

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—WEDNESDAY, MAY 9, 2001

The Senate met pursuant to adjournment.

Yeckel—33

President Maxwell in the Chair.

Absent with leave—Senator Carter—1

Reverend Carl Gauck offered the following prayer:

The Lieutenant Governor was present.

Hans Seale wrote: “A little stress is like a little salt, it flavors the moment...(but) excessive stress is killing us.”

Gracious God, many of us thrive on the stress to accomplish those things we have set out to do; it excites our days and gives us a sense of purpose. But we also know that in these closing days with much yet to be done and much more to bring to completion the little stress becomes greater and our bodies and spirits feel its negative effects. So we pray, calm our hearts and minds with Your presence, let Your healing peace quiet our stressful moments and give us a sense of faithfulness to get done only what must be brought to completion. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Bentley	Bland	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

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SA 1** to **HS** for **HJR 11** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HJR 11**, as amended: Senators Goode, Gibbons, Gross, Klarich and Scott.

HOUSE BILLS ON THIRD READING

HB 202, with **SCS**, introduced by Representative Rizzo, entitled:

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000, relating to transportation development districts, and to enact in lieu thereof five new sections relating to the same subject.

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

SCS for **HB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 202

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000,

relating to transportation development districts, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Kenney moved that **SCS** for **HB 202** be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Kenney, **SCS** for **HB 202** 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	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—26		

NAYS—Senator Bland—1

Absent—Senators

Bentley	Jacob	Klarich	Quick
Russell	Stoll—6		

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senator Bland—1

Absent—Senators

Bentley	Jacob	Kinder	Quick
Russell	Schneider	Singleton—7	

Absent with leave—Senator Carter—1

On motion of Senator Kenney, title to the bill

was agreed to.

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

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

HB 242, with **SCS**, introduced by Representative Smith, 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.

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

SCS for **HB 242**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242

An Act to repeal sections 67.1003 and 67.1360, RSMo 2000, relating to tourism taxes in certain cities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **HB 242** be adopted.

Senator House requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 242, Page 2, Section 67.1003, Line 30, by striking the word “class” and inserting in lieu thereof the word “**classification**”; and

Further amend said bill, Page 4, Section 67.1360, Line 59, by striking the word “seven” and inserting in lieu thereof the word “**three**”; and further amend said line, by striking the word “five” and inserting in lieu thereof the word “**four**”; and further amend said line, by inserting before the word “inhabitants” the words “**five hundred**”; and further amend line 61, by striking the word “seventeen” and inserting in lieu thereof the word

“**sixteen**”; and further amend said line, by striking the word “**eighteen**” and inserting in lieu thereof the word “**sixteen**”; and further amend line 62, by inserting after the word “**thousand**” the words “**two hundred**”; and further amend line 64, by striking the word “**seventeen**” and inserting in lieu thereof the word “**sixteen**”; and further amend line 65, by striking the word “**eighteen**” and inserting in lieu thereof the word “**sixteen**”; and further amend said line, by inserting after the word “**thousand**” the words “**two hundred**”; and further amend line 66, by striking the word “**three**” and inserting in lieu thereof the word “**two**”; and further amend line 67, by striking the word “**two**” and inserting in lieu thereof the word “**four**”; and further amend said line, by striking the word “**four**” and inserting in lieu thereof the word “**two**”; and further amend said line by inserting before the word “**inhabitants**” the words “**six hundred**”.

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

Senator House moved that **SCS** for **HB 242**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **HB 242**, as amended, 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	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick Russell Schneider—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator House moved that the vote by which

the bill passed be reconsidered.

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

HB 361, with **SCS**, introduced by Representative Shoemyer, et al, entitled:

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

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

SCS for **HB 361**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 361

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **HB 361** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Goode, **SCS** for **HB 361** 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	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Schneider—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted 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—Senators—None

Absent—Senator Bland—1

Absent with leave—Senator Carter—1

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

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

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

HB 498, with **SCS**, introduced by Representatives Wagner and McKenna, entitled:

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof two new sections relating to the same subject.

