

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTY-SIXTH DAY—MONDAY, MAY 5, 2003

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The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“God is our refuge and strength, a very present help in trouble.” (Psalm 46:1)

Merciful God, the winds and rain roared through our land and left many of our fellow citizens dead, and towns destroyed. We pray be with those who mourn their dead and provide compassion for Your people. Touch the bodies of those injured that they may regain their strength and their lives, in service to You our God. Moreover, help us find ways to help those in need. And this week help us meet the challenges that will confront us. 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 Friday, May 2, 2003, was read and approved.

Photographers from KRCG-TV and 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

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Klindt offered Senate Resolution No. 870, regarding Philip Stewart Elliott, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 871, regarding Jonathon H. “John” Weaver, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 872, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nelson Cornelius, Cosby, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-

mental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **HCS** for **HB 289**, as amended; **HCS** for **HB 288**, with **SCS**; **SB 305**; **HS** for **HCS** for **HB 228**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

**HOUSE BILLS ON THIRD READING**

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 289**, as amended, be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HCS** for **HB 289**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Caskey	Cauthorn
Childers	Clemens	Coleman	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Wheeler	Yeckel—27	

NAYS—Senators	
Days	Griesheimer—2

Absent—Senators			
Bland	Champion	Klindt	Vogel—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Bartle	Bray	Caskey	Cauthorn
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Wheeler	Yeckel—28

NAYS—Senator Griesheimer—1

Absent—Senators			
Bland	Champion	Klindt	Vogel—4

Absent with leave—Senator DePasco—1

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

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

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

**PRIVILEGED MOTIONS**

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 186** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HS** for **HB 511**, with **SCS**, entitled:

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

Was called from the Informal Calendar and taken up by Senator Yeckel.

**SCS** for **HS** for **HB 511**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 511**

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133,

115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **HS** for **HB 511** be adopted.

Senator Yeckel offered **SS** for **SCS** for **HS** for **HB 511**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 511

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-six new sections relating to elections, with a penalty provision in a certain section and an emergency clause for a certain section.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HB 511** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 61, Section 115.430, Line 27 of said page, by inserting immediately after “section 115.427” the following: “, **or may vote at a central polling place as established in section 115.115 where they may vote their appropriate ballot upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined**”.

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

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 7, Section 115.076, Line 17 of said page, by inserting after all of said line the following:

“115.077. 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by the

state or any political subdivision or special district is less than the cost of conducting the election for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 115.061, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

5. There is hereby created the "State Election Subsidy Fund" in the state treasury which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section. **To meet the state's funding obligation to maintain expenditures pursuant to section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of administration shall annually transfer from general revenue to the state election subsidy fund an amount not less than the amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the state election subsidy fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and this section shall be transferred to the election**

**administration improvements fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of section 254(a)(7) of the Help America Vote Act of 2002. Any other law to the contrary notwithstanding, the funds received pursuant to sections 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan developed pursuant to the provisions of section 254 of said act. The secretary of state shall develop the state plan through the committee appointed by the secretary of state under the provisions of section 255 of the Help America Vote Act of 2002."**; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting after all of said line the following:

"247.170. 1. Whenever any city owning a waterworks or water supply system extends its corporate limits to include any part of the area in a public water supply district, and the city and the board of directors of the district are unable to agree upon a service, lease or sale agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety days after the effective date of the extension of the city limits, that part of the area of the district included within the corporate limits of the city may be detached and excluded from the district in the following manner:

(1) A petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as such limits have been extended, signed by not less than [twenty-five voters within the water supply district,] **one fourth**

**of the registered voters from each subdistrict within the water supply district, or fifty registered voters from each subdistrict, whichever is less,** shall be filed in the circuit court of the county in which the district was originally organized.

(2) The court, being satisfied as to the sufficiency of the petition, shall call a special election of the voters of the district at which election the proposal to detach and exclude the part of the district lying within the corporate limits of the city shall be submitted to the voters in the entire district for a vote thereon. The election shall be conducted within the district by the election authority.

(3) The ballot shall briefly state the question to be voted on.

(4) In order to approve the detachment and exclusion of any part of the area in a public water supply district, the proposal shall require the approval of not less than a majority of the voters voting thereon.

