

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—TUESDAY, FEBRUARY 19, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Abram believed the Lord; and the Lord reckoned it to him as righteousness.” (Genesis 15:6)

Gracious God, Your promises are true and overflowing into our lives. Let us never doubt what You have said will come true, for we depend on Your promises throughout our daily living, for they carry us when we feel the weakest. Let us have the fervent faith of an Abraham so we too might be accounted as righteous. In Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty

Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1071, regarding Corrections Officer I Richard G. Fishbeck, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 1072, regarding Corrections Officer I Jeffrey M. McCarty, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 1073, regarding Corrections Supervisor I Steven F. Perkins, Farmington, which was adopted.

Senators Loudon and Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1074

WHEREAS, the members of the Missouri Senate wholeheartedly believe that a successful marriage forms a firm foundation for a lifetime of happiness and security and wish to salute an outstanding Missouri couple whose union confirms that philosophy; and

WHEREAS, Mr. and Mrs. F. William “Bill” Gee, treasured residents of Jefferson City, Missouri, will commemorate the splendid occasion of their Sixtieth Wedding Anniversary on February 21, 2002; and

WHEREAS, joined in marriage before the eyes of the Lord on February 21, 1942, F. William Gee and Janice Irene Cheek began their lives together as husband and wife after a memorable wedding ceremony in Burbank, California; and

WHEREAS, a proud father, caring husband, and wonderful grandfather and great-grandfather whose great-grandchildren call him “Papa Gee”, Mr. Gee dutifully served his country in the United States Army Air Corps during World War II and provided a safe and secure future for his loved ones as the proud owner of The Uniform Clinic for twenty years, while somehow finding the time and energy for affiliation with the Coast Guard Auxiliary, the Masonic Lodge, and the Shriners for fifty years; and

WHEREAS, a devoted wife, loving mother, and exemplary homemaker, Mrs. Gee enjoyed her family immensely and showed her special love for them by supporting their every endeavor and serving as a shining example to her daughter, granddaughter, and great-grandchildren, who lovingly refer to her as “Neechie”; and

WHEREAS, devout members of the First Christian Church where Bill has glorified the Lord as a Deacon for many years, Bill and Janice Gee attribute their sixty years of wedded success and happiness to their strong sense of faith and family, the foundation upon which they have planted the seeds of their love and respect for each other in the generations to follow which include their daughter, Dea Spencer; their granddaughter, Gina Loudon; and their two great-granddaughters, Lily and Lyda Loudon:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in a thunderous round of applause for Bill and Janice Gee upon the glorious celebration of their Sixtieth Wedding Anniversary, and in wishing them tremendous peace, prosperity, and contentment as they proudly begin their seventh decade of wedded success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. and Mrs. Bill Gee, as a measure of our esteem for them.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1075

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone achievements in the careers of Show-Me State educators whose dedication, skills, and innovative practices have enhanced the learning opportunities

of the youth under their charge; and

WHEREAS, Brian Weaver of Jennings Junior High School was the very surprised recipient of a Milken Family Foundation National Educator Award which was presented to him locally by Dr. D. Kent King, Commissioner of Education with the Missouri Department of Elementary and Secondary Education, during an all-school assembly that was called in his honor on October 10, 2001; and

WHEREAS, one of two Missouri educators chosen for the award during 2001, Brian Weaver joins 120 outstanding educators in 43 other states who were secretly nominated and chosen for the \$25,000 unrestricted grants; and

WHEREAS, Brian Weaver is a teacher of social studies who effectively uses instructional technology with his classes which are composed predominantly of at-risk, economically-disadvantaged youth; and

WHEREAS, utilizing an inquiry-based instructional process in which students research a project or question of significant historical and social importance, Brian Weaver requires the research to be followed by a written explanatory document and an oral presentation incorporating PowerPoint illustrations; and

WHEREAS, conceived in 1985 and first presented in 1987, the National Educator Awards from the Milken Family Foundation include an all-expense-paid trip to Los Angeles for the annual National Education Conference; and

WHEREAS, Brian Weaver will receive his prestigious award grant on Friday, February 22, 2002, at the 2001 Milken Family Foundation National Educator Awards dinner in Columbia, Missouri:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the impressive life and exceptional educational career of Brian Weaver and to convey to him our heartfelt congratulations and best wishes as he looks to even greater challenge in the years ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Brian Weaver of Jennings Junior High School.

