student who receives special educational services, as that term is defined in section 162.675, RSMo, may be allowed to take any test developed pursuant to this section at a developmentally appropriate grade level that may be different from his or her grade level if determined appropriate pursuant to this subsection. The state board of education shall develop criteria for determining developmentally appropriate grade levels for testing such students and shall require that a student whose disability does not prevent them from taking a test at grade level, as determined by the student's individualized education plan committee, shall take such test at grade level. The school district shall be required to submit to the department of elementary and secondary education, at least thirty days prior to the date of testing, proof of meeting the criteria for the grade level at which the district is seeking to have such student tested. The department may refuse to allow any such student to be tested at the level requested by the district, and may require that such student be tested at his or her grade level. If the department takes no action on any such request by the district, then the student shall be tested at the level requested by the district.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 74, by inserting immediately after the word “districts” the words “**provided that such districts shall timely make all payments provided pursuant to such cooperative agreements**”.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 82, by striking the words “not incorporate” and inserting in lieu thereof the words “**require each district to provide**”; and further amend line 84 by striking the words “into any element of any standard of the” and inserting in lieu thereof “**and consider such information necessary in its review of the school district pursuant to the**”.

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

Senator Gross offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 88, by striking the word “fourth” and inserting in lieu thereof the word “**sixth**”.

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

Senator Kinder offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.083. Notwithstanding the procedures of subsections 1 and 2 of section 162.081 regarding the timetable for the lapse of school districts, the corporate organization of any urban school district which was designated as unaccredited in the calendar year 1999 and which had an effective date for its unaccredited

status beginning in the calendar year 2000, and which has a fraction of students reading below grade level in excess of the state average fraction based upon results of assessments established pursuant to section 160.518, RSMo, shall lapse on the effective date of this section. The state board of education shall govern such district beginning on the effective date of this section, and lasting until the state board of education has completed procedures for the governance or future reorganization of the district as provided in section 162.081 or in any other provision of law.”; and

Further amend said bill, Page 3, Section B, Line 2, by inserting after the word and comma “Missouri,” the following: “the enactment of section 162.083 and the repeal and reenactment of”;

Further amend said bill, Page 4, Section B, Line 5, by inserting after the word “and” as it appears the first time the following: “the enactment of section 162.083 and the repeal and reenactment of”;

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Kinder offered SSA 1 for SA 6:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6**

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section A, Line 2, by inserting after all of said line the following:

“162.083. 1. Notwithstanding the procedures of subsections 1 and 2 of section 162.081 regarding the timetable for the lapse of school districts, the corporate organization of any urban school district which was designated as unaccredited in the calendar year 1999 and which had an effective date for its unaccredited status beginning in the calendar year 2000, and which has a fraction of students reading below grade level in excess of the state average fraction based upon results of assessments established pursuant to section 160.518, RSMo, shall lapse on March 1, 2002. The Kansas City Education

Restoration Board, which is created herein, shall govern such district beginning on March 1, 2002, and lasting until otherwise provided by law.

2. The board shall be composed of fourteen members, appointed by the governor with advice and consent of the senate. The composition of the board shall be as follows: three members, selected proportionally by the partisan makeup of such body, from the senate; three members, selected proportionally by the partisan makeup of such body, from the house of representatives; two members representing the coordinating board for higher education; one member representing the school district; two members representing an institution of higher learning having sponsored more than ten charter schools in the district; one member representing an institution of higher learning having sponsored more than three charter schools in the district; one member representing the teacher organizations of the current school district and two members from two different civic organizations which have been actively involved in educational initiatives within the district.

3. Effective March 1, 2002, the board shall assume operational control of the district. The board shall also study and recommend to the general assembly operational changes in the district which provide for the eventual restoration of local and parental control and multiple reform tools including but not limited to the following: district governance, the election of board members, the size of the board, increasing parental involvement including selection of best alternatives for educational choice, financial management of the district and the creation of smaller districts. The board shall hold public hearings in the district regarding the recommendations and shall report its recommendations to the general assembly and the governor on or before December 1, 2002.”; and

Further amend said bill, Page 3, Section B, Line 2, by inserting after the word and comma “Missouri,” the following: “the enactment of section 162.083 and the repeal and reenactment of”;

Further amend said bill, Page 4, Section B,

Line 5, by inserting after the word “and” as it appears the first time the following: “the enactment of section 162.083 and the repeal and reenactment of”; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted.