(5) The election authorities shall thereafter promptly certify the result to the circuit court. The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and excluding the area in question located within the corporate limits of the city from the public water supply district; except that before the decree detaching and excluding the area becomes final or effective, the city shall show to the court that it has assumed and agreed to pay in lump sum or in installments not less than that proportion of the sum of all existing liquidated general obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply district as the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the district, according to the official county assessment of property as of December thirty-first of the calendar year next preceding the

date of the election, and in addition thereto that the city has assumed and agreed to assume or pay in a lump sum all contractual obligations of the water district that are greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water, and to pay the court costs.

(6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens or encumbrances of every kind and character, to all tangible real and personal property of the public water supply district located within the part of the district situated within the corporate limits of the city with full power in the city to use and dispose of the tangible real and personal property as it deems best in the public interest.

(7) If the proposal fails to receive the approval of the voters the question may be again presented by another petition and again voted on, but not sooner than six months.

(8) Any and all sums paid out by the city under this section, other than the costs of the election, shall be administered by the circuit court for the benefit of the holders of the then existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be delivered to the district to be expended in the operation, maintenance and improvement of its water distribution system.

2. Upon the effective date of any final order detaching and excluding any part of the area of any public water supply district, or leasing, selling or conveying any of the water mains, plant or equipment therein, the circuit court may, in the public interest, change the boundaries of the public water supply district and again divide or redivide the district into subdistricts for the election of directors in conformity with the provisions of section 247.040, without further petition being filed with the court so to do.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5, by inserting after all of said line the following:

“162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be

elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]”;

Further amend the title and enacting clause accordingly.

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

Senator Childers assumed the Chair.

Senator Quick offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting immediately after said line the following:

“321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of

the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

[ ] YES [ ] NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS

..... [ ] ..... [ ]  
..... [ ]

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect.

If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of

directors of the ..... (Insert name of district) Fire Protection District be increased to five members?

[ ] YES [ ] NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of [three] four years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified.

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 3, Section 115.027, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: “advice and

consent of the senate. Two commissioners on each board shall be”.

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

Senator Bray offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62, Section 115.430, Line 3 of said page, by striking the word “and” and inserting in lieu thereof a comma “,”; and further amend line 5 of said page, by inserting after the word “place” the following: “, or if the election authority is unable to verify that the voter is in the correct polling place”; and further amend lines 10 to 11 of said page, by striking said lines and inserting in lieu thereof the following: “a provisional ballot at the incorrect polling place.”; and

Further amend said section, Page 63, Line 22 of said page, by striking the word “provisional”; and further amend Line 23 of said page, by striking said line.

Senator Bray moved that the above amendment be adopted.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel—30		

Absent—Senators	
Quick	Wheeler—2



Absent with leave—Senators

Coleman DePasco—2

**SA 7** was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 7** and was joined in her request by Senators Bland, Days, Kennedy and Wheeler.

**SA 7** failed of adoption by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Days	Dougherty	Goode	Jacob
Kennedy	Mathewson	Stoll	Wheeler—12

NAYS—Senators

Cauthorn	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—19	

Absent—Senator Quick—1

Absent with leave—Senators

Coleman DePasco—2

Senator Nodler offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 16, Section 115.115, Line 11, by inserting immediately after said line the following:

“115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district [except for municipal, and board of trustees of community college districts and school board elections], if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions

in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 60, Section 115.417, Line 23 of said page, by inserting after the word “post” the following: “**during the period of time in which a person may cast an absentee ballot and**”.

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

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

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Pages 61-65, Section 115.430, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 10** is out of order, as it attempts to amend previously amended material.

At the request of Senator Caskey, **SA 10** was withdrawn, rendering the point of order moot.