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

SCS for **HB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 498

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **HB 498** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **HB 498** 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	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Jacob Scott—3

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

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees on **SCS** for **HB 16** be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 679, introduced by Representative Boykins, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee leave of absence for organ donation.

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

On motion of Senator Sims, **HB 679** 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	Westfall	Wiggins	Yeckel—31
Sims	Singleton	Staples	Steelman			
Stoll	Westfall	Wiggins	Yeckel—32	NAYS—Senators—None		

NAYS—Senators—None

Absent—Senators

Absent—Senator Bland—1

Bland Singleton—2

Absent with leave—Senator Carter—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The President declared the bill passed.

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

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

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

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

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

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

HB 473, with **SCS**, introduced by Representative Robirds, et al, entitled:

HB 904, with **SCS**, introduced by Representative Merideth, et al, entitled:

An Act to amend chapter 263, RSMo, by adding thereto one new section relating to noxious weeds.

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight new sections relating to the same subject.

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

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

SCS for **HB 473**, entitled:

SCS for **HB 904**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 473

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 904

An Act to amend chapter 263, RSMo, by adding thereto one new section relating to noxious weeds.

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Was taken up.

Senator Foster moved that **SCS** for **HB 473** be adopted, which motion prevailed.

Senator Foster moved that **SCS** for **HB 904** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 473** was read the 3rd time and passed by the following vote:

On motion of Senator Foster, **SCS** for **HB 904** was read the 3rd time and passed by the following vote:

YEAS—Senators

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	Staples	Steelman	Stoll

Bentley	Caskey	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt

Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland	Childers	Singleton—3
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

CONCURRENT RESOLUTIONS

Senator Yeckel moved that **HCR 24**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 24** was taken up.

Senator Yeckel moved that **SCS** for **HCR 24** be adopted, which motion prevailed.

On motion of Senator Yeckel, **HCR 24**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Schneider	Singleton—4
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Absent with leave—Senator Carter—1

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

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 586**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 586** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 586, Page 143, Section 128.440, Line 617, by inserting after all of said line, the following:

“Section 1. No member of the general assembly enacting sections 128.400 to 128.440 of this act shall be permitted to run for election to the United States Congress as a representative from this state during the 108th through the 112th Congress.”; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

At the request of Senator Staples, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 586, Pages 126-143, Section 128.440, by striking all of said section from the bill and inserting in lieu thereof the following:

“128.440. The ninth district shall be composed of the following:

- Adair County**
- Audrain County**
- Boone County**
- Callaway County (part)**
- VTD: 02710 Fulton Ward3**

VTD: 02711 FultonWard4	BLK: 708003005
VTD: 02712 FultonWest	BLK: 708003006
VTD: 02713 Guthrie	BLK: 708003007
VTD: 02714 HamsPrairie	BLK: 708003012
VTD: 02715 Hatton	BLK: 708003026
VTD: 02716 HoltsSummitRural (part)	BLK: 708003027
BLK: 706002050	BLK: 708003028
BLK: 706002051	BLK: 708003029
BLK: 706002060	BLK: 708003030
BLK: 707001017	BLK: 708003031
BLK: 707001019	BLK: 708003032
BLK: 707001021	BLK: 708003036
BLK: 707002006	BLK: 708003037
BLK: 707002007	BLK: 708003038
BLK: 707002013	BLK: 708003040
BLK: 707002014	BLK: 708003041
BLK: 707002015	BLK: 708003042
BLK: 707002041	BLK: 708003043
BLK: 707003028	BLK: 708003044
BLK: 708001005	BLK: 708003045
BLK: 708002005	BLK: 708003046
BLK: 708002006	BLK: 708003048
BLK: 708002007	BLK: 708003049
BLK: 708002008	BLK: 708003050
BLK: 708002009	BLK: 708003051
BLK: 708002010	BLK: 708003052
BLK: 708002016	BLK: 708003053
BLK: 708002017	BLK: 708003054
BLK: 708002018	BLK: 708003055
BLK: 708002019	BLK: 708003056
BLK: 708002020	BLK: 708003057
BLK: 708002021	BLK: 708003058
BLK: 708002022	BLK: 708003059
BLK: 708002023	BLK: 708003998
BLK: 708003004	BLK: 708004005