At the request of Senator Stoll, **SB 239**, with **SCS, SA 6** and **SSA 1** for **SA 6** (pending), was placed on the Informal Calendar.

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 242**, entitled:

An Act to repeal section 67.1360, RSMo 2000, relating to tourism taxes in certain cities, 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.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 600**, entitled:

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

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 607**, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental services, 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.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 470**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of a “Sergeant Robert Kimberling Memorial Highway”.

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 491**, entitled:

An Act to repeal section 77.370, RSMo 2000, relating to election of marshals in cities which contract for police service, 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.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, to which was referred **SB 556**, 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 Financial and Governmental Organization, Veterans’ Affairs and Elections, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be

placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 470, Page 1, Section 8.003, Line 7, by inserting at the end of said line the following: “**The lieutenant governor shall be an ex officio member of the commission.**”.

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 470, Page 3, Section 8.007, Line 22, by striking the following: “, administer such oaths,”; and further amend line 23, by striking the following: “Any of these”; and further amend lines 24-25, by striking all of said lines.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, to which was referred **SB 538**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 563**, 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 Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 48**; **SS** for **SB 339**; **SCS** for **SB 374**; and **SB 400**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 544**, 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 Local Government and Economic Development, to which was referred **SB 553**, 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 Local Government and Economic Development, to which was referred **SB 568**, 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.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 591**, 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.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 610**, 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 Local Government and Economic Development, to which was referred **SB 617**, 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.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 619**, 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 500**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 337, regarding Kevin James Bohn, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 338, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Walker, Jr., Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 339, regarding Evelyn Ericson, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 340, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Robert Clayton, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 341, regarding Christopher Mark Young, Blue Springs, which was adopted.

THIRD READING OF SENATE BILLS

SB 449, introduced by Senator Sims, entitled:

An Act to repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Sims, **SB 449** was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Westfall	Wiggins—28

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Quick	Staples
Stoll	Yeckel—6		

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 393, with **SCS**, introduced by Senator Sims, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental care, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 393**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 393

An Act to repeal section 332.072, RSMo 2000, relating to dental care, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 393** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 393** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bentley	Johnson—2
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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
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Johnson—1

Absent with leave—Senators—None

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

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

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

SENATE BILLS FOR PERFECTION

SB 438 was placed on the Informal Calendar.

SB 251 was placed on the Informal Calendar.

SB 375, with **SCS**, was placed on the Informal Calendar.

SB 392 was placed on the Informal Calendar.

SB 372, with **SCS**, was placed on the Informal Calendar.

SB 454, with **SCS**, was placed on the Informal Calendar.

SB 193 was placed on the Informal Calendar.

Senator Westfall moved that **SB 459**, **SB 305**, **SB 396**, and **SB 450**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 459, 305, 396** and **450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 459, 305, 396 and 450

An Act to repeal sections 144.805 and 226.200, RSMo 2000, relating to transportation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 459, 305, 396** and **450** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SBs 459, 305, 396** and **450**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 459, 305, 396 and 450

An Act to repeal sections 142.803, 144.020, 144.700, 226.040 and 226.200, RSMo 2000, relating to transportation, and to enact in lieu thereof eight new sections relating to the same subject, with a referendum clause.

Senator Mathewson moved that **SS** for **SCS** for **SBs 459, 305, 396** and **450** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 459, 305, 396 and 450, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“67.2050. As used in sections 67.2050 to 67.2071, the following terms mean:

(1) “Authority”, the greater St. Louis sports

authority created in section 67.660;

(2) “Bond”, any bond, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to section 67.2053;

(3) “Chief executive”, the mayor of the city, the county executive of a county or the chief executive officer of a county;

(4) “City”, any city not within a county;

(5) “County”, any county of the first classification having a charter form of government with a population of more than nine hundred thousand inhabitants, any county of the first classification with a population of at least two hundred ten thousand but not more than three hundred thousand, any county of the first classification with a population of at least eighty thousand but not more than eighty-three thousand, and any county of the first classification with a population of at least one hundred seventy thousand but not more than two hundred thousand;

(6) “Sports facilities”, sports stadiums, sports complexes, ballparks, field houses, indoor and outdoor recreational and entertainment facilities and centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of entertainment activities and for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground, except that no such facility shall be used, in any fashion, for the purpose of horse racing or dog racing; and provided that any such facility constructed after August 28, 2001, shall be:

(a) For use principally by a major league professional baseball team for competitive sports events involving other major league professional baseball teams;

(b) Designed and constructed to meet the franchise and other league standards applicable to such team;

(c) Located in the city.