Senator Dougherty offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5 of said page, by inserting after all of said line the following:

“162.1100. 1. There is hereby established within each city not within a county a school district to be known as the “Transitional School District of (name of city)”, which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be

coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to “seven-director districts”, as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized administrative ability, shall be paid in whole or in part with funds from the

district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in

which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. [The transitional school district,]

(2) Any other statute to the contrary notwithstanding, **no tax authorized pursuant to this subsection** shall [not]:

(a) Be subject to any certificate of tax abatement issued **after August 28, 1998**, pursuant to sections 99.700 to 99.715, RSMo[. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district]; and

(b) **Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.**

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the

voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in

the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary

for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 7, Section 115.078, Line 27 of said page, by striking the words “secretary of state”; and inserting in lieu thereof the following: **“election administration improvements authority”**; and

Further amend said bill and section, Page 8, Lines 1 and 2 of said page, by striking the words “secretary of state”; and inserting in lieu thereof the following: **“election administration improvements authority”**; and further amend Line 3 of said page, by striking the word “secretary”; and inserting in lieu thereof the following: **“election administration improvements authority”**; and

Further amend said bill and section, Page 9, Line 3 of said page, by striking the words “secretary of state”; and inserting in lieu thereof the following: **“election administration improvements authority”**; and further amend Line 8 of

said page, by inserting after all of said line the following:

**“3. There is hereby created the “Election Administration Improvements Authority”, which shall constitute a body corporate and politic. The staff of the office of administration shall also serve as staff of the authority under the supervision of the commissioner of administration. The purposes of the authority is to fairly and equitably disburse the funds in the election administration improvements fund to the election authorities and counties in the state as the election administration improvements authority shall determine for the purpose of election improvements. The authority shall not pledge the credit or taxing power of the state or any political subdivision of the state, or make its debts payable out of any moneys except those of the authority specifically pledged for their payment.**

**4. The powers of the election administration improvements authority are vested in and shall be exercised by a board consisting of nine members. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select one member from each congressional district from such nominees to serve on the commission. Not more than five members shall be affiliated with the same political party. Except for initial members, all members shall be appointed for a term of four years. Initial members shall serve terms as follows: two members shall serve one-year terms; two members shall serve two-year terms; two members shall serve three-year terms; and three members shall serve four-year terms. Once the initial terms have been**

completed, all such initial members may be appointed to serve for an additional four-year term. Four members of the board constitute a quorum. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so request. The members of the board shall not receive compensation by reason of their membership on the board.

5. The election administration improvements authority shall have the power to direct the disbursement of funds from election administration improvements fund to the extent necessary to carry out its purposes and duties and to exercise its specific powers to the extent necessary.

6. Disbursements from the election administration improvements fund shall be made pursuant to a resolution adopted by the affirmative vote of two-thirds of the members of the board and no other proceedings shall be required therefor.”.

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

Senator Childers assumed the Chair.

Senator Caskey offered SA 13, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62, Section 115.430, Line 11, by inserting after “counted”: “, except for federal office elections”.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Yeckel, Griesheimer, Loudon and Mathewson.

SA 13 failed of adoption by the following

vote:

YEAS—Senators

Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Wheeler—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel—21			

Absent—Senator Quick—1

Absent with leave—Senators  
Coleman DePasco—2

Senator Loudon offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 66, Section 115.436, Line 12, by inserting after all of said line the following:

“115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to

dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in

any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate

for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within twenty-five feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person;

**(19) Stealing or willfully defacing, mutilating, removing or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 15**, which was read:

#### SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 72, Section 116.190, Line 5, by inserting after said line the following:

“Section 1. Any ordinance setting forth the membership of an airport authority for any international airport owned by any city not within a county shall provide that such members shall be elected in a general election in the county or city not within a county that the member shall represent as a member of such authority.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 15** is out of order, as it goes beyond the scope and purpose of the bill.

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

Senator Caskey offered **SA 16**, which was read:

#### SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, Page 62, Section 115.430, Lines 12-13, by striking “placed and sealed in” and “envelope”.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 16** was withdrawn.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HB 511**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **HS** for **HB 511**, as amended, was read the 3rd time and passed by the following vote:



## YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senator Jacob—1

Absent—Senator Quick—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators

Bland Days Jacob—3

Absent—Senator Quick—1

Absent with leave—Senators

Coleman DePasco—2

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

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

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

## PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 36**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## SENATE BILLS FOR PERFECTION

**SB 458** was placed on the Informal Calendar.

**SB 312, SB 49, SB 111, SB 113, SB 191, SB 206, SB 263, SB 404, SB 409, SB 418, SB 538, SB 550** and **SB 584**, with **SCS**, were placed on the Informal Calendar.

