

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—MONDAY, MARCH 11, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“In you O Lord, I take refuge; let me never be put to shame.”
(Psalm 71:1)

Merciful Father, we join our fellow citizens in remembering the events of September 11th and the brokenness we experienced in the violence and death terrorists brought to our land. We pray, touch the hearts of those whose grief continues and survivors who experience terror revisited at night. You provide us support and comfort when we feel most broken. You soothe us with Your healing balm that over time mends our hearts and spirits. And You give to us the resolve to follow Your will as You provide us the courage to do what we as individuals of a great country must do. Instill in us, we pray, the vision we must have to be part of the process that strengthens our country and safeguards our people. 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 for Thursday, March 7, 2002, was read and approved.

Photographers from the 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 Johnson offered Senate Resolution No. 1161, regarding Isaac John Rickert, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1162, regarding Kevin Andrew Woods, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1163, regarding Brad Norman Bartholow, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1164, regarding Charles Thomas Perry, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1165, regarding Matthew James Rich, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1166, regarding Braden M. Spangler, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1167, regarding Gregory Neville “Greg” Lane, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1168, regarding Matthew Bryant “Matt” King, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1169, regarding Gregory E. “Greg” Gentry, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1170, regarding Christopher James “Chris” Corwin, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 1171, regarding Jason Michael Wells Brownell, Lake Waukomis, which was adopted.

Senator Johnson offered Senate Resolution No. 1172, regarding William David Patrick “Billy” Brady, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1173, regarding the Hillsboro R-III School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1174, regarding the Festus R-VI School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1175, regarding the Fox C-6 School District, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1176, regarding Festus High School, which was adopted.

Senator Yeckel offered Senate Resolution No. 1177, regarding Bob Keeling, which was adopted.

Senator Yeckel offered Senate Resolution No. 1178, regarding Michael G. Smith, which was adopted.

Senator Yeckel offered Senate Resolution No. 1179, regarding Russell Keck, which was adopted.

Senator Yeckel offered Senate Resolution No. 1180, regarding Donna Unterreiner, which was adopted.

Senator Yeckel offered Senate Resolution No. 1181, regarding Aimee Mankus, which was adopted.

Senator Yeckel offered Senate Resolution No. 1182, regarding Dianna Snyder, which was adopted.

Senator Yeckel offered Senate Resolution No. 1183, regarding Krista Doyle, which was adopted.

Senator Yeckel offered Senate Resolution No. 1184, regarding Christina Fedorchak, which was adopted.

Senator Yeckel offered Senate Resolution No. 1185, regarding Jody Huster, which was adopted.

Senator Yeckel offered Senate Resolution No. 1186, regarding Ann Zimpfer, which was adopted.

Senator Yeckel offered Senate Resolution No. 1187, regarding Mike Dittrich, which was adopted.

Senator Yeckel offered Senate Resolution No. 1188, regarding John P. Robinson, which was adopted.

Senator Yeckel offered Senate Resolution No. 1189, regarding Barbara Schuette, which was adopted.

Senator Yeckel offered Senate Resolution No. 1190, regarding Brenda Wagstaff, which was adopted.

Senator Yeckel offered Senate Resolution No. 1191, regarding Michelle Eggold, which was adopted.

Senator House offered Senate Resolution No. 1192, regarding the Boone-Duden Historical Society, New Melle, which was adopted.

Senator Kinder offered Senate Resolution No. 1193, regarding Sheila Upchurch, Marble Hill, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1194, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. Caryle Carter, LaPlata, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1195, regarding Shaun Diltz, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1196, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Gashwiler, Novinger, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1197, regarding Corrections Officer I Darion L. Sexton, Hannibal, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1198, regarding Donald Victor Cline, Jefferson City, which was adopted.

Senator Kenney offered Senate Resolution No. 1199, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jason T. White, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1200, regarding Caleb Jaris Billings, Buckner, which was adopted.

Senator Kenney offered Senate Resolution No. 1201, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William “Bill” Sperry, Independence, which was adopted.

Senator Yeckel offered Senate Resolution No. 1202, regarding the Affton 101 School District, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1203, regarding the Lindbergh R-VIII School District, St. Louis County, which was adopted.

THIRD READING OF SENATE BILLS

SB 1071, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227 and 413.229, RSMo, relating to weights and measures, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1071**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1071**

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, 413.227 and 413.229, RSMo, relating to weights and measures, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1071** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1071** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators—None

Absent—Senators

Coleman	Dougherty	Foster	Gross
Kennedy	Kinder	Klarich	Loudon
Quick	Staples—10		

Absent with leave—Senator Johnson—1

The President declared the bill passed.