BLK: 708004006	BLK: 707003001
BLK: 708004007	BLK: 707003002
BLK: 708004012	BLK: 707003003
BLK: 708004013	BLK: 707003004
BLK: 708004014	BLK: 707003005
BLK: 708004015	BLK: 707003006
BLK: 708004016	BLK: 707003007
BLK: 708004017	BLK: 707003008
BLK: 708004018	BLK: 707003009
BLK: 708004019	BLK: 707003065
BLK: 708004020	BLK: 707003066
BLK: 708004021	BLK: 707003067
BLK: 708004022	BLK: 707003068
BLK: 708004023	BLK: 707003069
BLK: 708004996	BLK: 707003088
VTD: 02717 HoltsSummitWard1	BLK: 707003089
VTD: 02718 HoltsSummitWard2	BLK: 707003090
VTD: 02719 McCredie	BLK: 707003091
VTD: 0272 Auvasse	BLK: 707003092
VTD: 02720 Millersburg	BLK: 707003093
VTD: 02721 Mokane	BLK: 707003094
VTD: 02722 NewBloomfield	BLK: 707003095
VTD: 02723 Portland	BLK: 707003096
VTD: 02724 Reads ville	BLK: 707003097
VTD: 02725 Shamrock	BLK: 707003101
VTD: 02726 Stephens	BLK: 707003102
VTD: 02727 Tebbetts (part)	BLK: 707003103
BLK: 706004051	BLK: 707003104
BLK: 706004123	BLK: 707003105
BLK: 706004124	BLK: 707003106
BLK: 707001000	BLK: 707003107
BLK: 707001011	BLK: 707003113
BLK: 707001999	BLK: 707003114
BLK: 707003000	BLK: 707003115
	BLK: 707003116

BLK: 707003999

VTD: 02728 Williamsburg

VTD: 0273 Calwood

VTD: 0274 Carrington

VTD: 0276 Dixie

VTD: 0277 FultonEast

VTD: 0278 FultonWard1

VTD: 0279 FultonWard2

Clark County

Franklin County

Gasconade County

Knox County

Lewis County

Lincoln County

Macon County

Marion County

Monroe County

Montgomery County

Osage County

Pike County

Ralls County

Randolph County

Scotland County

Shelby County

St. Francois County (part)

VTD: 18710 DeslogeNo.3

VTD: 18711 DoeRun

VTD: 18716 Frankclay

VTD: 18717 IronMountainLake

VTD: 18719 Leadington

VTD: 1872 BismarckNo.1

VTD: 18720 LeadwoodNo.1

VTD: 18721 LeadwoodNo.2

VTD: 18723 PHNo.1

VTD: 18724 PHNo.2

VTD: 18725 PHNo.3

VTD: 18726 PHNo.4

VTD: 18727 Patterson

VTD: 18728 TerreDuLac

VTD: 18729 Timberline

VTD: 1873 BismarckNo.2

VTD: 1874 BonneTerreNo.1&3

VTD: 1875 BonneTerreNo.2&4

VTD: 1877 Delassus

VTD: 1878 DeslogeNo.1

VTD: 1879 DeslogeNo.2

Warren County

Washington County”.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

Absent—Senators			
Bentley	Bland	Kinder	Klarich—4

Absent with leave—Senator Carter—1

SA 2 was again taken up.

Senator Singleton assumed the Chair.

A quorum was established by the following vote:

Present—Senators

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

Absent—Senators

Bentley	Mathewson	Quick	Russell
Scott—5			

Absent with leave—Senator Carter—1

President Maxwell assumed the Chair.

Senator Singleton requested unanimous consent of the Senate to allow the Committee on Public Health and Welfare to meet at 1:30 p.m. while the Senate is in session, which request was granted.

A quorum was established by the following vote:

Present—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Klindt	Mathewson	Quick
Rohrbach	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

Absent—Senators

Bland	DePasco	Kinder	Klarich
Loudon	Russell	Schneider	Staples—8

Absent with leave—Senator Carter—1

SA 2 was again taken up.

