

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY—MONDAY, APRIL 8, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“And that very night the Lord appeared to him and said, “I am the God of your father Abraham.”” (Genesis 26:23)

Lord God, as You spoke to Your servant Isaac, speak plainly to us so we, too, may hear Your voice and experience Your love and caring for us. Teach us to love others as You love us and do those things that express that love in concrete ways. And we would pray for Mary Lois Slanker at the death of her husband, Danny. Bless her and her family with Your comforting presence and grace during this time of grief. 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 Journals for Thursday, April 4, 2002, and Friday, April 5, 2002, were read and approved.

Senator Singleton assumed the Chair.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	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—33			

Absent with leave—Senator Dougherty—1

Senator Klarich assumed the Chair.

REMONSTRANCES

Senator Caskey offered the following remonstrance, which was read:

SENATE REMONSTRANCE NO. 1

WHEREAS, the Missouri General Assembly, in 1987, took up and passed Senate Bill 74, the Domestic Product Procurement Act (Buy American), which was designed to ensure that most purchases and leases of manufactured goods or commodities obtained by public agencies be manufactured or produced in the United States; and

WHEREAS, Missouri is the number two auto-producing state in the nation, with plants representing the three major American auto manufacturers located here; and

WHEREAS, The Missouri auto industry employs more than 33,400 people, some 18,200 of which are employed in the assembly of motor vehicles in one of the big three auto plants located in the St. Louis and Kansas City areas, and who earn more than \$410 million annually; and

WHEREAS, the Missouri Department of Transportation (MODOT) chose to purchase a total of 18 Toyota Priuses in apparent violation of state law; and

WHEREAS, the State Attorney General advised MODOT in February of this year that it should walk away from the deal with Toyota because it appeared to violate the Domestic Product Procurement Act; and

WHEREAS, the appointed MODOT Commission was not formally apprised of this decision to purchase these foreign cars by departmental staff because, according to staff, the only approval the Commission needed to give was when it approved the department's budget; and

WHEREAS, this attitude by MODOT staff toward the Commission, which is constitutionally assigned the responsibility of overseeing the operations of MODOT, appears to be condescending and bordering on insubordination; and

WHEREAS, in the wake of the tragic events of September 11, 2001, CNN Headline News announced the contributions of various automobile companies to the relief effort, including: Ford - \$1 million to American Red Cross matching employee contributions of the same number, plus 10 Excursions to the New York Fire Department, as well as ER response team services and office space to displaced government employees; General Motors - \$1 million to Red Cross matching employee contributions of the same number, plus a fleet of vans, suvs and trucks; and Daimler-Chrysler - \$10 million to support of the children and victims of the attack; and

WHEREAS, in the same CNN Headline News report, Toyota's contribution in response to the attacks was listed as "zero" despite claims of high sales in July and August 2001; however, condolences were posted on the website:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Senate herewith remonstrates against the staff at MODOT which authorized these expenditures, particularly Director Henry Hungerbeeler, who has shown no remorse for his decision made without direct authorization from the MODOT Commission, for its cumulative failure to obey the laws of this state and to exercise proper and logical judgment while spending valuable tax dollars; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this remonstrance to Director Hungerbeeler to be placed on display at a prominent location so that the department employees and the public may review its content and may modify future actions accordingly.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1416, regarding the North Newstead Association of St. Louis, which was adopted.

Senator Coleman offered Senate Resolution

No. 1417, regarding Representative Amber "Holly" Boykins, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1418, regarding Earl J. Ogolin, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1419, regarding the One Hundred Twenty-fifth Anniversary of The Catholic Knights of America, which was adopted.

Senator Kenney offered Senate Resolution No. 1420, regarding Andrew W. Morton, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 1421, regarding Andrew Phillip Conrad, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1422, regarding Indian Rasoi Restaurant and Curry in a Hurry restaurants, St. Louis, which was adopted.

Senator Foster offered Senate Resolution No. 1423, regarding H. H. (Bud) White, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1424, regarding Lindsay Elizabeth Brown, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1425, regarding Corey Jackson Brown, Poplar Bluff, which was adopted.