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

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

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

SB 988, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was called from the Consent Calendar and taken up.

SCS for **SB 988**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 988

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was taken up.

Senator Caskey moved that **SCS** for **SB 988** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 988** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators—None

Absent—Senators

Coleman	Dougherty	Foster	Gross
Kennedy	Kinder	Klarich	Loudon
Quick	Staples—10		

Absent with leave—Senator Johnson—1

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 1086, introduced by Senator DePasco, and **SB 1126**, introduced by Senator Quick, with **SCS**, entitled respectively:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to control of weeds and trash.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

Were called from the Consent Calendar and taken up by Senator DePasco.

SCS for **SBs 1086** and **1126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1086 and 1126

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 1086** and **1126** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **SBs 1086** and **1126** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Stelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Gross	Kennedy
Loudon	Quick	Staples—7	

Absent with leave—Senator Johnson—1

The President declared the bill passed.

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

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

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

Senator Singleton assumed the Chair.

Senator Klarich raised the point of order that the Committee on Pensions and General Laws was meeting while the Senate was in session contrary to Senate Rule 35; and as a result the actions of that committee would need to be re-voted.

The point of order was referred to the President Pro Tem, who ruled it well taken in part, stating that **SB 1279** would need to be re-voted, but action on bills prior to that occurred before Session began.

President Maxwell assumed the Chair.

Senator Kenney moved that Senators Gross, Foster, Kinder, Klarich, Loudon, Dougherty, Quick, Staples and Kennedy be shown as absent with leave on the votes recorded on **SCS** for **SB 1071** and **SCS** for **SB 988**, which motion prevailed.

The recorded roll call vote taken on 3rd reading and final passage of **SCS** for **SB 1071** is as follows:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Stelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Dougherty	Foster	Gross	Johnson
Kennedy	Kinder	Klarich	Loudon
Quick	Staples—10		

The recorded roll call vote taken on 3rd reading and final passage of **SCS** for **SB 988** is as follows:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Goode
House	Jacob	Kenney	Klindt
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Stelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Dougherty	Foster	Gross	Johnson
Kennedy	Kinder	Klarich	Loudon
Quick	Staples—10		

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar

and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Childers, the above amendment was withdrawn.

Senator DePasco offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5 of said page, by inserting immediately after said line the following:

“304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height.

2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle.

3. The “commercial zone” of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however, the commercial zone surrounding a city not within a county shall extend eighteen miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any first class charter county which adjoins that city; further, provided, however, the commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend [twelve] **fifteen** miles beyond the corporate limits of any such city. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section

shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation.

4. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated.”; and

Further amend the title and enacting clause accordingly.

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

Senator Foster offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting immediately after said line the following:

“23. If a design-build highway project contract authorized by section 227.107, RSMo is funded solely with state or local funds the provisions of section 34.076, RSMo regarding award of contracts and Missouri domiciled contractors or bidders, shall apply to design-builders submitting proposals on such project. Whether funded with federal, state or local funds the design-builder awarded the contract for such project shall perform work in actual construction of the project amounting to not less than fifty percent of construction costs. Within thirty days of the award of a design-build highway project to a design builder whose principle office is located outside of this state, the design builder shall submit to the state department of transportation a goal for the

amount of actual construction work it plans to subcontract to companies located within this state and a goal for the number of Missouri domiciled workers the design-builder plans to employ in construction through its own forces or through subcontractors. The design-builder shall submit a monthly report to the state department of transportation during the period of the contract regarding how it is meeting goals established by this subsection for disadvantaged business enterprise participation, subcontracting with Missouri companies and employment of Missouri workers. Monthly reports shall be submitted by the fifteenth day of each month during the period of the design-build contract for the preceding month.”.

Senator Foster moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 8**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12, by inserting after the period the following: **“The authority granted to the state highways and transportation commission by this section shall be limited to a total of three design-build project contracts.”.**

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

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

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 2, Section 136.055, Line 25 to line 27, by striking all

of said lines.

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

Senator Singleton offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting immediately after said line the following:

“304.282. 1. Wherever used in this section the following terms mean:

(1) “Automated traffic control enforcement system”, a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) “Owner”, the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Ten cities designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city shall limit the use of an automated traffic control signal enforcement system to no more than three intersections within the city's jurisdictional limits.