A quorum was established by the following vote:

Present—Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House

Jacob	Klindt	Loudon	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel—22		

Absent—Senators

Bland	DePasco	Dougherty	Goode
Johnson	Kenney	Kinder	Klarich
Mathewson	Schneider	Steelman—11	

Absent with leave—Senator Carter—1

SA 2 was again taken up.

A quorum was established by the following vote:

Present—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Stoll	Westfall
Wiggins	Yeckel—22		

Absent—Senators

Bland	DePasco	Goode	Johnson
Kenney	Kinder	Klarich	Schneider
Scott	Staples	Steelman—11	

Absent with leave—Senator Carter—1

SA 2 was again taken up.

At the request of Senator Klindt, **SB 586**, with **SCS** and **SA 2** (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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended. Representatives: Green 73, Wilson 42, Wilson 25, Shields and Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**. Representatives: Green 73, Troupe, Scheve, Hanaway and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HBs 648, HB 477** and **HB 805** and has taken up and passed **SCS** for **HB 648, HB 477** and **HB 805**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 691** and has taken up and passed **SCS** for **HB 691**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 881** and has taken up and passed **SCS** for **HB 881**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 606** and has taken up and passed **SCS** for **HB 606**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HB 421**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 304**, entitled:

An Act to repeal section 456.183, RSMo 2000, relating to trustees' resignation and removal, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, and grants the Senate a conference thereon.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate. Representatives: Koller, Overschmidt, Hampton, Robirds and Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

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

has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

A quorum was established by the following vote:

Present—Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

Absent—Senators

Bland	DePasco	Dougherty	Johnson
Klarich	Mathewson	Quick	Schneider
Scott—9			

Absent with leave—Senator Carter—1

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 421**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2**, submitted the following conference committee

report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Yvonne S. Wilson
/s/ Morris Westfall	/s/ Chuck Graham
/s/ Wayne Goode	/s/ Charlie Shields
/s/ Harry Wiggins	/s/ Roy W. Holand

Senator Russell moved that the above conference committee report be adopted, which motion prevailed 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	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland Quick Schneider Singleton—4

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2001 and ending June 30, 2002.

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	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senator Bland—1

Absent—Senators

Quick Schneider Scott—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

Senator Kenney moved that motion lay on the

table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Yvonne S. Wilson
/s/ Morris Westfall	/s/ Chuck Graham
/s/ Wayne Goode	/s/ Charlie Shields
/s/ Harry Wiggins	/s/ Carl Bearden

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

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bentley	Quick	Schneider—3
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Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick	Schneider	Staples—3
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Absent with leave—Senator Carter—1

The President declared the bill passed.

On motion of Senator Russell, title to the bill

was agreed to.

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Joan Bray

/s/ Morris Westfall /s/ Dennis Bonner

/s/ Wayne Goode /s/ Ken Legan

/s/ Harry Wiggins /s/ Peter Myers

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

YEAS—Senators

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

Yeckel—29

NAYS—Senators—None

Absent—Senators

Kinder	Quick	Schneider	Staples—4
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Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

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

Yeckel—29

NAYS—Senators—None

Absent—Senators

Dougherty	Quick	Schneider	Staples—4
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Yvonne S. Wilson
/s/ Morris Westfall	/s/ Dennis Bonner
/s/ Wayne Goode	/s/ Ken Legan
/s/ Harry Wiggins	/s/ Larry Crawford

Senator Russell moved that the above conference committee report be adopted, which motion prevailed 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	Scott	Sims
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Quick Schneider Singleton Staples—4

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive’s Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Bill Ransdall
 /s/ Wayne Goode /s/ Ken Legan
 /s/ Harry Wiggins /s/ Dan Hegeman

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

Senator Singleton assumed the Chair.

Senator Klarich offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HCS** for **HB 6**, as amended, and request the House to grant further conference on Section 6.372. He requested a roll call vote be taken and was joined in his request by Senators Gibbons, Yeckel, Foster and Westfall.

