

# Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—TUESDAY, APRIL 3, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received.” (1 Peter 4:10)

O God, You have shown us what a servant’s heart reveals to the world. We need to keep our service to You in mind today, not as a way of elevating ourselves but as a way so that it may yet give You praise of Your glory. Give us discernment and a chance to employ our gifts to assist one another here in this chamber so our burdens are lightened and our work moves more smoothly. 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.

Senator Kenney announced that photographers from Moberly Middle School were given permission to film in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Steelman      Stoll      Westfall      Wiggins  
Yeckel—33

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

Senator Klarich assumed the Chair.

## CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs, and the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri’s vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources and boost our own economy by:

(1) Enacting reasonable price supports for domestically produced crude oil and in other ways encouraging exploration for domestic petroleum sources in a manner that does not adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not harm the economy; and

(3) Encouraging and creating incentives for research, development and use of alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

**RESOLUTIONS**

Senator Steelman moved that **SR 280** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **SR 280** was adopted.

**THIRD READING OF SENATE BILLS**

**SB 97**, introduced by Senator Bentley, entitled:

An Act to repeal sections 160.400, 160.405 and 160.415, RSMo 2000, relating to the department of elementary and secondary education, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Bentley, **SB 97** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SB 50**, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo 2000, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 50** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kinder	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Stoll	Westfall	Yeckel—23	

NAYS—Senators

Caskey	DePasco	Kenney	Klarich
Quick	Schneider	Singleton	Staples
Steelman	Wiggins—10		

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SCS** for **SB 317**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 317

An Act to repeal sections 700.015, 700.025, 700.045, 700.050, 700.090 and 700.100, RSMo 2000, relating to housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Stoll.

On motion of Senator Stoll, **SCS** for **SB 317** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Jacob	Quick	Scott
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Staples—5

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SS** for **SB 14**, introduced by Senator

Mathewson, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 14

An Act to repeal section 221.425, RSMo 2000, relating to authorizing a sales tax for regional jail districts and associated court facilities, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Was taken up.

On motion of Senator Mathewson, **SS** for **SB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel—28

NAYS—Senators

Gross	Loudon	Singleton	Westfall—4
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Absent—Senator Bland—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SS** for **SB 220**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 220

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675 and 28.678, RSMo 2000, and section 28.681 as enacted

by senate bill 680 during the second regular session of the eighty-ninth general assembly, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Kinder, **SS for SB 220** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Westfall—2
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SS No. 2 for SCS for SBs 39 and 269**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

On motion of Senator Klarich, **SS No. 2** for

**SCS for SBs 39 and 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SB 381**, introduced by Senator Klarich, entitled:

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to contracts.

Was taken up.

On motion of Senator Klarich, **SB 381** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	DePasco
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Steelman	Westfall	Wiggins	Yeckel—24

NAYS—Senators

Bentley	Childers	Dougherty	House
Quick	Schneider	Singleton	Staples—8

Absent—Senator Stoll—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SS for SCS for SB 267**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 210.140, 287.610, 303.025, 452.556, 455.040, 476.010, 478.610, 479.150, 482.330, 483.500, 487.020, 488.426, 488.445, 488.607, 488.5336, 490.130, 491.300, 494.410, 508.190, 534.070, 550.120, 565.030, 574.075, 575.200 and 610.105, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Klarich, **SS for SCS for SB 267** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Quick	Singleton—2
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Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**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 285**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to Missouri centers of excellence in women's health.

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 796**, entitled:

An Act to repeal section 196.100, RSMo 2000, relating to the labeling of drugs, 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.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 473**—Agriculture, Conservation, Parks and Tourism.

**HCS for HB 334**—Education.

**HS** for **HB 421**—Pensions and General Laws.

**HB 664**—Financial and Governmental Organization, Veterans’ Affairs and Elections.

**HB 501**—Pensions and General Laws.

**HB 865**—Education.

**HB 716**—Public Health and Welfare.

**HB 458**—Transportation.

**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 report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, to which was referred **SB 509**, begs leave to report that it has considered the same and recommends that the bill do pass.