3. Any city adopting an ordinance to

establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle

within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any city that establishes a traffic control signal enforcement pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automated traffic control signal enforcement system.

8. Any city that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city described in subsection 2 of this section, the department of transportation shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2007.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting after all of said line the following:

“234.032. 1. The general assembly may annually appropriate up to one million dollars from the state revenue fund to fund a project to upgrade nonstate highway system bridges. Moneys so appropriated shall be transferred to the department of transportation, which shall administer the project. Moneys appropriated for this project shall be kept separate from all other funds of the department and shall be expended for the purposes specified in this section and for no other purpose. The department shall establish procedures to ensure accountability for the project funds and shall

submit an annual report and such information as the governor may require concerning the activity of the project funds.

2. The department shall establish appropriate procedures, in accordance with the purposes of this section for selection of project bridges. The department shall utilize one of the innovation centers authorized by section 348.271, RSMo, as the contracting organization for this project.

3. Moneys from the project funds shall be used for the analysis and reinforcement of existing nonstate highway system bridges that require strengthening to eliminate load posting. No bridges that are currently under the responsibility for repair or maintenance by the department of transportation shall be eligible for this project.

4. The project shall utilize the center for infrastructure engineering studies at the University of Missouri-Rolla for selection of the applicable bridges that can be strengthened and the lifespan extended by use of technology that has been developed and tested there. The selection shall be approved by the department of transportation. The selection of bridges shall consider the following criteria:

(1) Those bridges whose usage has been seriously hampered by load posting;

(2) Those bridges that have been approved by the local authority to be included in this project;

(3) Those bridges for which the technology can restore the strength requirements to lift the load posting;

(4) Those bridges that restoration can provide the greatest local economic impact; and

(5) Those bridges that, combined together, provide the best overall impact on the state.

5. The center for infrastructure engineering studies at the University of Missouri-Rolla shall

create and lead an industry consortium to perform the structural analysis and technology application required for the strengthening of the selected bridges, create the required technical data, and provide technology transfer to local communities.

6. The University of Missouri-Rolla shall match every two dollars appropriated with this project pursuant to this section with one dollar from its operating funds. Additional funding for this project may come from:

- (1) Local county, city, and/or townships;
- (2) Transportation districts;
- (3) Federal government; and
- (4) Private contributions.

7. For the University of Missouri-Rolla, only those expenses which are usually and customarily attendant to academic research shall be provided, including, without limitation, salaries of principal directors and assistants and the purchase of equipment and supplies. Moneys in the projects funds shall in no event be used to defray costs normally attributed to institutional overhead. The chargeability of any disputed item shall be determined by the department, and decisions of the department with respect to selection of applied projects shall be final.

8. Reasonable and necessary administrative costs for the solicitation and evaluation of projects proposals, and for the preparation of reports concerning the project funds, shall be chargeable to the project, subject to the approval of the department. All other expenses attendant to the administration of the project funds, including solicitation of private contributions and the administration of individual grants, shall be borne by the appropriate institution. All expenses charged to the project funds shall be itemized and shall be included in the department's annual report.”;
and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting after all of said line the following:

“304.001. As used in this chapter and chapter 307, RSMo, the following terms shall mean:

(1) “Abandoned property”, any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational **or any motor vehicle involved in an accident whereby a law enforcement official requests such vehicle to be removed from the scene because the operator or owner is unable to arrange for the abandoned property's timely removal;**

(2) “Commercial vehicle enforcement officers”, employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(3) “Commercial vehicle inspectors”, employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;

(4) “Commission”, the state highways and transportation commission;

(5) “Department”, the state transportation department;

(6) “Freeway”, a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings;

(7) “Interstate highway”, a state highway included in the national system of interstate highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended;

(8) “Members of the patrol”, the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol;

(9) “Off-road vehicle”, any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

(a) Including, without limitation, the following:

- a. Jeeps;
- b. All-terrain vehicles;
- c. Dune buggies;
- d. Multiwheel drive or low-pressure tire vehicles;
- e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;
- f. Motorcycles, trail bikes, minibikes and related vehicles;
- g. Any other means of transportation deriving power from any source other than muscle or wind; and

(b) Excluding the following:

- a. Registered motorboats;
- b. Aircraft;
- c. Any military, fire or law enforcement vehicle;
- d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
- e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;
- f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and
- g. Any vehicle being used for the purpose of transporting a handicapped person;

(10) “Person”, any natural person, corporation, or other legal entity;

(11) “Right-of-way”, the entire width of land between the boundary lines of a state highway, including any roadway;

(12) “Roadway”, that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder;

(13) “State highway”, a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way;

(14) “Towing company”, any person or entity which tows, removes or stores abandoned property;

(15) “Urbanized area”, an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area

shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12 of said page, by inserting immediately after the word “contracts.” the following: **“Design-build projects authorized by this section shall be selected by the highways and transportation commission from 1992 fifteen year plan projects included in the current statewide transportation improvement program approved by the commission. Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute or upon completion of three projects, whichever is first.”.**

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 13** was withdrawn.