The substitute motion made by Senator Klarich failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Foster	Gibbons	Gross
House	Jacob	Klarich	Klindt
Loudon	Steelman	Yeckel—11	

NAYS—Senators

Bentley	Caskey	Childers	Dougherty
Goode	Johnson	Kenney	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stoll	Westfall	Wiggins—19	

Absent—Senators

Bland	DePasco	Staples—3
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Absent with leave—Senator Carter—1

At the request of Senator Russell, the motion to adopt the conference committee report on **SCS** for **HCS** for **HB 6**, as amended, was withdrawn.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 52** and **HCS** for **HB 207**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being

made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 421**, as amended: Senators Kinder, Gross, Loudon, Wiggins and DePasco.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended: Senators Childers, Johnson, Bentley, Steelman and Mathewson.

President Maxwell assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Foster moved that **HB 385**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 385**, as amended, was again taken up.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 1, Section 50.1000, Line 13 through page 4, line 24, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SS** for **SCS** for **HB 385** is out of order as it exceeds the scope and purpose of the underlying legislation.

Senator Jacob raised the point of order that the point of order raised by Senator Singleton is dilatory as it was raised previously.

The points of order were referred to the

President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Singleton not well taken, rendering the point of order raised by Senator Jacob moot.

SA 3 was again taken up.

Senator Johnson moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Gibbons, Goode, Scott and Wiggins.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	DePasco
Goode	House	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Schneider	Singleton—15	

NAYS—Senators

Childers	Dougherty	Foster	Gibbons
Gross	Jacob	Loudon	Quick
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—17			

Absent—Senator Bland—1

Absent with leave—Senator Carter—1

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 4, Section 50.1000, Line 24, by inserting after said line the following:

“50.1010. There is hereby authorized a “County Employees’ Retirement Fund” which shall be under the management of a board of directors described in section 50.1030. The board of directors shall be responsible for the administration and the investment of the funds of such county employees’ retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall apportion the benefits according to the

funds available. **An individual who is in a job classification, which the Retirement System determines is not eligible for coverage under the Retirement System, shall not be considered an Employee, unless adequate funds are provided for the costs associated with such coverage.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 5, Section 56.807, Line 8 of said page, by striking the following: “, after August”; and further amend lines 9 and 10 of said page, by striking said lines and inserting in lieu thereof the following: “, **counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, and”;** and

Further amend said bill, Page 6, Section 56.816, Lines 20 to 24 of said page, by striking said lines and inserting in lieu thereof the following:

“3. The normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full-time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation.”.

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

Senator Mathewson offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 113, Section 169.670, Line 13 of said page, by inserting the following:

“476.687. **1.** Any judge as defined in section 476.515 who is actively serving pursuant to this chapter [or chapter 56, RSMo.] and has served for

at least ten years shall receive additional **creditable** [credited] service for previous public employment **within** [with] the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

(1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section and is not a retiree under the other retirement plan;

(2) The other retirement plan transfers to the system an amount equal to the employee's account balance under a defined contribution plan or the amount equal to the employee's pension obligation under a defined benefit plan at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;

(3) No such **creditable** [credited] service remains credited in such other retirement plan;

(4) The member applies for the additional **creditable** [credited] service in a manner and form established by the [appropriate] board.

2. Notwithstanding any provisions of section 104.800 to the contrary, any judge as defined in section 476.515 who is or was serving pursuant to this chapter and has a vested right to receive a retirement benefit from a retirement system established pursuant to sections 56.800 to 56.840, RSMo, may make a one-time transfer of all service from either retirement plan to the other. This subsection shall not apply to any judge who is receiving a retirement benefit from either retirement plan prior to the transfer."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 1, Section A, Line 12, by inserting after all of said line the following:

"43.080. [The superintendent is authorized and empowered to prescribe policies providing for increases every five years in the salaries of such members beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary.] The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called."; and

Further amend said bill, Page 7, Section 56.816, Line 10, by inserting after all of said line the following:

"104.080. Each member may retire at the end of the month during which such member shall reach normal retirement age with a normal annuity except that any patrolman may retire at age fifty-five with a normal annuity [and shall retire at age sixty]. Notwithstanding any other provisions to the contrary, any member who continues his employment with the transportation department or as a civilian member of the highway patrol after attaining seventy and one-half years of age shall receive service retirement benefits during the continuation of his employment if and to the extent that payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as

amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees.