CONCURRENT RESOLUTIONS

Senators Sims, DePasco, Quick, Gibbons and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

WHEREAS, there are a total of 221,200 Missouri jobs that are dependant on the automobile industry; and

WHEREAS, these Missouri jobs are important to communities in terms of employment opportunities and training, supporting Missouri tax bases and education systems; and

WHEREAS, the state of Missouri produced 1,221,109 cars and light trucks in 1999; and

WHEREAS, in 2000, 52% of new vehicles registered in Missouri were light trucks; and

WHEREAS, residents of Missouri rely heavily on light trucks to meet the needs of families, small businesses, farmers, ranchers, and tradesmen; and

WHEREAS, the Corporate Average Fuel Economy (CAFÉ) standards particularly disadvantage manufacturers who offer a broad range of cars and trucks; and

WHEREAS, increases in CAFÉ standards will limit the supply of mid- and full-sized cars and trucks which will increase the price of those vehicles; and

WHEREAS, the truck segment is the growth segment in the industry, responsible for expansion and new jobs; and

WHEREAS, major increases in CAFÉ would restrict or eliminate some of the most popular Missouri cars and trucks, with the accompanying Missouri jobs; and

WHEREAS, all nine members of the Missouri United States Congressional Delegation voted against CAFÉ increases during the United States House of Representatives debate on House Resolution No. 4; and

WHEREAS, there are several proposals before the United States Senate to increase the standards for Corporate Average Fuel Economy (CAFÉ):

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the Missouri General Assembly oppose the increases in CAFÉ standards and any increase in CAFÉ; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for every member of the Missouri Congressional Delegation.

Senator Rohrbach offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 49

BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed, and bound all acts and resolutions of the Ninety-

first General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws, and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-first General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

INTRODUCTION OF BILLS

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

SB 1175—By Kennedy.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to immunizations.

SB 1176—By Loudon.

An Act to amend chapter 313, RSMo, by adding thereto four new sections relating to gambling.

SB 1177—By Coleman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for certain parents, with an effective date.

SJR 36—By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to limitation on state revenues, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 865, introduced by Senators Foster and Kinder, entitled:

An Act to repeal section 263.531, RSMo, relating to boll weevil eradication, 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 Foster.

Senator Rohrbach assumed the Chair.

On motion of Senator Foster, **SB 865** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Bland—2
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Absent with leave—Senators—None

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.

SB 639, introduced by Senator Caskey, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to processing requirements for jams and jellies.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 639** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Quick—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 932, introduced by Senator Klarich, entitled:

An Act to repeal section 535.081, RSMo, relating to rent recovery by a successor in title, 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 Klarich, **SB 932** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson

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

NAYS—Senators

Dougherty Goode—2

Absent—Senator Bentley—1

Absent with leave—Senators—None

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.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 659**, 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 659** was again taken up.

Senator Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 3, Section 160.400, Line 6, by inserting after the word “section” the following: **“or school districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo”**.

Senator Bland moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senator Bland offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill

No. 659, Page 18, Section 160.420, Lines 5-17 of said page, by striking all of said lines and inserting in lieu thereof the following: “benefits provided to the employee. [A] **Any** teacher who accepts a position at a **district-sponsored** charter school [and opts to remain an employee of the district retains] **shall retain** such teacher's permanent teacher status and seniority rights in the district. **Any teacher who accepts a position at a charter school not sponsored by the school district shall forfeit such teacher's permanent teacher status and seniority rights in the district.** The school district shall not be liable for any such employee's acts while an employee of the charter school.”.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators House, Jacob, Rohrbach and Singleton.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Coleman	DePasco
Goode	Jacob	Johnson	Quick
Sims—9			

NAYS—Senators

Cauthorn	Childers	Dougherty	Foster
Gibbons	Gross	House	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

Absent—Senators

Bentley Schneider—2

Absent with leave—Senators—None

Senator Bland offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 5, Section 160.400, Lines 9-29 of said page, by striking all of said lines; and

Further amend said bill, Page 6, Section 160.400, Lines 1 to 21 of said page, by striking all

of said lines and inserting in lieu thereof the following:

“9. There is hereby established a “Charter School Sponsor Oversight and Accountability Committee”. The committee shall consist of seven members, each serving four year terms, and selected as follows:

(1) One member of the state board of education appointed by the president of the board;

(2) Two members of the chamber of commerce, one to be appointed by the president of the chamber of commerce located in a city located in more than one county with a population of at least four hundred forty-one thousand but less than four hundred fifty thousand inhabitants, and one to be appointed by the president of the chamber of commerce located in a city not within a county;

(3) One member shall be appointed by the state treasurer or his or her designee;

(4) One member shall be appointed by the National Education Association; and

(5) Two members, appointed by the governor, who reside in school districts with functioning charter schools.

The committee shall be responsible for monitoring charter school funding, financial transactions, accountability standards and the implementation of all the requirements of sections 160.400 to 160.420.

10. The department of elementary and secondary education shall adopt rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the

powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

11. No later than April 1, 2003, the state board of education shall establish a process whereby a charter school may be evaluated for compliance with applicable school-level standards of the Missouri school improvement program review. In addition to any performance study required pursuant to subsection 3 of section 160.410, every charter school located in an urban school district shall demonstrate compliance with the standards established by the state board of education pursuant to this subsection or provide, to the sponsor and the state board of education, documentation of accreditation of such charter school by an independent accrediting agency which accredits one or more non-public schools in this state which has standards which are no lower than the standards established by the state board pursuant to this subsection. Beginning with the 2003-04 school year, a sponsor shall suspend or revoke the charter of any charter school in an urban school district which school fails to provide documentation demonstrating compliance with the requirements of this subsection.”; and further amend by renumbering the remaining subsections accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Yeckel offered SSA 1 for SA 3:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3
Amend Senate Substitute No. 2 for Senate Bill No. 659, Page 7, Section 160.400, Line 22 by adding after said line the following new section:

“160.403. 1. There is hereby established the

public charter school board.

2. The public charter school board shall be comprised of nine voting members.

(1) Each of the three universities or colleges, which have the largest number of students attending charter schools from charters granted by that sponsor, shall propose a list of five names of people with a demonstrated commitment to educational options to the governor of which the governor shall select one name for appointment with the advice and consent of the senate. The sponsor with the largest number of students attending charter schools from charters granted by that sponsor shall nominate five people associated with not for profit agencies which serve youths in political subdivisions where charter schools may be authorized. The sponsor with the second largest number of students attending charter schools from charters granted by that sponsor shall nominate five people associated with the ownership or management of businesses in political subdivisions where charter schools may be authorized. The sponsor with the third largest number of students attending charter schools from charters granted by that sponsor shall nominate five people who live and have children attending elementary or secondary schools in political subdivisions where charter schools may be authorized.

(2) The president pro temp of the Senate shall appoint, one member of the Senate who possesses a demonstrated interest and knowledge in charter public schools to serve on the board for a three year term.

(3) The speaker of the house shall appoint, one member of the House of Representatives who possesses a demonstrated interest and knowledge in charter public schools to serve on the board for a three-year term.

(4) The governor shall appoint, one member

of general public who possesses a demonstrated interest, support and knowledge in charter public schools to serve on the board with the advice and consent of the senate.

(5) The governor shall appoint, three members from the boards of directors of operating charter schools. The appointments shall be geographically distributed and allow for the representation of large, medium and small charter schools. The appointments shall be with the advice and consent of the senate.

Board members shall be appointed to serve three-year terms, and each member may be re-appointed to serve one additional three-year appointment except that the governor shall select three of his appointments to initially serve one year terms and three of his appointments to serve two year terms such that each year three of the terms shall come to an end. Board vacancies shall be filled by the same procedure that was previously used to select the vacating board member. Board members appointed to serve partial terms shall be eligible to serve two additional three-year terms.

Areas of knowledge and expertise represented on the board shall include: research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools; school finance, budgeting, and school management techniques; educational, and social needs of urban youth; K-12 education; and parent and community involvement.

No person employed by entities authorized to sponsor charter schools, the department of elementary and secondary education or the coordinating board of higher education shall be eligible to be a member of the board or to be employed by the board.