Senator Rohrbach offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Line 12 of said page, by inserting immediately after the word “contracts.” the following: **“Design-build projects authorized by this section shall be selected by the highways**

and transportation commission from 1992 fifteen year plan projects. Authority to enter into design-build projects granted by this section shall expire on July 1, 2012, unless extended by statute or upon completion of three projects, whichever is first.”.

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

Senator Wiggins offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 1, Section A, Line 6 of said page, by inserting immediately after said line the following:

“92.402. 1. Any city may, by a majority vote of its council or governing body, impose a sales tax for the benefit of the public mass transportation system operating within such city as provided in sections 92.400 to 92.421.

2. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Seven and one-half percent of the sales tax shall be distributed to the interstate transportation authority pursuant to the provisions of section 92.421. [The remainder of the tax in excess of such seven and one-half percent shall expire] On December 31, 2003, [on which date] the authority shall be in full compliance with handicapped accessibility pursuant to the terms of the Americans with Disabilities Act.

3. Within ten days after the adoption of any ordinance imposing such a sales tax, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance of the council or governing body. The ordinance shall reflect the effective date

thereof and shall be accompanied by a map of the city clearly showing the boundaries thereof.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 92.400 to 92.421 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.”; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Kenney raised the point of order that SA 15 is out of order as it goes beyond the scope of the bill.

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

Senator Wiggins offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22 of said page, by inserting after all of said line the following:

“226.200. 1. There is hereby created a “State Highways and Transportation Department Fund” into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or

use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

- (1) Money arising from the sale of bonds;
- (2) Money received from the United States government; or
- (3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. [Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

- (1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;
- (2) Of maintaining the state highways and transportation commission;
- (3) Of maintaining the state transportation department;
- (4) Of any workers' compensation for state transportation department employees;
- (5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and
- (6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. For all future fiscal years, the total amount of appropriations from the state highways and transportation department fund for all state offices and departments shall not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001.

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to

appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5.] The general assembly may only make appropriations from the state highways and transportation fund for the highways and transportation commission, the department of transportation, the state highway patrol, the office of administration and the department of revenue.

3. Appropriations from the state highways and transportation department fund for the office of administration are permissible only for instances in which payments are to be made for, or on behalf of, the highways and transportation commission, the department of transportation or the state highway patrol. Examples of acceptable appropriations from said fund for the office of administration include, but are not limited to, payments for federal payroll taxes, deferred compensation programs, unemployment insurance, legal expense fund, property leases, maintenance and repair and capital improvements.

4. Appropriations from the state highways and transportation department fund for the department of revenue are permissible only for payment of refunds.

5. There is hereby established a limitation on expenditures by the state highway patrol from the state highways and transportation department fund. The purpose of this limit is to ensure that adequate funds are available from the state highways and transportation department fund to support operation of the state highways and transportation commission and the department of transportation.

6. The initial limit, which shall be in effect for fiscal year 2003, shall be equivalent to the total fiscal year 2003 state highways and transportation department fund appropriations to the state highway patrol.

7. For fiscal year 2004 and each fiscal year thereafter, the limit shall be determined as follows: the state revenues paid or transferred into the state highways and transportation department fund during the second preceding fiscal year shall be compared to the total paid or transferred into said fund during the third preceding fiscal year to determine the percentage by which the revenues and transfers to the fund increased or decreased. If the percentage amount increased, the limit in effect during the preceding fiscal year shall be increased by said percentage. If the percentage amount decreased, the limit shall remain the same as in the preceding fiscal year.

8. In the event that expenditures from the state highways and transportation department fund exceed the limit established by this section, the commissioner of administration shall transfer said amount from the general revenue fund to the state road fund. Said transfer shall occur in the fiscal year immediately following the fiscal year in which the limitation was exceeded.