**RESOLUTIONS**

Senator Russell offered Senate Resolution No. 457, regarding Gail A. Anderson, which was adopted.

Senator Steelman offered Senate Resolution No. 458, regarding the Eightieth Birthday of Mrs. Fanny Blankenship, Vienna, which was adopted.

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

**RECESS**

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

**THIRD READING OF SENATE BILLS**

**SB 542**, introduced by Senator Klindt, entitled:

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, 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 Klindt, **SB 542** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Jacob	Staples—4
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SB 540**, introduced by Senator Klindt, entitled:

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, 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 Klindt, **SB 540** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Stelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Jacob	Singleton
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Staples—5

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SRB 606**, introduced by Senators Rohrbach and Gibbons, entitled:

An Act to repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

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

On motion of Senator Rohrbach, **SRB 606** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bland	Gibbons	Jacob	Klindt
Schneider	Staples—6		

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**SB 617**, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to enterprise zones, 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 617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 617

An Act to repeal section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to enterprise zones,

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

Was taken up.

Senator Steelman moved that **SCS** for **SB 617** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 617** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Loudon	Mathewson	Schneider—3
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Absent with leave—Senator Carter—1

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

**SB 266**, with **SCS**, introduced by Senator Bland, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 266

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the

department of health.

Was taken up.

Senator Bland moved that **SCS** for **SB 266** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Bland 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 Childers moved that **SB 323** and **SB 230**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SBs 323** and **230** was again taken up.

Senator Childers moved that **SCS** for **SBs 323** and **230** be adopted.

Senator Childers offered **SS** for **SCS** for **SBs 323** and **230**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 323 and 230

An Act to repeal sections 67.1360 and 67.1775, RSMo 2000, relating to the collection of



sales tax revenue by certain political subdivisions, and to enact in lieu thereof nineteen new sections relating to the same subject.

Senator Childers moved that **SS for SCS for SBs 323 and 230** be adopted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 323 and 230, Page 8, Section 67.1922, Line 27 of said page by inserting after the word "miles" the following: "or the governing body of any county which borders on or which contains part of a lake with not less than one hundred miles of shoreline".

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

Senator Johnson offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 323 and 230, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

**"67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:**

**(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Services as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and**

**(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.**

**2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section, shall be submitted in substantially**

**the following form:**

**"Shall the county of ..... (insert the name of the county) impose a sales tax of ..... (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?"**

**Yes**                       **No"**

**3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.**

**4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.**

**5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of five members who are appointed by the governing body of the county. Members shall serve for three-year**

terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

67.572. The governing body of any county which has adopted a sales tax pursuant to sections 67.571 to 67.577 may submit the question of repeal of the tax to the voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) repeal the museum and festivals sales tax of ..... (insert rate of percent) percent in effect in certain areas of the county?

Yes  No

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

67.573. The order imposing the sales tax pursuant to the provisions of sections 67.571 to 67.577 shall impose upon all sellers within the area wherein the tax is to be paid an additional tax on all goods subject to tax included in chapter 144, RSMo. The amount reported and returned by the seller shall be computed on the basis of the tax imposed by the order as authorized by sections 67.571 to 67.577. The seller shall report and return the amount so computed to the director of revenue.

67.574. On or after the effective date of any tax imposed throughout a county pursuant to the provisions of sections 67.571 to 67.577, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax so imposed, the provisions of sections 67.671 to 67.685 to the contrary notwithstanding. An amount not to exceed one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer.

67.577. In any county or area of a county where a sales tax has been imposed pursuant to sections 67.571 to 67.577, if any person is delinquent in the payment of the amount required to be paid by him pursuant to the provisions of sections 67.571 to 67.577 or in the event a determination has been made against him for taxes and penalty pursuant to the provisions of sections 67.571 to 67.577, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers moved that **SS** for **SCS** for **SBs 323** and **230**, as amended, be adopted, which

motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **SBs 323** and **230**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 347** and **SB 487**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 347** and **487**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 347 and 487

An Act to repeal section 137.100, RSMo 2000, relating to assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SBs 347** and **487** be adopted.