3. The board shall annually elect a chair and other such officers, as it deems necessary

from among its membership.

4. Members of the board are not eligible to receive compensation but shall be eligible for reimbursement of reasonable expenses relating to service on the board.

5. The board shall:

(1) Review charter applications and grant or not grant charters, notifying applicants of a decision, in writing, within 60 days of submissions of applications;

(2) Grant charter status to qualifying applicants that:

(a) Meet the criteria developed by the Board; and

(b) Meet the standards and accountability requirements specified in subsection 14, of this section;

(3) Encourage the creation of innovative, high quality charter public schools;

(4) Provide leadership and support for sponsors to increase innovation, effectiveness, and accountability;

(5) Keep a record of its proceedings;

(6) Adopt rules for its own government;

(7) Determine policy for the Board and the work undertaken by it;

(8) Prepare a budget for expenditures necessary for the proper maintenance of the board and the accomplishment of its purpose.

(9) Prepare request for proposals that provide for the hiring of all necessary personnel and advisors by contract and shall not directly hire personnel, which could be considered a state employee.

6. A majority of the members of the board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the board.

7. Subject to such rules as may be made by the board, the chair shall have the power to appoint, terminate, and fix the pay of such personnel the chair deems necessary.

8. The department of elementary and secondary education shall provide the same resources and personnel that it currently provides to the state board of education without assigning additional costs to the Public Charter School Board.

9. The department of elementary and secondary education or its successor shall provide all administrative support required by the Public Charter School Board within current appropriations made to the department of elementary and secondary education as a whole by the general assembly.

10. There is hereby established a “Public Charter School Board Fund”. The state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the public charter school board fund, ninety-nine thousand dollars on an annual basis. The fund shall be subject to appropriation. The fund may receive any and all public or private funds donated, granted or gifted as well as any federal funds that may become available for state charter school activities. The fund shall be used exclusively for the operation of the public charter school board.

11. The public charter school board shall have a separate and unique appropriation for its operation. The department of elementary and secondary education shall not have budgetary authority over the development of budgetary requests or the expenditures of funds.

12. The purposes of receiving federal grants, any public charter school shall be consider a local educational authority and shall be able to directly apply for and receive federal funds and grants in the same manner as any other public school.

13. Notwithstanding any other provision of law, the department of elementary and secondary education shall directly distribute to every public charter school all state and local funds that would otherwise be distributed by the local school district. The department of elementary and secondary education shall provide free of charge and without delay or impediment, all necessary support services for a public charter school to comply with any existing or new rules, regulations, procedures, documentation requirements or reports established by the department of elementary and secondary education for the receipt or distribution of funds.

14. The public charter school board shall develop policies and procedures to measure and report the performance of schools and students for whom the board grants charters. These policies and procedures shall be incorporated into charters that they grant. The policies and procedures shall be designed to be compatible with the educational concept of the charter and philosophy of charter schools and measure incremental milestones and incremental progress. Student progress shall be measured using data from a variety of different, discrete vehicles, including but not limited to the MAP test, the Stanford Nine, student portfolios and other sources of student level data. These policies and procedures shall be designed to give useful information to parents and guardians who make the school selection decision.

15. Upon the first meeting of the public charter school board, all authority previously granted to the department of elementary and secondary education or the state board of education in sections 160.400 to 160.420 RSMo may be transferred to the public charter school board by rules and regulations that it adopts. The public charter school board shall consult with the department of elementary and secondary and the state school board prior to adopting said rules and regulations.

16. The public charter school board may promulgate rules to implement this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgate pursuant to chapter 536 RSMo"; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted.

At the request of Senator House, **SB 659**, with **SS No. 2, SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 1011**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 1015**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

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

SB 1128—Local Government and Economic Development.

SB 1129—Local Government and Economic Development.

SB 1130—Judiciary.

SB 1131—Commerce and Environment.

SB 1132—Local Government and Economic Development.

SB 1133—Pensions and General Laws.

SB 1134—Civil and Criminal Jurisprudence.

SB 1135—Pensions and General Laws.

SB 1136—Education.

SB 1137—Judiciary.

SB 1138—Local Government and Economic Development.

SB 1139—Labor and Industrial Relations.

SB 1140—Appropriations.

SB 1141—Insurance and Housing.