104.1003. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

(1) “Act”, the “Year 2000 Plan” created by sections 104.1003 to 104.1093;

(2) “Actuary”, an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) “Annuity”, annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

(4) “Annuity starting date” means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

(5) “Beneficiary”, any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

(6) “Board of trustees”, “board”, or “trustees”, a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) “Closed plan”, a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) “Consumer price index”, the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially

reported by the United States Department of Labor, or its successor agency;

(9) “Credited service”, the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;

(10) “Department”, any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system under this chapter as otherwise provided by law;

(11) “Early retirement eligibility”, a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;

(12) “Effective date”, July 1, 2000;

(13) “Employee” shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:

(a) The term “employee” shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

(b) The term “employee” shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(14) “Employer”, a department;

(15) “Executive director”, the executive director employed by a board established under the provisions of sections 104.1003 to 104.1093;

(16) “Final average pay”, the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the

member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;

(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty [or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty];

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave; and

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 7, Section 56.816, Line 10 of said page, by inserting immediately after said line the following:

"104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of

the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences for sickness and injury of less than twelve months or for military service or training under subsection 2 of section 104.330 shall be counted as years of membership service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and one-third percent of the benefit.

3. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all annual cost-of-living increases that the retired members of the system received during the years between when the employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted under this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

4. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third percent of the benefit.

104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the highways and transportation employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be

made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

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

3. This compensation shall be consolidated

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

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

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

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

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

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

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

retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

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

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

9. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of section 104.374 if such person were an active employee or beneficiary of an active employee, such person shall, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement

benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases pursuant to subsection 4 of section 104.374.

10. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid.”; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Foster, **HB 385**, with **SCS, SS** for **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

The Conference Committee Report on **SCS** for **HCS** for **HB 6**, as amended, was again taken up.

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

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Kinder	Klindt	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Stoll	Westfall	Wiggins—27	

NAYS—Senators			
Gibbons	Gross	Klarich	Loudon
Yeckel—5			

Absent—Senator Quick—1

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Kinder	Klindt	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins—26		

NAYS—Senators			
Gibbons	Gross	Klarich	Loudon
Steelman	Yeckel—6		

Absent—Senator Quick—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Yvonne S. Wilson
 /s/ Morris Westfall /s/ Bill Ransdall
 /s/ Wayne Goode /s/ Charlie Shields
 /s/ Harry Wiggins /s/ Peter Myers

Senator Russell moved that the above conference committee report be adopted, which motion prevailed 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	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
/s/ Larry Rohrbach /s/ Yvonne S. Wilson
/s/ Morris Westfall /s/ Glenda Kelly
/s/ Wayne Goode /s/ Ken Legan
/s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed 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
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Singleton—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Russell 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 Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HJR 11**, as amended. Representatives: Gambaro, O'Toole, Ford, Hanaway and Levin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 421**, as amended. Representatives: Lograsso, Dempsey, Hoppe, Holt and Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 319**, entitled:

An Act to repeal sections 160.518, 167.640 and 167.645, RSMo 2000, and to enact in lieu thereof three new sections relating to assessment of students, with an emergency clause.

With House Amendments Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 319, Page 6, Section 167.645, Line 80, by inserting after all of said line the following:

“167.680. 1. There is hereby established within the department of elementary and secondary education the “After-School Retreat Reading and Assessment Grant Program”. Beginning with the 2002-2003 school year, the program shall award grants to schools on a competitive grant basis. School districts may develop after-school reading and assessment programs and submit proposals to the department, pursuant to criteria established by the department for grant approval and on forms promulgated by the department for grant applications. Copies of the criteria established pursuant to this section shall be provided by the department to all school districts in this state. In awarding such grants, the department shall grant preference to school districts with a higher percentage of at-risk students, as the department may determine. In addition, the criteria for grant approval by the department may include, but shall not be limited to:

(1) The development of programs which are educational in nature, with emphasis in reading and student assessment thereof as opposed to day-care oriented programs; or

(2) **Other criteria as the department may deem appropriate.**

2. Subject to appropriation, beginning with the 2002-2003 school year, the department shall award grants to school districts for the development and implementation of after-school retreat programs consistent with this section. In the event that the appropriations or other moneys available for such grants are less than the amount necessary to fully fund all approved grants for the 2002-2003 school year or any subsequent school year, the moneys shall be distributed to approved schools on a pro rata basis.