9. The provisions of subsections 5, 6, 7 and 8 of this section shall not apply to appropriations or expenditures from the state highways and transportation department fund for state highway patrol fringe benefits or refunds.

10. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund.

[6.] 11. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

[7.] 12. Notwithstanding the provisions of

subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.”; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Singleton offered **SA1 to SA 16:**

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 16**

Amend Senate Amendment No. 16 to Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 1, 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.

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.

Senator Caskey raised the point of order that **SA 1 to SA 16** is out of order as it is in the third degree.

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

Senator Singleton offered **SSA 1** for **SA 16**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 16**

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 1, Section A, Line 6, 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.

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 substitute amendment be adopted, which motion failed.

SA 16 was again taken up.

At the request of Senator Wiggins, the above amendment was withdrawn.

Senator Gross offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22, by inserting after all of said line the following:

"226.201. Beginning the first fiscal year following the effective date of this act, ten percent of the growth in gross general revenue receipts, less refunds, from the second preceding fiscal year to the immediately preceding fiscal year in which actual gross general revenue receipts and refunds are known, shall be deposited in the state road fund, as established in section 226.200."

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

Senator Caskey offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 226.540, Line 29, by inserting before the word "industrial" the following: **"agricultural,"**.

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

President Maxwell assumed the Chair.

Senator Caskey offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 9, Section 226.540, Lines 13-14, by deleting the brackets on line 13 and deleting the words **"one thousand four hundred"** on line 14.

Senator Caskey moved that the above

amendment be adopted.

At the request of Senator Westfall, **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 19** (pending), were 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 675**, 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.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 675** to the Committee on State Budget Control.

Senator Gross requested that the following announcement be printed, which request was granted:

I would like to publicly announce that, pursuant to Section 610.020.4 which allows formally constituted subunits of parental governmental bodies to conduct meetings without notice so long as the meeting of that subunit is announced at the parent meeting, the Committee on Pensions and General Laws will meet in the Senate Lounge immediately following adjournment to act on **SB 1279** which was the subject of discussion and a point of order on the floor of the Missouri Senate this afternoon.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Education,

to which was referred **SB 874**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 947**, 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 Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1199**, 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 Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1070**, 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 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 **SB 1039**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 766**, **SB 1120** and **SB 1121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 926**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Russell, Chairman of the Committee on Appropriations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 1140**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

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

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

Daniel J. Betzler, 804 Bitterfield Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Board for Certification of Interpreters, for a term ending June 27, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

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

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

Angela B. Dorough, 5945 South Geronimo Drive, Springfield, Greene County, Missouri 65810, as a student representative of the Board of Governors for Southwest Missouri State University, for a term ending May 1, 2003, and until her successor is duly appointed and qualified; vice, Whitney N. Morris, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

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

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

Mary A. Holyoke, D.C., 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 2002

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

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

Harriett F. Woods, Democrat, 7147 Princeton Avenue,

University City, St. Louis County, Missouri 63130, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2002, and until her successor is duly appointed and qualified; vice, Linda Behlmann, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 8, 2002

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

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

Karen D. Pack, 4901 Wornall Road, Kansas City, Jackson County, Missouri 64112, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Barry McKay, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 8, 2002

The Honorable Bob Holden
Governor of Missouri
State Capitol, Room 216
Jefferson City, MO 65101

RE: Appointments to the Missouri Personal Independence Commission

Dear Governor Holden:

Pursuant to Executive Order 01-08 relating to the Missouri Personal Independence Commission, I am appointing Senator Betty Sims (Republican), State Capitol, Room 428, Jefferson City, Missouri 65101 and Senator Pat Dougherty (Democrat), State Capitol, Room 330, Jefferson City, Missouri 65101 to serve on the Missouri Personal Independence Commission. Both of these senators know the programs available for individuals with disabilities and will contribute to the work of the committee.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Peter D. Kinder
PETER D. KINDER
President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Stoll introduced to the Senate, Victoria Fricke and her sons, Aaron and Taylor, DeSoto.

Senator House introduced to the Senate, Jon and Ty Bennett, St. Charles.