67.2053. 1. In addition to the duties of the

authority specified in section 67.661, the authority shall have the following powers:

(1) To acquire by gift, bequest, purchase, lease or sublease from public or private sources, to own, plan, construct, operate or maintain, and to lease or sublease to or from others, sports facilities;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To maintain an office, and to conduct its meetings at such place or places in the city or the county as it may designate;

(4) To charge and collect fees and rents for use of the facilities owned or operated by it or leased or subleased from or to others and to deposit any funds received pursuant to sections 67.2050 to 67.2071 in a savings or checking account in a bank, credit union or savings and loan association in the state;

(5) To adopt a common seal;

(6) To contract and to be contracted with, including, without limitation, the authority to enter into contracts with the state, cities, counties and other political subdivisions and public agencies pursuant to sections 70.210 to 70.325, RSMo, or pursuant to any other law, and to enter into contracts with other entities, in connection with the acquisition by gift, bequest, purchase, lease or sublease of, or in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of, any sports facility and for any other lawful purpose, and to sue and to be sued;

(7) To receive for its lawful activities any rentals, contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, the state or other political subdivisions or public agencies or by the federal government or any agency or officer of the federal government or from any other source, whether public or private;

(8) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(9) To invest any of the authority's funds in

such types of investments as shall be determined by a resolution adopted by the commissioners of the authority;

(10) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts of any facility, which it has the power to own, lease or operate, and for any other proper corporate purpose, and to issue negotiable notes, bonds or other instruments in writing as evidence of sums borrowed, as follows:

(a) Bonds issued pursuant to this subdivision shall be issued pursuant to a resolution adopted by the commissioners of the authority certifying the estimated cost to the authority of the proposed facility or facilities, the amount of bonds to be issued and their purpose or purposes, and shall further provide their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and interest, place or places of payment and all other details in connection with such bonds; provided, however, that no bonds shall be issued initially in connection with the replacement of any existing sports facility unless the authority also certifies in such resolution that there is on deposit in the sport facilities fund created pursuant to section 67.2062 an amount, derived from public sources other than the state but including municipalities, counties and other political subdivisions, and private sources, which is not less than the amount of state sales tax revenue generated by such existing facility in the state's fiscal year next preceding the adoption of such resolution. Any such bonds may be subject to such provisions for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution;

(b) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at such rate or rates determined by the authority and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five

percent of the principal amount of such bonds. Bonds issued by the authority shall possess all of the qualities of negotiable instruments pursuant to the laws of this state;

(c) Such bonds may be payable to bearer, may be registered or coupon bonds and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached to such bonds shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the bonds. The authority may provide for the replacement of any bond which shall become mutilated, destroyed or lost;

(d) Bonds issued by the authority shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts of facilities, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds, including but not limited to sports facilities rentals, concessions and parking facilities, and from funds derived from any other facilities or part or parts of such facilities, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.2050 to 67.2071 or otherwise, other than appropriations for or credited to the payment of rent, shall not be pledged for the payment of such bonds. Neither the commissioners of the authority nor any person executing its bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to sections 67.2050 to 67.2071 shall not constitute a debt, liability or obligation of the state of Missouri, or any political subdivision of

the state, nor shall any such obligations be a pledge of the faith and credit of the state, but shall be payable solely from the revenues and assets held by the authority. The issuance of bonds pursuant to sections 67.2050 to 67.2071 shall not, directly, indirectly or contingently, obligate the state or any political subdivision of the state, or the authority, to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to sections 67.2050 to 67.2071 shall contain on the face of the bond a statement to the effect that the authority shall not be obligated to pay the bond or the interest on the bond except from the revenues received by the authority or assets of the authority lawfully pledged for the bond, and that neither the faith and credit nor the taxing power of the state or of any political subdivision of the state is pledged to the payment of the principal of or the interest on such obligation or bond. Bonds issued pursuant to this section may be further secured by a mortgage, deed of trust, trust agreement, pledge agreement, assignment or security agreement upon the rents, revenues, receipts and income referred to in this section or any part of such rents, revenues, receipts and income, or upon any leasehold interest or other property owned by the authority, or any part of such property, whether then owned or thereafter acquired, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.2050 to 67.2071 or otherwise, other than appropriations for or credited to the payment of rent, shall not secure such bonds. The proceeds of such bonds shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or in any such mortgage, deed of trust, trust agreement, pledge agreement or security agreement;