**SB 485**, with **SCS**, was placed on the Informal Calendar.

**SB 346**, with **SCS**, was placed on the Informal Calendar.

**SB 531**, with **SCS**, was placed on the Informal Calendar.

Senator Steelman moved that **SB 307**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 307**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 307

An Act to repeal section 208.565, RSMo, and to enact in lieu thereof one new section relating to the senior Rx program, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 307** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 307** was declared perfected and ordered printed.

**SB 434**, with **SCS**, was placed on the Informal Calendar.

**SB 449** was placed on the Informal Calendar.

Senator Gross moved that **SB 675**, with **SCS**,

be taken up for perfection, which motion prevailed.

SCS for **SB 675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, and 374.150, RSMo, and to enact in lieu thereof three new sections relating to certain special funds, with penalty provisions and an emergency clause.

Was taken up.

Senator Gross moved that **SCS for SB 675** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 675, Page 2, Section 33.080, Lines 45-46, by striking all of said lines; and further renumber the remaining subdivisions.

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

Senator Bartle assumed the Chair.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 675, Page 7, Section 166.300, Line 99 of said page, by inserting after all of said line the following:

“339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly unless all parties

having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status.**

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow**

**moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.**

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate sales transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] 6. When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] 7. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] 8. In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross moved that **SCS** for **SB 675**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 675**, as amended, was declared perfected and ordered printed.

### PRIVILEGED MOTIONS

Senator Childers moved that **SCS** for **SB 16**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 16**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 16

An Act to repeal section 137.721, RSMo, and to enact in lieu thereof one new section relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds.

Was taken up.

Senator Childers moved that **HCS** for **SCS** for **SB 16** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Childers, **HCS for SCS for SB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Caskey moved that **SCS for SB 61**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SCS for SB 61**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 61

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

Was taken up.

Senator Caskey moved that **HCS for SCS for SB 61** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Caskey, **HCS for SCS for SB 61** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

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

Bill ordered enrolled.

Senator Childers moved that **SB 68**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 68**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 68

An Act to repeal sections 190.100 and 321.552, RSMo, and to enact in lieu thereof two new sections relating to sales tax for ambulance and fire protection districts.

Was taken up.

Senator Childers moved that **HCS** for **SB 68** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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On motion of Senator Childers, **HCS** for **SB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster

Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Caskey moved that **SB 101**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 101**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 101

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

Was taken up.

Senator Caskey moved that **HCS** for **SB 101** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell

Scott Shields Steelman Stoll  
 Vogel Wheeler Yeckel—31

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Caskey, **HCS** for **SB 101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators

Coleman DePasco—2

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

Bill ordered enrolled.

Senator Dolan moved that **SCS** for **SB 130**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 130**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 130

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri, with an emergency clause.

Was taken up.

Senator Dolan moved that **HCS** for **SCS** for **SB 130** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Mathewson—1

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Dolan, **HCS** for **SCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Kinder—1

Absent with leave—Senators

Coleman DePasco—2

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

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

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

Bill ordered enrolled.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SS** for **SCS**, as amended, for **HCS** for **HB 600** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

**PRIVILEGED MOTIONS**

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode moved that **SB 136**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 136**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 136**

An Act to repeal sections 77.070, 115.127, and 162.301, RSMo, and to enact in lieu thereof three new sections relating to elections.

Was taken up.

Senator Shields assumed the Chair.

Senator Goode moved that **HCS** for **SB 136** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Goode, **HCS** for **SB 136** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
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Cauthorn      Champion      Childers      Clemens  
 Days          Dolan          Dougherty      Foster  
 Gibbons      Goode          Griesheimer      Gross  
 Jacob          Kennedy      Kinder          Klindt  
 Loudon      Mathewson      Nodler          Russell  
 Scott          Shields      Steelman      Stoll  
 Vogel          Wheeler      Yeckel—31

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Coleman          DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Loudon moved that **SB 175**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 175**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 175

An Act to repeal sections 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, and 196.445, RSMo, and to enact in lieu thereof one new section relating to food recovery inspection and safety by the department of health and senior services.

Was taken up.