SB 1142—Judiciary.

SB 1143—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1144—Commerce and Environment.

SB 1145—Public Health and Welfare.

SB 1146—Aging, Families and Mental Health.

SB 1147—Insurance and Housing.

SB 1148—Financial and Governmental Or-

ganization, Veterans' Affairs and Elections.

SB 1149—Ways and Means.

SB 1150—Pensions and General Laws.

SB 1151—Local Government and Economic Development.

SB 1152—Judiciary.

SB 1153—Ways and Means.

SB 1154—Ways and Means.

SB 1155—Pensions and General Laws.

SB 1156—Insurance and Housing.

SB 1157—Insurance and Housing.

SB 1158—Ways and Means.

SB 1159—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1160—Public Health and Welfare.

SB 1161—Financial and Governmental Organization, Veterans' Affairs and Elections.

SJR 34—Commerce and Environment.

SJR 35—Judiciary.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 47—Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 1005**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1076, regarding Brandi Richards, Springfield, which was adopted.

Senator Kenney offered Senate Resolution No. 1077, regarding Stephanie Tellis, Kansas City, which was adopted.

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

RECESS

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

THIRD READING OF SENATE BILLS

SB 742, with SCA 1, introduced by Senator Caskey, entitled:

An Act to repeal section 469.411, RSMo, relating to trusts and estates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

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

On motion of Senator Caskey, SB 742, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Mathewson	Russell	Schneider—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 860, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 161.400, 161.403, 161.405, 161.407, 191.928, 191.934, 209.285, 209.287, 209.318, 209.319, 209.321, 209.323, 209.326, 209.334, 476.750, 476.760, and 476.763, RSMo, and to enact in lieu thereof seventeen new sections relating to the deaf and hard of hearing.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, SB 860 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Mathewson	Schneider	Staples	Stoll—4
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Absent with leave—Senators—None

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 995, introduced by Senator Rohrbach, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was called from the Consent Calendar and taken up.

Senator Rohrbach moved that **SB 995** be read the 3rd time and finally passed.

At the request of Senator Rohrbach, the motion for 3rd reading was withdrawn, which placed the bill back on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 722**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 722

An Act to repeal section 168.081, RSMo, relating to alternative certification standards for principals, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Bentley moved that **SCS** for **SB 722** be adopted, which motion prevailed.

Senator Childers assumed the Chair.

On motion of Senator Bentley, **SCS** for **SB 722** was declared perfected and ordered printed.

Senator Russell moved that **SB 856** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 856, Page 1, Section 135.259, Line 8, by inserting immediately after said line the following:

“135.260. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in every city of the fourth classification with greater than five thousand two hundred inhabitants and less than five thousand three hundred inhabitants in every noncharter county of the first classification which contains greater than one hundred four thousand inhabitants and fewer than one hundred five thousand inhabitants. Such enterprise zone shall only be made if such area in the city which is to be included meets all the requirements of section 135.205.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Russell, **SB 856**, as amended, was declared perfected and ordered printed.

Senator Yeckel moved that **SB 895** be taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 895, Pages 31 and 32, Section 525.075, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 895, Page 33, Section 700.350, Line 60, by inserting after said line:

“6. On new sales of a manufactured home, if the title to said home is not provided within 30

days of delivery of the home, then the sale of said home shall be deemed void from the beginning.”.

Senator Caskey moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 895, Page 33, Section 700.350, Line 60, by inserting after said line:

“6. On new sales of a manufactured home, if the title to said home is not provided within 30 days of delivery of the home, then the sale of said home shall be voidable by the purchaser from the beginning.”.

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

Senator Gibbons assumed the Chair.

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

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 895, Pages 19-20, Section 365.100, Lines 1-22, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 3** was withdrawn.

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

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 895, Page 19, Section 365.100, Line 3, by deleting the opening bracket on said line; and

Further amend said page, said section, line 5 by deleting the closing bracket; and

Further remove the bold language from said

line through line 12 and ending with the word “dollars”; and

Further amend page 20 of said section, line 19, by deleting the word “and”.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Klarich, Stoll and Wiggins.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Coleman	Dougherty	Goode	House
Jacob	Wiggins—6		

NAYS—Senators

Caskey	Cauthorn	Childers	Gibbons
Gross	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Yeckel—20

Absent—Senators

Bentley	Bland	DePasco	Foster
Johnson	Schneider	Staples	Westfall—8

Absent with leave—Senators—None

At the request of Senator Yeckel, **SB 895**, as amended, was placed on the Informal Calendar.