(e) The authority shall fix and maintain rates and rentals and make and collect charges for the use and services of its interest in the facility or facilities or any part of such facilities owned or operated by the authority which shall be sufficient, when combined with any other amounts generated and available pursuant to

sections 67.2050 to 67.2071, to pay the cost of operation and maintenance of such facilities, to pay the principal of and interest on any such bonds payable from such rates, rentals and charges and to provide funds sufficient to meet all requirements of the resolution by which such bonds have been issued;

(f) The resolution authorizing the issuance of any such bonds may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part of such facility, and of the proceeds received pursuant to sections 67.2050 to 67.2071, into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part of such facility and the prompt payment of any bonds issued to finance all or any part of the costs of such facility. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part of such facility, and for the payment of any such bonds. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds;

(g) The authority may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to be acquired, leased or subleased by the authority, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and any unpaid interest thereon, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The authority may provide for the payment of interest on such refunding bonds at a rate in excess of the bonds to be refunded;

(h) In case any of the commissioners or officers of the authority whose signatures

appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery;

(i) The authority is hereby declared to be performing a public function and bonds of the authority are declared to be issued for an essential public and governmental purpose and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by the state of Missouri;

(11) To appoint such officers and employ such employees as the authority may require for the performance of its duties, and to fix and determine their qualifications, duties and compensation. The commissioners shall not receive compensation for their service but they shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties; and

(12) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority shall proceed to carry out its duties, functions and powers in accordance with sections 67.2050 to 67.2071, and the authority is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate such duties, except the power to levy taxes or assessments. In no event shall the state be liable for any deficiency or indebtedness incurred by the authority.

3. The authority shall grant or award at least fifteen percent of all contracts, employment opportunities, professional services and all other special contracts to persons who are members of a racial minority group, as defined in section 33.750, RSMo.

4. The authority and any city, county, other political subdivision or public agency obtaining funds pursuant to the provisions of this chapter shall be subject to the provisions of sections

34.073 and 34.076, RSMo.

5. In the event that the authority determines that moneys of the authority will not be sufficient for the payment of the principal of and interest on its bonds during the next state fiscal year, excluding amounts in any debt service reserve fund for those bonds, the chairman of the authority shall certify to the governor of the state of Missouri, as soon as is practicable, the amount required by the authority to enable it to pay the principal of and interest on the bonds. The governor shall submit the amount so certified to the general assembly as soon as practicable, but not later than the end of the current state fiscal year.

6. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the authority to pay principal or interest on such bonds, the chairman, as soon as practicable, shall certify to the governor the amount required to restore such reserve fund to the level required in the resolution or indenture securing the bonds. The governor shall submit the amount so certified to the general assembly as soon as practicable, but not later than the end of the current state fiscal year.

7. Subsections 5 and 6 of this section shall not apply to any bonds as to which the authority shall have determined, in the resolution authorizing the issuance of the bonds, that subsections 5 and 6 shall not apply. Whenever the authority makes such a determination, that fact shall be plainly stated on the face of the bonds and that fact shall also be reported to the governor. The authority shall obtain written approval from the governor for bonds and notes to which subsections 5 and 6 shall apply.

67.2056. The bonds of the authority are securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, trust companies, savings associations, savings and loan associations and investment companies, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons

whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

67.2059. The income of the authority and all properties at any time owned by the authority shall be exempt from all taxation in the state of Missouri. For the purposes of section 409.402, RSMo, all bonds issued by the authority shall be deemed to be securities issued by a public instrumentality of the state of Missouri.