At the request of Senator Caskey, **SB 347** and **SB 487**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Gibbons assumed the Chair.

Senator Mathewson moved that **SB 385** be taken up for perfection, which motion prevailed.

President Maxwell assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 385, Page 30, Section 326.325.3, Line 32, by inserting at the end of said line the following:

“4. The provisions of this chapter to the contrary notwithstanding, documents otherwise subject to lawful discovery in a court proceeding pursuant to the Missouri Rules of Civil Procedure prior to August 28, 2001, shall remain so.”.

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

On motion of Senator Mathewson, **SB 385**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 331**, with

**SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 331

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator DePasco moved that **SCS** for **SB 331** be adopted.

Senator DePasco offered **SS** for **SCS** for **SB 331**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 331

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Senator DePasco moved that **SS** for **SCS** for **SB 331** be adopted.

At the request of Senator DePasco, **SB 331**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

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

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

At the request of Senator Kinder, **SSA 1** for **SA 6** was withdrawn, rendering **SA 1** to **SSA 1** for **SA 6** moot.

**SA 6** was again taken up.

At the request of Senator Kinder, **SA 6** was withdrawn.

Senator Steelman offered **SA 7**:

SENATE AMENDMENT NO. 7

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

Further amend said bill, page 3, section 167.645, line 88, by inserting after all of said line the following:

**"170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all public schools provide developmentally appropriate phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of developmentally appropriate phonics.**

**2. As used in this section, the following terms mean:**

**(1) "Developmentally appropriate", instruction and interaction within the age and developmental level of the learner, as ascertained by the best current research;**

**(2) "Grammar", the rules and conventions of standard English, including the construction of sentences, the classification, derivation and properties of words, and spelling;**

**(3) "Phonics instruction", the teaching of sound-symbol correspondence and the rules and generalizations that govern these correspondences, including phonemics, which is the recognition of the boundaries of phonetic elements.**

**3. Developmentally appropriate phonics instruction shall be provided in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Each school district shall make an effort to**

systematically inform parents of the methods and materials used to teach reading in grades kindergarten through three. Nothing in this act shall be construed to require that every child be taught phonics; however, developmentally appropriate phonics instruction shall be available in every elementary school building.”; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered **SA 8**:

**SENATE AMENDMENT NO. 8**

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

Further amend said bill, page 3, Section 167.645, line 88, by inserting immediately after said line the following:

**“169.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district, or five certificated teachers.**

**2. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.**

**3. Any school district with a shortage of non-certificated employees, as determined by the school district, may allow individuals retired pursuant to sections 169.600 to 169.715 to be employed full-time for up to two years without losing his or her retirement benefits. The total number of such retired non-certificated employees shall not exceed, at any one time, the**

**greater of ten percent of the total non-certificated staff for that school district, or five employees.**

**4. No person shall be employed pursuant to this section until the affected retirement systems have implemented rules and regulations assuring that the provisions are cost-neutral and the systems remain actuarially sound.**

**5. All necessary costs shall be paid by the hiring school district and shall not exceed the school district’s statutory cost limitations.”; and**

Further amend said bill, page 3, Section B, line 2, by striking “, section 167.645 of this act is” and inserting in lieu thereof the following: “and to resolve the shortage of school employees in this state, sections 167.645 and 169.596 of this act are”; and

Further amend said bill and section, page 4, line 5, by striking “section 167.645” and inserting in lieu thereof the following: “sections 167.645 and 169.596”; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 8** is out of order as it goes beyond the scope, purpose and title of the bill.