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 **SS** for **SCS** for **SB 931**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State

Budget Control, to which was referred **SCS** for **SB 712**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

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

SB 1178—By Kinder and Childers.

An Act to repeal section 313.004, RSMo, and to enact in lieu thereof one new section relating to the authority of the gaming commission to authorize new types of wagering, with penalty provisions.

SB 1179—By Caskey and Dougherty.

An Act to repeal section 50.343, RSMo, relating to compensation for certain county treasurers, and to enact in lieu thereof one new section relating to the same subject.

SB 1180—By Jacob.

An Act to repeal sections 376.951, 376.952, 376.955 and 376.957, RSMo, and to enact in lieu thereof nine new sections relating to long-term care insurance, with penalty provisions.

SB 1181—By Coleman.

An Act to repeal section 569.100, RSMo, and to enact in lieu thereof one new section relating to property damage of a motor vehicle, with penalty provisions.

SB 1182—By Singleton.

An Act to repeal section 334.104, RSMo, relating to the state board of registration for the healing arts, and to enact in lieu thereof two new sections relating to the same subject.

SB 1183—By Bentley.

An Act to repeal sections 160.011, 160.051, 160.530, 161.092, 163.011 and 166.260, RSMo, and to enact in lieu thereof seven new sections relating to family literacy programs.

RESOLUTIONS

Senator Quick offered Senate Resolution No.

1078, regarding Northview Elementary School Panther Pride program, North Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1079, regarding Bradley Reed Evans, which was adopted.

Senator Dougherty offered Senate Resolution No. 1080, regarding Kas Mahfood, Jefferson City, which was adopted.

Senator Bentley offered Senate Resolution No. 1081, regarding Clinton D. Copeland, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1082, regarding the South County YMCA Aquatic and Water Fitness program, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1083, regarding Jacob Daniel “Jake” Summers, Affton, which was adopted.

COMMUNICATIONS

Senator Quick submitted the following:

February 18, 2002

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101
Dear Ms. Spieler:

Please accept the following revisions to Democratic assignments on Senate Committees:

Agriculture, Conservation, Parks and Tourism

Remove Ken Jacob and add Maida Coleman

Appropriations

Remove Sidney Johnson and add Maida Coleman

Financial and Governmental Organization, Veterans' Affairs and Elections

Remove Steve Stoll and add Maida Coleman

Gubernatorial Appointments

Remove Harry Kennedy and add Maida Coleman

Sincerely,

/s/ Ed Quick

Edward E. Quick

State Senator

District 17

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Chris Klinger, Robert Poli, Laura Slay and Karen Mariani, St. Louis.

Senator Childers introduced to the Senate, Eric Gibson and Diana Moss, West Plains.

On behalf of Senator House and himself, Senator Gross introduced to the Senate, Mike Dudley, St. Charles.

Senator Staples introduced to the Senate, Angela Meredith, Oregon County; Hillary Walker, Howell County; and Kathleen B. Morrison, Ph.D., Springfield.

Senator Singleton introduced to the Senate, students from Central Elementary School, Neosho; and Iliana Sanchez, Kendra Franks, Bo Mahr and Aleksanda McMahan were made honorary pages.

Senator Singleton introduced to the Senate, Buzz Ball, Neosho.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D., Poplar Bluff.

Senator Caskey introduced to the Senate, Ms. Kerrie Jacobs and thirty fourth grade students and sponsors from Miami R-I School, Amoret; and Leslie Beasley, Brandy White, Ryan Slattery and Colten Booth were made honorary pages.

Senator Kenney introduced to the Senate, Dick Van Aalsburg, Judy Million and fourth grade students from Lee’s Summit Community Christian School, Lee’s Summit; and Emily Finch, Jacob Johnson, Jamie Schlotzhauer, Cheyenne Bartlett, Steve Santon and Brandon Barr were made honorary pages.

Senator Steelman introduced to the Senate, Laura Cyrs and Henry Antolak, Rolla.