67.2062. There is hereby created in the state treasury a "Sports Facilities Fund", which shall consist of any rents, fees or charges received by the authority pursuant to any contract, agreement, lease or sublease provided for in subsection 3 of section 67.2065, of all moneys deposited in such fund pursuant to section 67.2068, and of all gifts, bequests or donations of any kind to the fund. The sports facilities fund shall be administered by the authority and shall be used to carry out the provisions of sections 67.2050 to 67.2071 and shall be used to pay the costs and expenses of the authority. The provisions of section 33.080, RSMo, to the contrary notwithstanding, all moneys in the fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium. All interest and moneys earned on the fund shall be credited to the fund.

67.2065. 1. Nothing contained in sections 67.2050 to 67.2071 shall impair the powers of any county, municipality or other political subdivision to acquire, own, operate, develop or improve any facility of the type the authority is given the right and power to own, operate, develop or improve.

2. The state, any county, city, municipality or other political subdivision or public agency or instrumentality are authorized to make gifts, donations, grants and contributions of money or real or personal property to the authority, whether such money or property is derived from tax revenues or from any other source.

3. The state or any agency, department or instrumentality of the state and the city, a county, any other county or city or any political

subdivision, public agency or public body, or any combination thereof pursuant to sections 70.210 to 70.325, RSMo, or any other law, may enter into contracts, agreements, leases and subleases with each other, the authority and others to acquire, sell, convey, lease, sublease, own, operate, finance, develop or improve, or any combination of such activities, any facility of the type the authority is given the right to construct, own, operate, develop or improve, including without limitation to agree to pay, and to pay, rents or other fees or charges, subject to annual appropriations, and to mortgage, pledge, assign, convey, or grant security in any interest which any such entity may have in such facility.

67.2068. The state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in, any sports facility which is owned, leased, subleased or operated by the authority shall, subject to appropriation, be placed in the sports facilities fund established by the authority pursuant to section 67.2062, for the purposes of the acquisition, planning, construction, equipping, operation, maintenance, repair, replacement, leasing, extension and improvement of such facility, including the repayment of any indebtedness or other obligations incurred for such purposes.

67.2071. In lieu of the annual report required pursuant to section 67.661, the authority shall, before the second Monday in April, make an annual report to the chief executives and governing bodies of the city and each county, respectively, and to the general assembly stating the condition of the authority on the first day of January of that year, and the various sums of money received and distributed by it during the preceding calendar year, except that after the second year of operation and each year thereafter, such report to the general assembly shall be made in January. The authority shall employ an independent firm of accountants to conduct a biennial audit of all accounts and transactions of the authority."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

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

Senator Westfall raised a further point of order that **SS** for **SCS** for **SBs 459, 305, 396** and **450** and **SA 1** are out of order as they are untimely, stating that he, as sponsor of the pending legislation had not relinquished the floor for another purpose.

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

The President Pro Tem ruled the point of order raised by Senator Goode on **SA 1** well taken.

SS for **SCS** for **SBs 459, 305, 396** and **450** was again taken up.

At the request of Senator Westfall, **SB 459, SB 305, SB 396** and **SB 450**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Stoll moved that **SB 239**, with **SCS, SA 6** and **SSA 1** for **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 6** was again taken up.

Senator Gibbons assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SSA 1** for **SA 6** and was joined in his request by Senators Jacob, Quick, Rohrbach and Stoll.

Senator Bland offered **SA 1** to **SSA 1** for **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 6 to Senate Committee Substitute for Senate Bill No. 239, Page 1, Section 162.083, Line 6, by inserting after “unaccredited” the following: “**or provisionally accredited**”; and further amend line 8, by inserting after “unaccredited” the following: “**or provisionally**

accredited”.

Senator Bland moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 6** and was joined in his request by Senators Bland, Carter, Quick and Stoll.

At the request of Senator Stoll, **SB 239**, with **SCS, SA 6, SSA 1** for **SA 6** and **SA 1** to **SSA 1** for **SA 6** (pending), was placed on the Informal Calendar.

Senator Gross moved that **SB 214, SB 124, SB 209** and **SB 322**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 214, 124, 209** and **322** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 214, 124, 209 and 322, Page 5, Section 589.417, Line 13, by inserting after “corrections,” the following: “**mental health**,”.

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

Senator Singleton assumed the Chair.

At the request of Senator Gross, **SB 214, SB 124, SB 209** and **SB 322**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

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 taken up and passed **HS** for **HB 381**, entitled:

An Act to repeal sections 149.015, 407.927, 407.929 and 407.931, RSMo 2000, relating to sale of tobacco products to minors, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 342, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vincent James DiLorenzo, Kansas City, which was adopted.