Senator Staples offered Senate Resolution No. 1426, regarding the death of Leslie Lee Copeland, Jr., Park Hills, which was adopted.

Senator Staples offered Senate Resolution No. 1427, regarding Rickie Steven Politte, Jr., Arcadia, which was adopted.

Senator Staples offered Senate Resolution No. 1428, regarding Motorcycle Awareness Month, which was adopted.

Senator Staples offered Senate Resolution No. 1429, regarding Bryan Joseph Secoy, Doe Run, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 840**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal sections 516.097 and 537.600, RSMo, relating to certain tort actions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Gross, **SS** for **SCS** for **SB 840** was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Dougherty Schneider—2

The President declared the bill passed.

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

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

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

SB 740, introduced by Senator Wiggins, entitled:

An Act to repeal sections 452.440, 452.445,

452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700 RSMo, and to enact in lieu thereof forty-six new sections relating to the uniform child custody jurisdiction act, with an emergency clause.

Was taken up.

On motion of Senator Wiggins, **SB 740** was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Dougherty Schneider—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Coleman Jacob—2

Absent with leave—Senators

Dougherty Schneider—2

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

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

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

Senator Gross assumed the Chair.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 670** and **684** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 60** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1101**—Appropriations.

HCS for **HB 1102**—Appropriations.

HCS for **HB 1103**—Appropriations.

HCS for **HB 1104**—Appropriations.

HCS for **HB 1105**—Appropriations.

HCS for **HB 1106**—Appropriations.

HCS for **HB 1107**—Appropriations.

HCS for **HB 1108**—Appropriations.

HCS for **HB 1109**—Appropriations.

HCS for **HB 1110**—Appropriations.

HCS for **HB 1111**—Appropriations.

HCS for **HB 1112**—Appropriations.

HB 1779—Transportation.

HB 1788—Transportation.

HB 1778—Transportation.

HB 1789—Transportation.

HB 1314—Transportation.

HB 1632—Transportation.

HB 1852—Transportation.

HB 1755—Transportation.

HB 1645—Transportation.

HB 2032—Transportation.

HB 2062—Transportation.

HB 2026—Transportation.

HB 1969—Transportation.

HB 1867—Transportation.

HB 2025—Transportation.

HB 2123—Transportation.

HB 1504—Transportation.

HB 1862—Transportation.

HB 1196—Transportation.

HB 2008—Commerce and Environment.

HB 1838—Commerce and Environment.

HB 2009—Commerce and Environment.

HB 1757—Commerce and Environment.

HB 1085—Commerce and Environment.

HB 1635—Commerce and Environment.

HB 1964—Commerce and Environment.

HB 1194—Local Government and Economic Development.

HB 1041—Local Government and Economic Development.

HB 2039—Local Government and Economic Development.

HB 1811—Local Government and Economic Development.

HB 1839—Local Government and Economic Development.

HB 2018—Local Government and Economic Development.

HB 1982—Local Government and Economic Development.

HB 1846—Local Government and Economic Development.

HB 1861—Local Government and Economic Development.

HB 1518—Insurance and Housing.

HB 1568—Insurance and Housing.

HB 1903—Insurance and Housing.

HB 1701—Insurance and Housing.

HB 1473—Insurance and Housing.

HB 1600—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1840—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1032—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1313—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1937—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1776—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1636—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 2001—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1921—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1803—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1881—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 2117—Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1722—Judiciary.

HB 1537—Judiciary.

HB 1955—Judiciary.

HB 1715—Judiciary.

HB 1659—Judiciary.

HB 2080—Pensions and General Laws.

HB 1674—Pensions and General Laws.

HB 2047—Education.

HB 2022—Education.

HB 1973—Education.

HB 2023—Education.

HB 1986—Education.

HB 1548—Aging, Families and Mental Health.

HB 1781—Aging, Families and Mental Health.

HB 1812—Aging, Families and Mental Health.

HB 2120—Civil and Criminal Jurisprudence.

HB 1643—Public Health and Welfare.

HB 1953—Public Health and Welfare.