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

SENATE CALENDAR

THIRTY-SEVENTH DAY—TUESDAY, MARCH 12, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach
SB 1248-Mathewson and
Kenney
SB 1249-Mathewson

SB 1267-Westfall
SB 1268-Westfall
SB 1269-Cauthorn
SB 1270-Klindt

SB 1271-Klindt
 SB 1272-Klindt
 SB 1273-Goode
 SB 1274-Gibbons
 SB 1275-Gibbons
 SB 1276-Gibbons

SB 1277-Caskey
 SB 1278-Bland
 SB 1280-Rohrbach
 SJR 38-Cauthorn and Steelman
 SJR 39-Gross and House
 SJR 40-Westfall

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
 HCS for HB 1451
 HCS for HB 1425
 HB 1634-Hoppe
 HB 1342-Farnen
 HB 1381-Luetkenhaus
 HB 1492-Seigfreid
 HB 1421-McKenna, et al
 HB 1375-Luetkenhaus
 HB 1495-Seigfreid
 HB 1348-Meyers, et al
 HCS for HBs 1150, 1237 & 1327

HCS for HB 1711
 HCS for HB 1398
 HS for HB 1498-Johnson (90th)
 HB 1432-Foley
 HB 1477-Farnen
 HB 1668-Holt, et al
 HB 1446-Luetkenhaus
 HB 1078-Whorton, et al
 HB 1468-Ward
 HB 1086-Harlan
 HB 1406-Barnett
 HB 1402-Burton, et al
 HB 1672-Gambaro, et al
 HB 1581-Clayton
 HB 1418-Relford, et al
 HCS for HB 1765
 HS for HCS for HB 1906-
 Green (73rd)

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley
 SB 856-Russell
 (In Budget Control)
 SS for SCS for SB 1009-Rohrbach

SB 895-Yeckel and Gross
 SS for SCS for SB 675-Yeckel, et al
 (In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 641 & 705-Russell,
 et al, with SCS

2. SBs 721, 757, 818 &
 930-Westfall, with SCS

3. SB 665-Kenney
4. SB 836-Gross and Dougherty, with SCS
5. SB 840-Gross and Russell, with SCS
6. SB 740-Wiggins
7. SB 687-Gibbons and Yeckel
8. SB 959-Kenney and Kinder, with SCS
9. SBs 817, 978 & 700-Gross, with SCS
10. SBs 837, 866, 972 & 990-Cauthorn, with SCS
11. SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS
12. SBs 894, 975 & 927-Kinder, with SCS
13. SBs 670 & 684-Sims, with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-Wiggins, with SCS
16. SBs 1061 & 1062-Rohrbach and Kenney, with SCS
17. SBs 843 & 658-Stoll, with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-Westfall and Bentley, with SCS
20. SB 1059-Bentley, et al, with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and Kenney, with SCS
23. SBs 984 & 985-Steelman, with SCS
24. SB 1046-Gross and House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-Westfall, et al, with SCS
27. SBs 923, 828, 876, 694 & 736-Sims, with SCS
28. SB 676-Yeckel, et al, with SCS
29. SB 900-Goode, et al, with SCS
30. SB 1107-Childers, with SCS
31. SB 912-Mathewson, with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS
36. SB 1014-Klindt and Kinder
37. SB 1152-Klarich, with SCS
38. SBs 766, 1120 & 1121-Steelman, with SCS
39. SB 926-Kenney, et al, with SCS
40. SB 1140-Rohrbach

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)
SBs 958 & 657-Kinder,
with SCS

SBs 970, 968, 921, 867, 868 &
738-Westfall, et al, with SCS, SS for
SCS, SS for SS for SCS & SA 19 (pending)
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/26

SB 1004-Loudon, with SCA 1
SB 1106-Klarich, with SCS
SB 962-Wiggins
SB 1078-Kennedy
SB 1109-Yeckel

SB 1132-Kennedy, with SCS
SB 795-Schneider, with SCA 1
SB 1113-Caskey, with SCS
SB 1168-Russell

Reported 3/4

SB 1151-Kinder, with SCS
SB 794-Bland
SB 1050-Foster
SB 859-Russell
SB 821-Dougherty and Gross,
with SCS

SB 1012-Caskey, with SCA 1
SB 1102-Westfall
SB 980-Singleton and
Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS
SB 1028-Russell
SB 1143-Jacob

SB 1007-Stoll, with SCS
SB 1210-Johnson, with SCS
SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS
SB 947-Klindt and Stoll,
with SCS

SB 1199-Foster
SB 1070-Gibbons, with SCS
SB 1039-DePasco

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

Reported from Committee

SR 1054-Singleton
SCR 51-Mathewson and
Yeckel, with SCA 1
SCR 53-Cauthorn, with SCS
SCR 47-Childers, with SCS

SCR 46-Dougherty
SCR 44-Cauthorn, et al
SCR 41-Rohrbach
SCR 36-Bentley, et al

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