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

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

**SENATE AMENDMENT NO. 9**

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section 167.645, Line 1, by striking the opening bracket “[” ; and further amend line 5, by striking the closing bracket “]”; and

Further amend said bill and section, pages 1-3, lines 5-88, by striking all of the bold-faced language from said lines.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 9** was

withdrawn.

Senator Gross offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 65, by striking the following: “The permanent”; and further amend lines 66-70, by striking all of said lines and inserting in lieu thereof the following: **“Any student not reading at the fifth grade level will not be promoted to seventh grade.”**

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

**SA 10** failed of adoption by the following vote:

YEAS—Senators

Childers	Foster	Gibbons	Gross
Kinder	Loudon	Rohrbach	Singleton
Yeckel—9			

NAYS—Senators

Bentley	Bland	Caskey	Cauthorn
Dougherty	Goode	House	Jacob
Johnson	Kenney	Klarich	Klindt
Mathewson	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins—23	

Absent—Senator DePasco—1

Absent with leave—Senator Carter—1

Senator Gross offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 65, by striking the following: “The permanent”; and further amend lines 66-70, by striking all of said lines and inserting in lieu thereof the following: **“Any student not reading at the fourth grade level will not be promoted to seventh grade.”**

Senator Gross moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 239**, with **SCS** and **SA 11** (pending), was placed on the

Informal Calendar.

Senator Johnson moved that **SB 184**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SB 184** was again taken up.

Senator Sims moved that **SS No. 2** for **SB 184** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 9, Section 205.971, Line 25 by inserting after the words: “Funding for” the words: “the operating budgets of”.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 5, Section 205.970, Line 18 by adding after the word “**terms.**” the following:

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

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

Senator Klarich assumed the Chair.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 1, In the Title, Lines 3 and 4 of the title, by striking “sheltered workshops” and inserting in lieu thereof the following: “disabilities”; and

Further amend said bill, Page 11, Section 205.973, Line 3 of said page, by inserting after all of said line the following:

**“537.617. 1. The state of Missouri hereby grants limited consent to be sued under the**

**Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts for the state of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.**

**2. The consent hereby granted is for a maximum monetary award in the amounts described in section 537.610, RSMo. No state court shall enter a judgment for an amount in excess of the monetary limits in said section. The monetary limits set forth in said section shall apply regardless of whether the state has insurance for defense of the claim. The amount shall include attorneys' fees, but shall not include punitive or exemplary damages.**

**3. This section shall apply to all actions pending or initiated on or after February 21, 2001.”; and**

Further amend said bill, Page 11, Section B, Line 18 of said page, by striking the word “section” and inserting in lieu thereof the following: “sections 537.617 and”; and further amend line 23 of said page, by striking the word “section” and inserting in lieu thereof the following: “sections 537.617 and”; and

Further amend the title and enacting clause accordingly.

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

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

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 9, Section 205.971, Line 26 by inserting after the words: “prior year” the words: “for a city not within a county and any counties of the first class with a population in excess of 200,000”.

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

Senator Caskey offered **SA 5**, which was read:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 10, Section 205.971, Line 2 of said

page, by inserting at the end of said line the following: **“For all other counties, funding for sheltered workshops shall be at a minimum of either the funding base level percentage or thirty percent of the audited county tax receipts for the prior year, whichever is greater. A county board may provide additional funding to sheltered workshops. The operating board of the sheltered workshop may, at its discretion, contractually decrease the minimum level of funding for a given year.”.**

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

Senator Singleton offered **SA 6**, which was read:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 5, Section 205.970, Line 19 of said page, by inserting after the word and period “reappointed.” the following: **“No member of the board of directors may serve more than a total of two terms consecutively.”.**

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

Senator Singleton offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 11, Section 1, Line 4 of said page, by deleting all new language from said line through line 13.