HB 2002—Local Government and Economic Development.

HB 2130—Local Government and Economic Development.

HB 2064—Local Government and Economic Development.

HB 1148—Local Government and Economic Development.

HB 1580—Local Government and Economic Development.

HB 1890—Pensions and General Laws.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 1556** to the Committee on Commerce and Environment.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 647**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 647**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 647**

An Act to repeal sections 210.104, 210.107 and 307.178, RSMo, relating to child safety restraints, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

Senator Goode moved that **SCS** for **SB 647** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 647, Page 3, Section 307.179, Line 14, by striking “person” and insert in lieu thereof “**driver**”; and further amend line 16 by striking “person” and insert in lieu thereof “**driver**”; and

Further amend said bill and section, page 4, line 28, by striking “person” and insert in lieu thereof “**driver**”; and further amend line 30, by striking “person” and insert in lieu thereof “**driver**”; and further amend line 32, by striking “person” and insert in lieu thereof “**driver**”.

Senator Goode moved that the above amendment be adopted.

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

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

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Lines 28-35, by deleting said lines and renumber remaining subsections accordingly.

Senator Klarich moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Klindt, Singleton and Westfall.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
FosterGibbons	Gross	House	
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Steelman—16

NAYS—Senators

Bland	Coleman	Goode	Johnson
Mathewson	Quick	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel—13			

Absent—Senators

DePasco	Jacob	Russell—3
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Absent with leave—Senators

Dougherty	Schneider—2
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Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Line 38, by deleting the words “for rental of” on said line.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 647, Page 4, Section 307.179, Lines 42-55, by deleting said lines.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 647, Page 3, Section 307.179, Line 14, by deleting the word "sixteen" on said line, and replace in lieu thereof the word "eight".

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

At the request of Senator Goode, **SB 647**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Bentley moved that **SB 1059**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Yeckel offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 4, Section 160.051, Line 13 of said page, by inserting immediately after said line the following:

"160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what

students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations

of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. The score on any assessment test developed pursuant to this section or this chapter of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language.

6. The state board of education shall identify one or more preexisting developmentally appropriate alternate assessments for students who receive special educational services, as that term is defined pursuant to section 162.675, RSMo. Students with disabilities who are not able to participate in the general assessment as determined by the student's individualized education program teams and who either:

(1) Function at an academic level at least four grade levels below that student's level on the general assessment based on the student's age; or

(2) Possess an Intelligence Quotient (IQ) between fifty and seventy;

shall be eligible to participate in the alternative standardized assessment.

7. The alternative standardized assessment shall utilize assessment tools that are standardized for the listed population as provided in subsection 6 of this section. A school district or a special school district wishing to utilize an alternative standardized assessment shall submit a written proposal for approval to the department of elementary and secondary education delineating the alternative standardized assessment such school district aspires to utilize. The department of elementary and secondary education must respond to the written proposal submitted by such district within sixty calendar days. The primary skill area to be assessed by the alternative standardized assessment shall be independent living skills, which includes how effectively the student addresses common life demands and how well the student meets standards for personal independence expected for someone in the student's age group, sociocultural background, and community setting.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 15, Section 161.092, Line 13 of said page, by inserting after the word “state,” the following: **“including provisional certification to a person**

with more than five years teaching experience in that curriculum area and approximate grade level in another state, and permit full certification upon the satisfactory completion of five years teaching in Missouri public schools.”.

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

Senator Singleton offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17 of said page, by inserting after all of said line the following:

“Section 1. In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of section 137.073, RSMo, as if its tax rate were at the tax rate ceiling.”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 8** is out of order in that it goes beyond the scope and purpose of the underlying legislation.