Senator Childers offered Senate Resolution No. 343, regarding Espy Elementary School, Nixa, which was adopted.

Senator Yeckel offered Senate Resolution No. 344, regarding Bill Alter, High Ridge, which was adopted.

Senators Quick, Mathewson and Scott offered the following resolution:

SENATE RESOLUTION NO. 345

Notice is hereby given by the Senators from the 17th, 21st and 3rd Districts of the one-day notice required by rule of intent to put a motion to adopt the following rule change:

WHEREAS, in order to protect the interests of all the citizens of Missouri, it is essential that the Missouri Senate maintain employment practices of support staff that will facilitate the hiring and retention of competent professionals; and

WHEREAS, the elected Senators themselves and members of their immediate staff are essentially partisan, it is in the state's best interest for Senate support staff to be non-partisan; and

WHEREAS, fifty-two years have passed before there was a change in the majority party in the Missouri Senate, such change will always be subject to the outcome of elections every two years; and

WHEREAS, it clearly would not be in the Senate's or the state's best interest to replace support staff based on the outcome of elections; and

WHEREAS, it is natural that employees that are currently employed would have cause to believe that their job security is in question due to the change in partisan control; and

WHEREAS, it is essential that support staff serve all Senators regardless of party affiliation such that the hiring decisions should be made outside a partisan environment and that such employment decision be by a consensus basis; and

WHEREAS, the vast majority of general Senate staff currently perform functions of a non-partisan and non-political nature and should remain non-partisan and non-political; and

WHEREAS, there are a very limited number of positions which are best performed by individuals with a partisan or political relationship to the member or members:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, by the members of the Senate of the Ninety-first General Assembly, First Regular Session, that a Senate Committee on Fair Employment

Practices composed of three Republicans and three Democrats be established to preside over any employment decisions affecting employees of the Senate, other than employees of the individual senators; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution that this committee shall also periodically conduct a comprehensive review of staff functions and staff structure in those offices serving the body of the Missouri Senate and further determine what functions the staff should perform and whether the current allocation of resources most efficiently meets the needs of the Senate of today and tomorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution that rule 25 and rule 28 be revised as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 13 members.
8. Committee on Elections, Veterans' Affairs and Corrections, 9 members.
9. Committee on Ethics, 8 members.
10. Committee on Financial and Governmental Organization, 9 members.
11. Committee on Gubernatorial Appointments, 11 members.
12. Committee on Insurance and Housing, 9 members.
13. Committee on Judiciary, 9 members.
14. Committee on Labor and Industrial Relations, 9 members.
15. Committee on Local Government and Economic Development, 7 members.
16. Committee on Legislative Research (statutory), 10 members.
17. Committee on Pensions and General Laws, 7 members.
18. Committee on Public Health and Welfare, 9 members.
19. Committee on Rules, Joint Rules and Resolutions, 9 members.
- 20. Committee on Fair Employment Practices, 6 members.**
- [20.] **21. Committee on State Budget Control, 9 members.**

[21.] 22. Committee on Transportation, 9 members.

[22.] 23. Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. **The committee shall assign the duties and exercise complete supervision over** all employees other than elected officials of the senate and employees of the individual senators[, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them]. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall

consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Elections, Veterans' Affairs and Corrections shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, and to military organizations and all matters touching on military and veterans' affairs and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.

10. The Committee on Financial and Governmental Organization shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

11. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

12. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

13. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may

arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

14. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

15. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

16. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

17. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

18. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

19. The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

20. The Committee on Fair Employment Practices shall determine the needs of the Senate for support staff employment and compensation for all employees other than employees of the individual senators.

[20.] 21. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require

new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[21.] 22. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[22.] 23. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming."

Senator Kinder offered the following resolution:

SENATE RESOLUTION NO. 346

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 28, 29, 44 and 47 be amended to read as follows:

"Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats,

determining the number of courtesy resolutions each member may offer, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

13. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

14. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

15. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

16. The Committee on Pensions and General Laws shall

consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

17. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

18. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled

to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

20. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

21. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 29. 1. Senate offices and seats in the senate chamber shall be assigned by the committee on administration to the majority and minority caucuses. Each caucus shall make office and senate seat assignments on the basis of seniority as defined in this rule, unless otherwise determined within a caucus, except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem. Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices of his caucus, regardless of his seniority status. [Except for the outgoing president pro tem, who is required to vacate the designated pro tem's office, no senator shall be required to relinquish any office or seat once assigned to him.]