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

Senator Caskey offered **SA 8**, which was read:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 10, Section 205.972, Lines 17-18 of said page, by striking said lines and inserting in lieu thereof the following:

**“2. An additional question shall be submitted regarding the funding of other services in substantially the following form:”.**

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

At the request of Senator Johnson, **SB 184**, with **SS No. 2**, as amended (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 816**, entitled:

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to authenticating claims for tax refunds, and to enact in lieu thereof two new sections 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 52**, entitled:

An Act to repeal section 56.066, RSMo 2000, relating to full-time prosecutors, 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 704**, entitled:

An Act to repeal section 429.015, RSMo 2000, relating to liens on real property by political subdivisions for abatement of dangerous buildings 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 951**, entitled

An Act to authorize the conveyance of certain property in Cole County.

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 596**, entitled:

An Act to repeal section 100.331, RSMo 2000, relating to certain governmental authorities in cities not within a county, 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 745**, entitled:

An Act to repeal section 58.490, RSMo 2000, relating to unclaimed property, 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 945**, entitled:

An Act to repeal section 494.455, RSMo 2000, relating to juror pay, 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 909**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lonnie M. Boyd, 185 Petunia, Clever, Christian County, Missouri 65631, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. Casey, 949 Schumate Chapel Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until his successor is duly appointed and qualified; vice, Linda Bohrer, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori R. Darr, 4014 Sonora Court, Columbia, Boone County, Missouri 65201-9024, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Billie Sue Graves, 10384 Highway J, Perryville, Perry County, Missouri 63775, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan K. Orton, 12579 Mason Forest Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynne P. Unnerstall, 701 West Main Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2003, and until her successor is duly appointed and qualified; vice, Shera Kafka, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald W. Vessell, 1705 Delta Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pamela J. Schneeflock, 601 West Main, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Jana Runyon Finch, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kala Stroup, Ph.D., 2024 Stadium Boulevard, Jefferson City, Cole County, Missouri 65109, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennifer Tidwell, Democrat, 3831 Harrison, Kansas City, Jackson County, Missouri 64109, as a member of the State Tax Commission, for a term ending January 23, 2002, and until her successor is duly appointed and qualified; vice, Douglas Burnett, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

### REPORTS OF STANDING COMMITTEES

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 **SCS** for **SB 60**; **SS** for **SB 193**; and **SCS** for **SBs 69** and **458**, 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.

### REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 60** and **SCS** for **SBs 69** and **458** to the Committee on State Budget Control.

### RESOLUTIONS

Senator Sims offered Senate Resolution No. 459, regarding Amy McMinn, Ellisville, which was adopted.

Senator Sims offered Senate Resolution No. 460, regarding Katherine Martin, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 461, regarding Marie E. Major, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 462, regarding Nellie Sherman, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 463, regarding Kate Schafroth, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 464, regarding Kristen Ruhland, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 465, regarding Jessica Rosen, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 466, regarding Erin E. Roberts, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 467, regarding Amanda Marie Meehan, Shrewsbury, which was adopted.

Senator Sims offered Senate Resolution No. 468, regarding Lori Mertes, Shrewsbury, which was adopted.

Senator Sims offered Senate Resolution No. 469, regarding Jessica Miller, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 470, regarding Tiffany Morris, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No.

471, regarding Michelle M. Mortellaro, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 472, regarding Laura Michelle Mundle, Des Peres, which was adopted.

Senator Sims offered Senate Resolution No. 473, regarding Katie Nehls, Arcadia, which was adopted.

Senator Sims offered Senate Resolution No. 474, regarding Richelle Daneil Orrick, Arcadia, which was adopted.

Senator Sims offered Senate Resolution No. 475, regarding Crystal Pierce, Imperial, which was adopted.

Senator Sims offered Senate Resolution No. 476, regarding Sarah Elizabeth Poston, Bonne Terre, which was adopted.

Senator Sims offered Senate Resolution No. 477, regarding Nina Pozzo, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 478, regarding Jessica Rahm, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 479, regarding Sarah Smith, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 480, regarding Emily Stevenson, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 481, regarding Sarah Uthe, Town and Country, which was adopted.