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

Senator Foster offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 8, Section 160.720, Line 29 of said page, by inserting at the end of said line the following: **“The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.”.**

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

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 2, Section 160.011, Line 22 of said page, by inserting after all of said line the following:

“(8) “Rural school district”, any school district which:

(a) Contains any portion of a county of the third classification or any portion of a county of the fourth classification, or both;

(b) Has a current assessed valuation which is less than thirty million dollars; and

(c) Has a current membership which is less than or equal to six hundred pupils;”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 18, Section 166.260, Line 17 of said page, by inserting immediately after said line the following:

“168.225. 1. The state board of education shall establish a program of signing bonuses for newly-hired teachers in rural school districts. A signing bonus of two thousand dollars shall be given each year of the five-year period commencing in the school year in which the teacher is a newly-hired teacher, provided that the teacher satisfies all eligibility requirements established pursuant to this section.

2. Any signing bonus received pursuant to this section shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the signing bonus shall receive any pay and benefits received by teachers of similar training, experience, and duties. The signing bonus shall be provided no later than one month following the commencement of employment as a newly-hired

teacher.

3. Signing bonuses authorized pursuant to this section shall be paid only during those school years in which the teacher is employed with a rural school district in a full-time teaching position.

4. As used in this section, the term “newly-hired teacher” shall mean a teacher employed by a rural school district in the current school year with employment beginning no later than February first in a full-time teaching capacity and employed for the first time in such capacity by that rural school district in the current school year and shall not include any substitute teacher nor any teacher who has been a newly-hired teacher in a previous school year.

5. 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.”; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered **SA 11:**

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting

after all of said line, the following:

“Section 1. 1. No measure of “adequate yearly progress”, as such term is defined in Section 1111(b) of the federal No Child Left Behind Act which was adopted in 2002 as H.R. 1 or any regulations promulgated thereunder, shall be adopted by the department of elementary and secondary education or the state board of education or otherwise go into effect unless and until such measure has been approved by the General Assembly.

2. The department of elementary and secondary education and the state board of education shall not submit an initial plan for implementation of federal requirements under Section 1111(b) of the federal No Child Left Behind Act which was adopted in 2002 as H.R. 1 that anticipates the development and submission to the United States Department of Education of a measure of adequate yearly progress prior to the earlier of (i) the close of the regular session of the General Assembly in 2003, or (ii) the date required for such a submission pursuant to duly adopted regulations promulgated by the United States Department of Education.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting after all of said line, the following:

“168.400. 1. Sections 168.400 to 168.415 shall be known and may be cited as the “Missouri Professional Teacher and Administrator Act”. This section shall become effective September 1, 1988, and shall establish programs for the following public school personnel:

(1) The preservice teacher or student in training;

(2) The beginning teacher;

(3) The practicing teacher; and

(4) The administrator.

2. Preservice teacher programs established under this section shall include, but need not be limited to, the following provisions:

(1) A program of entry-level testing of all prospective teacher education students shall be established at all colleges and universities offering approved teacher education programs and, with the advice of the advisory council as provided in section 168.015, shall be administered by the commissioner of education, who shall cause the department of elementary and secondary education to develop or select such tests to establish abilities necessary to receive a satisfactory rating, and to establish procedures for the administering of the test;

(2) The entry-level tests developed under this subsection shall include, but need not be limited to, an examination of basic oral and written communication skills and of basic mathematics skills, and may include both oral and written examinations;

(3) Each prospective teacher education student shall be required to obtain a satisfactory rating prior to admission into the approved teacher education program;

(4) The department of elementary and secondary education, with the advice of the advisory council as provided in section 168.015, shall establish and monitor exit requirements from approved teacher education programs which shall be met by all preservice teacher education students seeking certification in Missouri, and specific criteria for a preservice teacher assessment that all candidates for certification shall meet. The preservice teacher assessment established under this subdivision shall include, but need not be

limited to, classroom achievement, practice teaching evaluation and observation, successful participation in assessment centers, interviews, tests and other evaluation measures. **The department of elementary and secondary education shall promulgate rules to allow all preservice teacher education students who have been employed for at least two years as teacher assistants to utilize their teacher assistant experience to bypass the practice teaching evaluation and observation process. These rules shall allow the certified teacher working with the teacher assistant to observe and evaluate the teacher assistants practice teaching. 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.** The preservice teacher assessment shall be reviewed by the certifying authority prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section 168.071. Any costs associated with the entry-level tests or the exit requirements established under this subsection shall be borne by each institution and costs defrayed included in the incidental fees charged to the student.