3. The fund shall be administered by the department. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, bequests or donations to such fund. The fund shall be kept separate and apart from all other moneys in the state treasury and shall be paid out by the state treasurer pursuant to chapter 33, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of the biennium shall not be transferred to the credit of the general revenue fund. All interest and moneys earned on the fund shall be credited to the fund.

4. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 319, Page 2, Section 160.518, Line 47, by adding after said line the following:

“6. The score on any assessment test developed pursuant to this section or this chapter of students receiving special education services pursuant to Section 162.670 to 162.999 RSMo shall not be counted.”.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 736**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HBs 981** and **665**—Education.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 31, appearing on Page 842 of the Senate Journal for Tuesday, April 24, 2001, Column 1, Line 34 of said column, by striking “the monitor” and inserting in lieu thereof the following: “and monitor the”.

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

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HB 780**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 776, regarding the Seventieth Birthday of Marvin E. (Marv) Proffer, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 777, regarding Matthew Alan "Matt" Paradise, Sunset Hills, which was adopted.

Senator Cauthorn offered Senate Resolution No. 778, regarding Michael Stoneburner, Shelbyville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Ron Swinfard, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 10, 2001.

SENATE CALENDAR

SEVENTIETH DAY—THURSDAY, MAY 10, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon
(In Budget Control)

SS for SB 242-Kenney
(In Budget Control)

SCS for SB 225-Mathewson
(In Budget Control)

SS for SCS for SBs 334 &
228-Kinder
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples
SB 596-Loudon
SB 597-Singleton
SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,
with SCS
SBs 508 & 468-Cauthorn
and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HBs 205, 323 & 549, with SCS (Childers)
2. HB 662-Green (73) and St. Onge, with SCS (Foster)
3. HS for HCS for HB 425-O'Toole (DePasco)
4. HB 285-Riback Wilson, et al (Jacob)

5. HB 120-O'Connor, with SCS (Caskey)
6. HB 163-Berkowitz and Wagner (Westfall)
7. HB 471-Jolly, et al, with SCS (Wiggins)
8. HB 626-Hosmer, with SCS (Bentley)

9. HS for HCS for HB 107-Clayton, with SCS (Klarich) (In Budget Control)
10. HCS for HB 50, with SCS (Stoll) (In Budget Control)
11. HCS for HBs 754, 29, 300 & 505 (Bentley) (In Budget Control)
12. HB 185-Legan, et al, with SCS (Gross)
13. HCS for HB 738 (Klarich)
14. HCS for HBs 441, 94 & 244 (Johnson)
15. HB 453-Ransdall, et al, with SCS (Steelman)
16. HB 501-Bowman, et al, with SCS (Steelman) (In Budget Control)
17. HCS for HB 581, with SCS (Klindt)
18. HB 133-Gambaro, with SCS (Yeckel)
19. HCS for HB 241, with SCS (Caskey)
20. HS for HCS for HBs 328 & 88-Harlan, with SCS (Sims)
21. HB 70-Koller, with SCA 1 (Staples)
22. HB 678-Seigfreid, with SCS (Mathewson)
23. HS for HCS for HB 824-Abel (Mathewson) (In Budget Control)
24. HS for HCS for HBs 924, 714, 685, 756, 734 & 518-Wiggins, with SCS (Mathewson) (In Budget Control)
25. HB 769-Harlan (House)
26. HS for HB 612-Ladd Baker, with SCS (Sims) (In Budget Control)
27. HB 621-Gratz and Vogel, with SCA 1 (Rohrbach)
28. HB 262-Linton, et al, with SCAs 1 & 2 (Klarich)
29. HS for HCS for HB 327-Rizzo, with SCS (In Budget Control)
30. HB 219-Townley, et al, with SCS (Cauthorn)
31. HS for HB 736-Liese, with SCS (In Budget Control)
32. HCS for HB 780, with SCS