Senator Sims offered Senate Resolution No. 482, regarding Lauren Vickers, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 483, regarding Cynthia Lynn Walker, Washington, which was adopted.

Senator Sims offered Senate Resolution No. 484, regarding Kendra Kae Reed, Barnhart, which was adopted.

Senator Sims offered Senate Resolution No. 485, regarding Sarah Leigh Tharp Reed, Barnhart,

which was adopted.

Senator Sims offered Senate Resolution No. 486, regarding Kathleen Suzanne Young, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 487, regarding Renee C. Pope, Barnhart, which was adopted.

Senator Sims offered Senate Resolution No. 488, regarding Nicole E. Messenger, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 489, regarding Sarah Ann Crews, Barnhart, which was adopted.

Senator Kenney offered Senate Resolution No. 490, regarding Gordon Donald Stillie, D.O., Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 491, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Lamb, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 492, regarding the One Hundredth Birthday of Bernice Johnson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 493, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orin Couch, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 494, regarding Steven Andrew "Steve" Yanda, Lee's Summit, which was adopted.

Senator Klarich offered the following resolution:

SENATE RESOLUTION NO. 495

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has a core responsibility in securing this constitutional guarantee by the passage of laws and appropriations; and

WHEREAS, the Kansas City School District emerged from federal court ordered desegregation in 1999; and

WHEREAS, since emerging from court ordered desegregation, the Kansas City School District comprises approximately 35,600 students; and

WHEREAS, the Kansas City School District has a graduation

rate of approximately 59 percent; and

WHEREAS, the Kansas City School District has only approximately 22 percent of its students entering two or four year colleges and universities; and

WHEREAS, the Kansas City School District has only approximately 11 percent of its students scoring at or above the national average on the ACT; and

WHEREAS, the Kansas City School District lost district accreditation in May 2000, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City School District has experienced continuing governance issues including a high rate of superintendent turnover, and dissention between and among those responsible for governance of the district; and

WHEREAS, the Kansas City School District has been the subject of various proposals in the General Assembly dealing with governance and state involvement;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a committee on the Kansas City School District be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that said committee study issues concerning the delivery of education to the students in the Kansas City School District, all issues relating to the governance of the district and the relationship between governance and the failure to deliver public education in the Kansas City School District, and any other education-related issues related to the district the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, as soon as practical, together with its recommendations for any legislative action it deems necessary for submission to the Senate; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, the Kansas City School District, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Senate Contingent Fund.

## INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Steve Hobbs and Hank Henning, Mexico.

Senator Caskey introduced to the Senate, Jennifer Lommler, Warrensburg.

Senator Dougherty introduced to the Senate, Doug Farquar, Denver, Colorado.

Senator Childers introduced to the Senate, Robin Montz, Neosho; and Sandy Fitzpatrick, Karen Rosewicz, Becky Simpson and Patti Daniels, Cassville.

Senator Jacob introduced to the Senate, Janet Peart, Frank Berry, Carl Brown, Paul Vossler, Jackie Berry and members of the eighth grade Eagle Team from Moberly Middle School, Moberly; and Taressa Cade, Alyssa Kincaid, Owen Reid and Carl Knox were made honorary pages.

Senator Stoll introduced to the Senate, fourth grade students from George Guffy Elementary School, Fenton.

Senator Westfall introduced to the Senate, Millie Webb, Tennessee.

Senator Westfall introduced to the Senate, representatives of Missouri Highway Safety Team Spirit.

Senator Russell introduced to the Senate, Ron Fitzwater, Bolivar; and John Delly, Elkland.

Senator Caskey introduced to the Senate, Martha Hester and ten sixth grade students from Training Center Christian School, Garden City.

Senator House introduced to the Senate, Laura, Dennis, Elisabeth and Dennis Boenker, Jr., Homeschoolers from St. Charles.