3. Each approved teacher education program shall require the faculty teaching preservice teacher education courses to further their professional development through direct personal involvement

in the public schools in grades kindergarten through twelve on a periodic basis. As used in this subsection, the term “faculty” shall include, but need not be limited to, full- and part-time classroom instructors, and supervisors of practice teaching at institutions offering an approved teacher education program.

4. Beginning teacher assistance programs established under this section shall include, but need not be limited to, the following provisions:

(1) Such programs shall require each school district to provide a plan of professional development for the first two years of teaching for any teacher who does not have prior teaching experience. The professional development plan shall include assistance from a professional development committee, which is hereby established in each school district, which committee shall work with beginning teachers and experienced teachers in identifying instructional concerns and remedies; serve as a confidential consultant upon a teacher's request; assess faculty needs and develop in-service opportunities for school staff; and present to the proper authority faculty suggestions, ideas and recommendations pertaining to classroom instruction within the school district. The members of each professional development committee shall be selected by the teachers employed by the school district in question. The professional development plan may include guidance from a district-designated faculty member employed at a grade level comparable to the instructional grade level of the beginning teacher, and such other forms of assistance which the school district may choose to offer. The professional development committee may apply to the state board of education for a grant, which shall be in addition to any state aid provided to the committee for activities identified in this subdivision. The grant thus awarded shall be used by the committee to provide in-service training to the teachers of the district on teaching children identified as at risk of failing in school as defined in section 167.273. The department of elementary

and secondary education shall provide resource materials and assist the committee if such assistance is requested;

(2) Such programs shall include assistance from the teacher education program which provided the teacher's training if such training was provided in a Missouri college or university. Such assistance from the college or university may include retraining, internships, counseling, and in-service training.

5. The practicing teacher assistance programs established under this section shall include, but need not be limited to, programs of professional development and improvement as provided for experienced teachers by the professional development committee established under subsection 4 of this section, and in-service opportunities as provided by the local school district for all practicing teachers.

6. (1) The administrator assistance programs established under this section shall include, but shall not be limited to, programs of professional development and improvement for superintendents, principals, assistant principals, and other school district personnel charged with administrative duties.

(2) Establishment of programs by local districts and organizations for the training of school board members are encouraged and recommended.”; and

Further amend title and enacting clause accordingly.

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

Senator Singleton offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 18, Section 166.260, Line 17, by inserting immediately after said line the following:

“168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it,

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctor of philosophy degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to section 168.033 if appropriate, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; [or]

(3) By the state board, pursuant to rules promulgated by the board, to any individual who presents to the state board a valid baccalaureate degree or master's degree in chemistry, biology, physics, mathematics, computer science or medicine from an accredited institution of higher education accredited by a national or regional accrediting association and documentation of at least five years of work experience. Such certificate shall be limited to subject areas which include the applicant's major and other significant areas of undergraduate or graduate study and work experience, and shall be restricted to those certificates established pursuant to subdivisions (1) and (2) of subsection 4 of this section; or

(4) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by

the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held.

3. Any teacher holding a third class county certificate in the state during the 1972-73 school year shall upon his written request be given an examination by a person designated by the state commissioner of education to determine his eligibility to be granted a certificate of license to teach. The examination shall be comparable to those given by county superintendents to eligible applicants prior to July 1, 1974. Upon successful completion of the examination the applicant shall be issued a certificate by the state board of education entitling the holder to teach in the public schools of the state for a period of three years. A request for such examination must be presented to the commissioner of education on or before March first of the year in which the examination is to be administered. The commissioner of education shall

cause the examination to be administered and the certificate issued to those successfully completing it prior to April first of the year in which the application for the examination was received.

4. After September 1, 1988, certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall provide for levels of certification including, but not limited to, an initial professional certificate and culminating with a continuous professional certificate:

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education;

(2) One or more levels of renewable professional certificates shall be issued upon verification of completion of criteria established by the state board of education;

(3) The continuous professional certificate shall be issued upon verification of completion of criteria, which shall not exceed a master's degree or its equivalent and ten years' employment in an educational position, established by the state board of education. The continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines.

5. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures for a teacher who has not been employed in an educational position for three years or more for reasons other than reduction in force.

6. The state board shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate

license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.”; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 14, Section 160.720, Line 9 of said page, by inserting after all of said line the following:

“11. In any school year in which the school funding formula contained in subsection 6 of section 163.031, RSMo, has a proration factor on line 1(b) of less than .95, the provisions of subsections 2 to 9 of this section relating to priority schools and priority school districts shall not be enforced. For any school year in which the above referenced funding of the school aid formula appears to be in doubt after all appropriations bills are truly agreed and finally passed, the house budget chair and the senate appropriations chair shall send a joint letter to the commissioner of education by August first, notifying the department of elementary and secondary education of the likelihood of less than the above referenced funding and requesting that the department not

enforce subsections 2 to 9 of this section unless and until the department's calculations for the first "live" school aid payment of the school year show that the formula will have a proration factor on line 1(b) of no less than .95."

Senator Westfall moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Cauthorn, Childers and Russell.

SA 14 failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Childers	Foster	Gibbons
Kenney	Kinder	Klarich	Klindt
Loudon	Russell	Steelman	Westfall
Yeckel—13			

NAYS—Senators

Bentley	Bland	Caskey	Coleman
DePasco	Goode	Gross	House
Jacob	Johnson	Kennedy	Mathewson
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Stoll	Wiggins—20

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Senator Bland offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1059, Page 9, Section 160.720, Line 22 of said page, by striking the word "and" ; and further amend line 25 of said page, by inserting immediately after "160.522" the following: "**;** and

(4) The school boards of each district shall annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with

the above listed sections."

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

Senator Bentley moved that **SS for SCS for SB 1059**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS for SCS for SB 1059**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1430, regarding David Allen Hackett, Lone Jack, which was adopted.

Senator Kenney offered Senate Resolution No. 1431, regarding Jim Rome, which was adopted.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS for HCS for HB 1115** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 1115**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 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:

Deborah L. Gerecke, R.D.H., 2164 Litz Boulevard, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2007, and until her successor is duly appointed and qualified; vice, RSMo. 332.086.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 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:

Jerry W. Milbourn, 9910 JJ Highway, St. Joseph, Buchanan County, Missouri 64504, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending May 31, 2005, and until

his successor is duly appointed and qualified; vice, Toby Bottom, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

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

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Glen and Ronda Uthe, and children, Cheyenne, Cary and Jared Uthe and T.J. and Christopher Little, Altamont.

Senator Wiggins introduced to the Senate, David Glass, owner of the Kansas City Royals and Dan Glass, President of the Kansas City Royals.

Senator House introduced to the Senate, his father, Keith House, Fayette.

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

Journal
SENATE CALENDAR

FIFTIETH DAY—TUESDAY, APRIL 9, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HCS for HB 1154
HB 1192-Harding and Boucher
HCS for HBs 1134, 1100 & 1559
HCS for HB 1451
HCS for HB 1425
HB 1634-Hoppe
HCS for HBs 1150, 1237 & 1327

HCS for HB 1711
HCS for HB 1398
HS for HB 1498-Johnson (90)
HB 1432-Foley
HB 1581-Clayton
HB 1418-Relford, et al
HCS for HB 1765
HS for HCS for HB 1906-Green (73)

HCS for HB 1817
 HS for HCS for HB 1877-Foley
 HB 1592-Hickey, et al
 HCS for HB 1898
 HCS for HB 1403
 HCS for HB 1202
 HCS for HBs 1344 & 1944
 HS for HB 1994-Hosmer
 HS for HCS for HB 1440-Riback Wilson

HS for HB 1496-Green (73)
 HS for HCS for HB 1762-
 Harding
 HCS for HB 1689
 HB 1851-Curls
 HB 1795-Berkowitz, et al
 HB 1837-Berkowitz, et al
 HB 2087-Whorton, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
 866, 972 & 990-Cauthorn
 (In Budget Control)
 SS for SCS for SBs 969,
 673 & 855-Westfall
 (In Budget Control)