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 65-Gibbons, with SCS
- SBs 67 & 40-Gross, with SCS
- SB 68-Gross and House
- SB 99-Sims, with SCS
- SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending)
- SB 184-Johnson, et al, with SS#2 (pending)
- SB 222-Caskey, with SA 3 & SSA 1 for SA 3 (pending)
- SBs 238 & 250-Staples, et al, with SCS (pending)

SB 239-Stoll, with SCS & SA 11 (pending)	SB 454-Kinder, with SCS
SB 251-Kinder	SB 455-Kinder, et al, with SCS
SBs 253 & 260-Gross, with SCS (pending)	SBs 459, 305, 396 & 450- Westfall, with SCS & SS for SCS (pending)
SB 331-DePasco, et al, with SCS & SS for SCS (pending)	SB 469-Gross, et al
SB 373-Gibbons and Yeckel, with SCS	SB 488-Klindt, et al, with SCS
SBs 391 & 395-Rohrbach, with SCS & SS for SCS (pending)	SB 535-Rohrbach, with SCS, SS for SCS & point of order (pending)
SB 438-Bentley and Stoll, with SS, SS for SS & SA 1 (pending)	SB 546-Kenney, et al, with SCS
SB 445-Singleton, with SCS & SS for SCS (pending)	SB 583-Yeckel
	SB 586-Klindt, with SCS & SA 2 (pending)
	SB 593-Klindt, with SCS
	SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS & SA 9 (pending) (Kenney)	HS for HCS for HB 762- Barry, with SCS, SS for SCS, SA 8 & SSA 1 for SA 8 (pending) (Sims and Stoll)
HS for HB 381-Hoppe, with SCS, SS for SCS & SA 12 (pending) (Kenney)	HB 949-Barry, with SCS, SS for SCS & SA 7 (pending) (Sims)
HB 385-Franklin, with SCS, SS for SCS & SA 8 (pending) (Foster)	HB 954-Hosmer (Westfall)
HB 444-Kreider, et al, with SCA 1 (Wiggins)	HJR 5-Barry, et al, with SS, SA 1 & point of order (pending) (Yeckel)
HB 544-Holand and Treadway, with SA 1 (pending) (Bentley)	

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 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al
(Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,
as amended

SB 274-Caskey, with HCS

SB 304-Klarich, with HCS

SB 307-Jacob, with HCS

SB 319-Carter, with HCS,
as amendedBILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers,
with HCSSS for SB 193-Rohrbach,
with HCS, as amendedSS for SCS for SB 267-
Klarich, with HS for
HCS, as amendedSS for SCS for SBs 323 &
230-Childers, with HS,
as amendedSB 462-Westfall, with HCS,
as amended

SB 610-Westfall, with HCS

HCS for HB 9, with SCS

(Russell) (House adopted CCR
and passed CCS)HCS for HB 10, with SCS,
as amended (Russell)(House adopted CCR
and passed CCS)

HCS for HB 11, with SCS,
as amended (Russell)
(House adopted CCR
and passed CCS)
HCS for HB 12, with SCS
(Russell)
HCS for HB 13, with SCS
(Russell)
HCS for HB 14, with SCS
(Russell)
HB 16-Green, with SCS
(Russell)
HCS for HB 18, with SCS,
as amended (Russell)
HCS for HB 19, with SCS
(Russell)

HCS for HBs 144 & 46,
with SS for SCS, as
amended (Kenney)
HCS for HBs 302 & 38,
with SCS, as amended
(Westfall)
HS for HB 421-Hoppe, with
SS for SCS, as amended
(Kinder)
HB 491-George, with SCS
(Goode)
HCS for HB 567, with SS
for SCS, as amended
(Klarich)
HS for HJR 11-Gambaro,
with SA 1 (Goode)

RESOLUTIONS

SR 345-Quick, et al

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

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al
HCR 16-Green and Holt
(House)

SR 495-Klarich, with SCS
SCR 31-Rohrbach, with
SCA 1

Requests to Recede or Grant Conference

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

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