Senator Jacob introduced to the Senate, Jerry Martie, Brenda Ensor and members of the eighth grade Eagle Team from Moberly Middle School, Moberly; and Melle Robinson, Clayton Williams, Tabitha Burge and Daniel Vargas were made honorary pages.

Senator Foster introduced to the Senate, Janice and Dempsey Craft and eight students from New Madrid County Central High School, New Madrid; and Samantha Jolly, Erin Baldwin, Leslie Russell,

Tara Williams, David Spencer, Jamie Russell, Hunter Hendricks and Joseph Baldwin were made honorary pages.

Senator Childers introduced to the Senate, Terry Winton, Gracie Grimes, Mr. Sees, Mrs. Thomas, Mrs. Bouneus, Mrs. Stringer, Ricky Brown, Chris Mattingly, Tim Payne, Eric LaGrange, Brian Darity, Ryan Boyle and twenty-five eighth grade students from Exeter R-VI School, Exeter.

Senator Cauthorn introduced to the Senate, Russell Martin and Mitch Keel, Lewistown.

Senator Klindt introduced to the Senate, Giles and Judy Walters, Bethany.

Senator Rohrbach introduced to the Senate, Roger Mertens, Jefferson City; and Erving Toellner, Bunceton.

Senator Johnson introduced to the Senate, Mike Frazier, Gower.

Senator Mathewson introduced to the Senate, Dan Loucks, Paul Bennett, Amy Ezell, Natalie Bailey and Scott Pummill, Sedalia; and Amy, Natalie and Scott were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, his mother, Jan Klarich, St. Louis County.

Senator Caskey introduced to the Senate, Sam Yancey and representatives from Warrensburg of State Youth Government Day; and Erin Underwood, Jackie Nott and Patrick Woods were made honorary pages.

Senator Klindt introduced to the Senate, Terry Coult, Steven Helmer, Abby Murrell and Ken Stull, Chillicothe.

Senator Klindt introduced to the Senate, Daisy Workman, Pickering; Josh Blackford, Hopkins; Jordan Young, Burlington; Kathy King, Arlene Masters, Jessica Baker and Matthew Jasinski, Maryville; Emily Giffin, Guilford; Randi Burch, Parnell; and Valorie Strueby, Conception Junction, representatives of State Youth Government Day.

Senator Johnson introduced to the Senate, Oneida Gillispie and representatives of State Youth and Government Day; and Kim Kerr, Amanda

Balabon and Angela Hoffman were made honorary pages.

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

SENATE CALENDAR

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FIFTIETH DAY—WEDNESDAY, APRIL 4, 2001

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &  
88-Harlan  
HB 249-Treadway  
HB 321-Skaggs, et al  
HB 453-Ransdall, et al  
HB 537-Ostmann, et al  
HB 314-Treadway and  
Nordwald  
HS for HCS for HB 327-  
Rizzo  
HB 285-Riback Wilson,  
et al

HB 796-Hosmer  
HB 816-Kennedy and  
Gambaro  
HB 52-Ward and Crump  
HB 704-Gambaro  
HB 951-Gratz  
HB 596-Kennedy and  
Gambaro  
HB 745-Farnen  
HB 945-Hosmer  
HB 909-Davis

THIRD READING OF SENATE BILLS

SS for SCS for SB 48-Sims  
SS for SB 339-Stoll  
SCS for SB 374-Steelman  
SB 400-Kenney, et al  
SS for SJR 9-Goode  
SB 392-Kenney and  
DePasco

SCS for SB 60-Steelman  
(In Budget Control)  
SS for SB 193-Rohrbach  
SCS for SBs 69 & 458-  
Gross  
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 5 & 21-Wiggins,  
et al, with SCS