2. Seniority shall be determined by each caucus on the basis of length of service. Length of service means:

- (a) Continuous senate service;
- (b) In the case of equal continuous senate service, prior non-continuous senate service;
- (c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.

Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office [by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures] as deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall

be assigned numbers in the same manner[, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list].

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

[Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.]

Rule 47. Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

In addition, prior to a bill or joint resolution being acted upon by a committee, the sponsor, chairman of the committee to which the bill is assigned, and the president pro tem shall receive an analysis which shall state whether the bill or joint resolution creates, increases or decreases the following:

- (1) **The authority to promulgate administrative rules or to adjudicate disputes;**
- (2) **An entitlement to a government service or benefit;**
- (3) **New responsibilities or obligations on private organizations or individuals;**
- (4) **The accountability of an agency to the individuals it impacts;**
- (5) **The responsibilities, costs or powers of an existing agency;**

(6) **State or local taxes or fees;**

(7) **Any required payment of a program's cost (implementation and/or operation) by a beneficiary thereof;**

(8) **Government interference (regulatory, statutory or constitutional) with any present lawful activity;**

(9) **Legal rights and obligations of family members; and**

(10) **Family participation in, and private alternatives to, any state sponsored program."**

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 406**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Childers submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 575**, 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 Education, to which was referred **SB 543**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Kinder submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 377**, 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.

REFERRALS

President Pro Tem Kinder referred **SS** for **SB 339** and **SCS** for **SB 374** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Detective Jason Grellner, Washington County; Detective Steven Steen and Detective David Ryan, St. Louis County; and Officer Bob Curtis and Officer David Southard, Greene County.

Senator Wiggins introduced to the Senate, Steve Sparks, Dan Davidson, Tom Blando, Steve Unwin, Mike Doering, Chris Storm and members of St. Elizabeth Webelo Scout Pack 150, Kansas City; and Stuart Blando, Kevin Davidson, Wint Doering, Nicholas Faulconer, James Hart, David Leinen, Connor Quirk, Ryan Schmeltz, Garrison Smith, Everett Arruda, J.J. Gatschall, Patrick Kelly, Nicholas Owen, Stephen Sparks, Joe Storm, Luke Tapko, Zachary Tomlinson and Sam Unwin were made honorary pages.

Senator Quick introduced to the Senate, the Physician of the Day, Dr. James P. McGraw, M.D., Liberty.

Senator Cauthorn introduced to the Senate, Matt Parker, Andrew Scott, Terra Moon, Lora Berhorst and Patty Meldrum, Canton.

Senator Johnson introduced to the Senate, Beth and Kevin Hey, and their children, Joshua, Joel and Allison, Homeschoolers from Kansas City; and Joshua, Joel and Allison were made honorary pages.

Senator Bentley introduced to the Senate, Debra Menke and Ann Rash, Lee's Summit.

On behalf of Senator Klarich, the President

introduced to the Senate, Lyndell Coleman and twenty-five students from Potosi High School, Potosi.

Senator Kenney introduced to the Senate, his wife, Sandra, their daughter, Lizzy and students from Lee's Summit Community Christian School, Lee's Summit; and Ester Wood, Paul Christianson, Carolyne Mashburn, Amanda Keeton, Westin Miller and Kara Hansen were made honorary pages.

Senator Schneider introduced to the Senate, students from Walker Elementary School, Florissant; and Talisha Bowers, Sam Westerhold, Beth Ellis and Glenn Cofer were made honorary pages.

Senator Russell introduced to the Senate, parents, teachers and fourth grade students from Mallory Elementary School, Buffalo.

Senator Cauthorn introduced to the Senate, Jerry Johnson, Bruce Wilson, Barb Wilson, Steve Hobbs and John Isgrig, Mexico.

Senator Mathewson introduced to the Senate, Marilyn Schmidt, Pettis County.

Senator Westfall introduced to the Senate, Mr. and Mrs. Bill Rhoads and their children, Aaron and Arial, Nevada.