Senator Cauthorn introduced to the Senate, Katie Stathers, Hannibal.

Senator Staples introduced to the Senate, Joe Layden, Bonne Terre.

Senator Stoll introduced to the Senate, Michael and Sherri Santschi, and their children, Angela, Bryan, Logan, Macie and Alexis, Arnold; and Angela, Bryan, Logan, Macie and Alexis were made honorary pages.

Senator Yeckel introduced to the Senate, LaVerne Cannon Endebrock and John Endebrock, St. Louis; and Linda Garner, Oakville.

Senator Loudon introduced to the Senate, his wife, Gina, Ballwin; her mother and step-father, Dale and Deitra Spencer; and her grandparents, F.W. “Bill” and Janice Gee, Jefferson City.

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

SENATE CALENDAR

TWENTY-FIFTH DAY–WEDNESDAY, FEBRUARY 20, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1164-Coleman, et al
 SB 1165-Mathewson, et al
 SB 1166-DePasco
 SB 1167-Gibbons, et al
 SB 1168-Russell
 SB 1169-Childers
 SB 1170-Childers
 SB 1171-House
 SB 1172-Yeckel
 SB 1173-Yeckel
 SB 1174-Steelman

SB 1175-Kennedy
 SB 1176-Loudon
 SB 1177-Coleman
 SB 1178-Kinder and Childers
 SB 1179-Caskey and Dougherty
 SB 1180-Jacob
 SB 1181-Coleman
 SB 1182-Singleton
 SB 1183-Bentley
 SJR 36-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
 HS for HB 1399-Ransdall
 HCS for HB 1154
 HB 1519-Boucher

HB 1192-Harding and Boucher
 HB 1151-Smith
 HCS for HBs 1134, 1100 &
 1559

THIRD READING OF SENATE BILLS

SCS for SB 712-
 Singleton and Sims

SS for SCS for SB 931-
 Klarich

SENATE BILLS FOR PERFECTION

1. SB 675-Yeckel, et al, with SCS
2. SB 881-Steelman and
 Yeckel, with SCS
3. SBs 641 & 705-Russell,
 et al, with SCS
4. SBs 721, 757, 818 &
 930-Westfall, with SCS
5. SB 665-Kenney
6. SB 836-Gross and
 Dougherty, with SCS
7. SB 840-Gross and
 Russell, with SCS
8. SB 740-Wiggins

9. SB 687-Gibbons and
 Yeckel
10. SB 959-Kenney and
 Kinder, with SCS
11. SBs 817, 978 & 700-
 Gross, with SCS
12. SBs 837, 866, 972 &
 990-Cauthorn, with SCS
13. SBs 688, 663, 691, 716,
 759, 824 & 955-Gibbons,
 et al, with SCS
14. SBs 894, 975 & 927-
 Kinder, with SCS

15. SBs 670 & 684-Sims,
with SCS

16. SB 1005-Loudon

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)
SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)

SB 895-Yeckel and Gross
SBs 958 & 657-Kinder,
with SCS
SBs 970, 968, 921, 867,
868 & 738-Westfall, et
al, with SCS
SB 1009-Rohrbach, with
SCS & SS for SCS (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Journal
Senate Bills

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall
SB 885-Bentley, with SCS
SB 992-Johnson
SB 993-Rohrbach
SB 997-Quick, with SCS
SB 756-Westfall, with SCS
SB 718-House and Steelman

SB 1048-Kenney
SB 918-Klarich, with SCS
SB 831-Loudon and Kennedy
SB 812-Russell
SB 729-Yeckel, with SCS
SB 690-Gross
SB 1001-Mathewson

Reported 2/18

SB 775-House and Loudon
SB 744-Caskey
SB 989-Caskey
SB 1017-Cauthorn
SB 1041-Russell

SB 1014-Klindt and Kinder
SB 961-Wiggins, et al
SB 924-Sims, with SCS
SB 642-Russell, with SCS

Reported 2/19

SB 1011-Caskey
SB 810-Dougherty, with SCS

SB 786-Goode
SB 1015-Foster and Mathewson,
with SCS

Unofficial
RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

To be Referred
Journal

SCR 48-Sims, et al

SCR 49-Rohrbach

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

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