2. SB 373-Gibbons and  
Yeckel, with SCS

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|--|------------------------------------|
| 3. SBs 433 & 248-Kinder and Gross, with SCS      | 19. SB 535-Rohrbach, with SCS      |
| 4. SB 462-Westfall                               | 20. SB 66-Gibbons, with SCS#2      |
| 5. SB 428-Loudon                                 | 21. SB 525-Cauthorn, with SCS      |
| 6. SB 27-Johnson and Westfall, with SCS          | 22. SB 242-Kenney                  |
| 7. SB 99-Sims, with SCS                          | 23. SB 225-Mathewson, with SCS     |
| 8. SBs 247 & 330- Westfall and Staples, with SCS | 24. SB 180-Klarich                 |
| 9. SB 351-Singleton and Scott, with SCS          | 25. SB 583-Yeckel                  |
| 10. SJRs 1 & 4-Schneider, with SCS               | 26. SB 488-Klindt, et al, with SCS |
| 11. SBs 510, 512 & 133-Kenney, with SCS          | 27. SB 387-Goode, et al, with SCS  |
| 12. SJR 11-Yeckel                                | 28. SB 455-Kinder, et al, with SCS |
| 13. SBs 551, 410, 539, 528 & 296-Sims, with SCS  | 29. SBs 334 & 228-Kinder, with SCS |
| 14. SBs 476, 427 & 62-Yeckel, et al, with SCS    | 30. SB 469-Gross, et al            |
| 15. SB 369-Steelman and Stoll, with SCS          | 31. SB 546-Kenney, et al, with SCS |
| 16. SB 505-Loudon, with SCS                      | 32. SB 337-House and Kinder        |
| 17. SB 578-Goode and Russell, with SCS           | 33. SB 593-Klindt, with SCS        |
| 18. SBs 448 & 588-Sims, et al, with SCS          | 34. SB 509-Cauthorn and Klindt     |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|---|--|
| SBs 22 & 106-Singleton, with SCS & SS for SCS (pending) | SBs 89 & 37-Kinder, with SCS                             |
| SBs 52 & 91-Childers, with SCS and SA 3 (pending)       | SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending)     |
| SB 65-Gibbons, with SCS                                 | SB 184-Johnson, et al, with SS#2 (pending)               |
| SBs 67 & 40-Gross, with SCS                             | SBs 214, 124, 209 & 322-Gross, et al, with SCS (pending) |
| SB 68-Gross and House                                   |  |

SB 222-Caskey, with SA 3  
& SSA 1 for SA 3  
(pending)  
SB 226-Goode, et al, with  
SCS  
SBs 238 & 250-Staples, et  
al, with SCS (pending)  
SB 239-Stoll, with SCS &  
SA 11 (pending)  
SB 251-Kinder  
SBs 253 & 260-Gross, with  
SCS (pending)  
SB 331-DePasco, et al,  
with SCS & SS for SCS  
(pending)  
SBs 347 & 487-Caskey,  
with SCS (pending)

SB 372-Gibbons, with SCS  
SB 375-Steelman, with SCS,  
SS for SCS, SA 1 &  
SSA 3 for SA 1 (pending)  
SBs 391 & 395-Rohrbach,  
with SCS & SS for SCS  
(pending)  
SB 438-Bentley and Stoll,  
with SS & SA 3 (pending)  
SB 445-Singleton, with  
SCS & SS for SCS  
(pending)  
SB 454-Kinder, with SCS  
SBs 459, 305, 396 & 450-  
Westfall, with SCS &  
SS for SCS (pending)

CONSENT CALENDAR

Journal

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 3/12

SB 526-Dougherty, with  
SCS

Reported 3/14

SB 500-Mathewson

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BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS  
(Russell)

RESOLUTIONS

SR 58-Singleton  
SR 345-Quick, et al

SR 346-Kinder, with SA 3  
& SSA 1 for SA 3  
(pending)

To be Referred

SCR 28-DePasco

SR 495-Klarich

Reported from Committee

SCR 8-Caskey, with SA 2  
(pending)  
SCR 17-Steelman, et al  
SCR 23-DePasco

HCR 16-Green and Holt  
(House)  
SCR 27-Goode and Russell

Requests to Recede or Grant Conference

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

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