Senator Singleton introduced to the Senate, Ruth Buerge and Carl Bastin, Jasper County.

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

SENATE CALENDAR

FORTY-SECOND DAY—THURSDAY, MARCH 15, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38
HJR 5-Barry, et al
HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549
HB 219-Townley, et al
HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al
 HB 621-Gratz and Vogel
 HB 288-Campbell
 HB 266-Treadway
 HB 236-Smith
 HB 180-Thompson, et al
 HB 133-Gambaro
 HB 48-Relford
 HB 78-Kennedy and
 Richardson
 HB 262-Linton, et al
 HCS for HBs 144 & 46
 HS for HCS for HBs 328 &
 88-Harlan
 HCS for HB 207
 HCS for HB 567
 HCS for HB 241
 HB 801-Liese and Wagner
 HB 309-McKenna, et al
 HB 111-Ladd Baker
 HB 431-Barry
 HB 202-Rizzo

HB 129-Van Zandt and
 Campbell
 HB 157-Hosmer
 HB 80-Ross
 HCS for HB 50
 HCS for HB 194
 HS for HB 287-Williams
 HB 218-Farnen, et al
 HCS for HBs 265 & 369
 HS for HCS for HBs 237,
 270, 403 & 442-Smith
 HB 502-Ward
 HB 779-Barnett
 HB 409-Surface
 HB 452-Gratz
 HB 242-Smith
 HB 600-Hosmer and Marsh
 HB 607-Treadway, et al
 HB 470-Shields and
 Hegeman
 HB 491-George
 HS for HB 381-Hoppe

THIRD READING OF SENATE BILLS

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. SB 97-Bentley
 (In Budget Control) 2. SB 50-Childers 3. SCS for SB 317-Stoll 4. SS for SB 14-Mathewson 5. SS for SB 220-Kinder 6. SS#2 for SCS for SBs 39 &
 269-Klarich | <ol style="list-style-type: none"> 7. SB 381-Klarich 8. SS for SCS for SB 267-Klarich 9. SS for SCS for SB 48-Sims 10. SS for SB 339-Stoll
 (In Budget Control) 11. SCS for SB 374-Steelman
 (In Budget Control) 12. SB 400-Kenney, et al |
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SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. SBs 69 & 458-Gross,
 with SCS 2. SB 68-Gross and House,
 with SCAs 1 & 2 3. SB 60-Steelman, with SCS 4. SBs 347 & 487-Caskey,
 with SCS | <ol style="list-style-type: none"> 5. SB 385-Mathewson 6. SB 331-DePasco, et al,
 with SCS 7. SBs 5 & 21-Wiggins,
 et al, with SCS 8. SB 373-Gibbons and
 Yeckel, with SCS |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

9. SBs 433 & 248-Kinder
and Gross, with SCS
10. SB 462-Westfall

11. SB 428-Loudon
12. SB 27-Johnson and
Westfall, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------|
| SBs 22 & 106-Singleton,
with SCS & SS for SCS
(pending) | SB 239-Stoll, with SCS,
SA 6, SSA 1 for SA 6 &
SA 1 to SSA 1 for SA 6
(pending) |
| SBs 52 & 91-Childers,
with SCS and SA 3
(pending) | SB 251-Kinder |
| SB 65-Gibbons, with SCS | SBs 253 & 260-Gross, with
SCS (pending) |
| SBs 67 & 40-Gross, with SCS | SBs 323 & 230-Childers,
et al, with SCS (pending) |
| SBs 89 & 37-Kinder, with SCS | SB 372-Gibbons, with SCS |
| SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending) | SB 375-Steelman, with SCS |
| SB 184-Johnson, et al,
with SS#2 (pending) | SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending) |
| SB 193-Rohrbach | SB 392-Kenney and DePasco |
| SBs 214, 124, 209 & 322-
Gross, et al, with SCS
(pending) | SB 438-Bentley and Stoll |
| SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending) | SB 445-Singleton, with
SCS & SS for SCS (pending) |
| SB 226-Goode, et al, with SCS | SB 454-Kinder, with SCS |
| SBs 238 & 250-Staples, et
al, with SCS (pending) | SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending) |
| | SJR 9-Goode, et al, with
SS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn,
with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with
SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob

Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with
SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

SB 377-Singleton, with SCS

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

Requests to Recede or Grant Conference

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

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