SCS for SBs 894, 975 &
 927-Kinder
 (In Budget Control)
 SS for SCS for SBs 670
 & 684-Sims
 (In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 1052-Sims, with SCS
2. SB 884-DePasco and
 Kenney, with SCS
3. SBs 984 & 985-
 Steelman, with SCS
4. SB 1046-Gross and
 House, with SCS
5. SB 1103-Westfall, et al
6. SBs 915, 710 & 907-
 Westfall, et al, with SCS
7. SBs 923, 828, 876, 694
 & 736-Sims, with SCS
8. SB 676-Yeckel, et al,
 with SCS
9. SB 900-Goode, et al,
 with SCS
10. SB 1107-Childers, with SCS
11. SB 912-Mathewson, with SCS
12. SB 892-Kenney, with SCS
13. SB 910-Gibbons

14. SB 1104-Mathewson
15. SB 954-Loudon, with SCS
16. SB 1014-Klindt and Kinder
17. SB 1152-Klarich, with SCS
18. SBs 766, 1120 & 1121-
 Steelman, with SCS
19. SB 926-Kenney, et al,
 with SCS
20. SB 1140-Rohrbach
21. SBs 1112 & 854-Caskey
 and Russell, with SCS
22. SB 1111-Quick, with SCS
23. SB 689-Gibbons, et al,
 with SCS
24. SB 938-Cauthorn, et al
25. SB 1087-Gibbons,
 et al, with SCS
26. SBs 1279, 1162 & 1164-
 Kinder and Wiggins,
 with SCS

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| <p>27. SB 1248-Mathewson and Kenney, with SCAs 1 & 2</p> <p>28. SB 971-Klindt, et al, with SCS</p> <p>29. SBs 1063 & 827-Rohrbach and Kenney, with SCS</p> <p>30. SB 1010-Sims</p> <p>31. SRB 1236-Rohrbach</p> <p>32. SB 1026-Kenney, et al, with SCS</p> <p>33. SB 1157-Klindt, with SCS</p> <p>34. SBs 1095 & 1195-Cauthorn, with SCS</p> <p>35. SB 1232-Singleton</p> <p>36. SB 1206-Bentley and Stoll</p> | <p>37. SB 878-Sims, with SCS</p> <p>38. SB 1060-Westfall, with SCS</p> <p>39. SB 1205-Yeckel</p> <p>40. SB 1040-Gibbons, et al, with SCS</p> <p>41. SB 1133-Gross, with SCS</p> <p>42. SB 1099-Childers, with SCS</p> <p>43. SB 739-Wiggins, with SCS</p> <p>44. SB 1105-Loudon</p> <p>45. SB 735-Steelmann and Kinder, with SCS</p> <p>46. SB 713-Singleton</p> |
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Unofficial

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <p>SBs 641 & 705-Russell, et al, with SCS (pending)</p> <p>SB 647-Goode, with SCS (pending)</p> <p>SB 651-Singleton and Russell, with SCS (pending)</p> <p>SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)</p> <p>SB 660-Westfall, et al, with SCS (pending)</p> <p>SBs 662 & 704-Westfall, with SCS & SA 4 (pending)</p> <p>SB 668-Bentley, with SS & SA 1 (pending)</p> | <p>SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS, SS for SCS & SA 1 (pending)</p> <p>SB 881-Steelmann and Yeckel, with SCS & SS for SCS (pending)</p> <p>SBs 958 & 657-Kinder, with SCS</p> <p>SB 1005-Loudon</p> <p>SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)</p> |
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CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1
HCR 5-Reynolds
HCR 7-Boykins and Barry
HS for HCR 15-O'Toole,
et al (DePasco)
SCR 43-Loudon, with SCS

SCR 58-Klarich
HCR 3-Hampton (Steelman)
HCS for HCR 11 (Kinder)
HCR 20-Crump (Staples)
HCR 21-Boucher and
Kreider

MISCELLANEOUS

REMONSTRANCE 1-Caskey

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