Senator Loudon moved that **HCS for SB 175** be adopted, which motion prevailed by the following vote:

YEAS—Senators  
 Bartle          Bland          Bray          Caskey  
 Cauthorn      Champion      Childers      Clemens  
 Days          Dolan          Dougherty      Foster  
 Gibbons      Goode          Griesheimer      Gross  
 Jacob          Kennedy      Kinder          Klindt  
 Loudon      Mathewson      Nodler          Quick  
 Russell      Scott          Shields      Steelman  
 Stoll          Vogel          Wheeler—31

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senators

Coleman          DePasco—2

On motion of Senator Loudon, **HCS for SB 175** was read the 3rd time and passed by the following vote:

YEAS—Senators  
 Bartle          Bland          Bray          Caskey  
 Cauthorn      Champion      Childers      Clemens  
 Days          Dolan          Dougherty      Foster  
 Gibbons      Goode          Griesheimer      Gross  
 Jacob          Kennedy      Kinder          Loudon  
 Mathewson      Nodler          Quick          Russell  
 Scott          Shields      Steelman      Stoll  
 Vogel          Wheeler      Yeckel—31

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman          DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.



## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 401**: Senators Dolan, Bartle, Nodler, Bray and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended: Senators Shields, Vogel, Gross, Mathewson and Goode.

## PRIVILEGED MOTIONS

Senator Bartle moved that **SCS** for **SBs 212** and **220**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SBs 212** and **220**, entitled:

### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 212 and 220

An Act to repeal sections 43.080, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, and 86.745, RSMo, and to enact in lieu thereof eighteen new sections relating to law enforcement.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SBs 212** and **220**, be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Bartle, **HCS** for **SCS** for **SBs 212** and **220**, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HB 1** and has taken up and passed **SCS** for **HS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

**PRIVILEGED MOTIONS**

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 2**, as amended, 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 **HS** for **HB 2**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

**REPORTS OF STANDING COMMITTEES**

Senator Gibbons, 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 **SCS** for **SB 307**, 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.

**PRIVILEGED MOTIONS**

Senator Goode moved that **SCS** for **SB 218**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 218**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 218

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to

fees imposed by municipalities to repair lateral sewer service lines.

Was taken up.

Senator Bartle assumed the Chair.

Senator Goode moved that **HCS** for **SCS** for **SB 218** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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On motion of Senator Goode, **HCS** for **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HS** for **HB 3**, as amended; **SCS** for **HS** for **HB 4**, as amended; and **SCS** for **HS** for **HB 5**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 3**, as amended; **SCS** for **HS** for **HB 4**, as amended; **SCS** for **HS** for **HB 5**, as amended, 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 **HS** for **HB 3**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 4**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 5**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

### PRIVILEGED MOTIONS

Senator Griesheimer moved that **SB 228**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 228**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 228

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof two new sections relating to the purpose of tourism.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 228** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle

Bland

Bray

Caskey

Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Gibbons Quick—2

Absent with leave—Senators

Coleman DePasco—2

On motion of Senator Griesheimer, **HCS for SB 228** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Gibbons—1

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Shields moved that **SB 266**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 266**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 266

An Act to amend chapter 633, RSMo, by adding thereto two new sections relating to services for persons with developmental disabilities.

Was taken up.

Senator Shields moved that **HCS for SB 266** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Gibbons Mathewson—2

Absent with leave—Senators

Coleman DePasco—2

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

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman DePasco—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended, for **HS** for **HCS** for **HBs 349, 120, 136 and 328** and has taken up and passed **SS** for **HS** for **HCS** for **HBs 349, 120, 136 and 328**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

#### HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, a permanent electronic identification device to track all red meat-producing livestock from farm to table would be a great protective device for anti-bioterrorism; and

WHEREAS, such devices would be useful to the producers of red meat-producing livestock in controlling diseases as a method of tracing such livestock back to the farm; and

WHEREAS, such devices would be beneficial in providing producers with livestock carcass information, including the rate of gain; and

WHEREAS, such devices would be most useful in generating information on the concept of "farm to table" to protect American

consumers:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the United States Department of Agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 5**.

#### HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, the Missouri Department of Agriculture has expressed a strong need for a biosafety level 3 lab to be housed on the veterinary school campus at the University of Missouri-Columbia;

WHEREAS, a biosafety level 3 lab would bridge gaps within the University and the University and the Department of Agriculture, the Department of Conservation, and the Department of Health and Senior Services in protecting the environment from agents that are a potential threat to plants and animals, but not to humans; and

WHEREAS, the Missouri Farm Bureau, the Missouri Veterinary Medical Association, the Governor's Chronic Wasting Disease Task Force, and the Missouri Livestock and Poultry Health Council have all expressed support of the establishment of a biosafety level 3 lab in the State of Missouri; and

WHEREAS, the establishment of a biosafety level 3 lab is of critical importance to the Department of Conservation because of the threat chronic wasting disease poses for Missouri deer and elk herds. Since there currently is no biosafety level 3 lab in the state, the 6,000 samples taken during the most recent deer season in Missouri are being sent to other laboratories across the country, which will most likely result in delays of several months in receiving test results; and

WHEREAS, the establishment of a biosafety level 3 lab in the

State of Missouri will provide the necessary infrastructure to assist infectious disease specialists and researchers who work with highly infectious pathogens to do so in a safe and controlled environment:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby encourage and recommend the establishment of a biosafety level 3 lab on the veterinary school campus of the University of Missouri-Columbia; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for University of Missouri-Columbia Veterinary School, the Director of the Department of Agriculture, the Department of Conservation, and the Director of the Department of Health and Senior Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 6** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for

**HS** for **HB 6**, as amended; **SCS** for **HS** for **HB 7**; and **SCS** for **HS** for **HB 8**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 6**, as amended; **SCS** for **HS** for **HB 7**; **SCS** for **HS** for **HB 8**, as amended, 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 **HS** for **HB 6**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 7**: Senators Russell, Gross, Shields, Goode and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HB 8**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

### REFERRALS

President Pro Tem Kinder referred **HCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### REPORTS OF STANDING COMMITTEES

Senator Gibbons, 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 **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.

## RESOLUTIONS

Senator Bartle offered Senate Resolution No. 873, regarding Procter Elementary School, Independence, which was adopted.

Senator Bartle offered Senate Resolution No. 874, regarding Bryant Elementary School, Independence, which was adopted.

Senator Gross offered Senate Resolution No. 875, regarding Cynthia Crowers, St. Charles, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Rachel Mays and Julie Farnen, Jefferson City.

Senator Childers introduced to the Senate, Regina Pry, and her children, Brady and Emily, Cassville; and Brady and Emily were made honorary pages.

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

## SENATE CALENDAR

Unofficial  
SIXTY-SEVENTH DAY—TUESDAY, MAY 6, 2003

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,  
103, 156 & 329-Steelman  
(In Fiscal Oversight)

SB 305-Jacob and Steelman  
SCS for SB 307-Steelman  
SCS for SB 675-Gross, et al

### HOUSE BILLS ON THIRD READING

1. HCS for HB 288, with SCS (Shields)
2. HS for HCS for HBs 517, 94,  
149, 150 & 342-Portwood,  
with SCS (Gross)
3. HS for HB 668-Crawford,  
with SCS (Dolan)
4. HS for HB 470-Mayer,  
with SCS (Bartle)
5. HB 198-Stevenson, et al  
(Nodler)
6. HS for HB 197-Johnson (47),  
with SCS (Shields)  
(In Fiscal Oversight)
7. HS for HCS for HB 564-  
Behnen, with SCS (Yeckel)
8. HS for HCS for HB 228-  
Pearce, with SCS (Goode)
9. HB 598-Schlottach, et al,  
with SCS (Dolan)
10. HB 327-Lipke, with SCS (Dolan)

11. HCS for HB 185, with SCS  
(Gross)
12. HB 91-Mayer, with SCS  
(Steelman)

13. HS for HCS for HBs 679 &  
396-Hanaway (Shields)  
(In Fiscal Oversight)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 18-Yeckel and Cauthorn, with<br>SCS & SS for SCS (pending)                                    | SB 346-Yeckel, with SCS  |
| SB 24-Steelman, with SCS<br>& SS for SCS (pending)   | SB 347-Loudon, et al, with SCS                                       |
| SB 27-Gibbons, with SCS  | SB 362-Steelman and Gross  |
| SB 33-Loudon and Scott,<br>with SS (pending)   | SBs 381, 384, 432 & 9-Dolan,<br>with SCS & SS for SCS (pending)      |
| SB 51-Shields, with SS,<br>SS for SS & SA 1 (pending)  | SBs 415, 88, 200, 223, 413, 523,<br>589 & 626-Yeckel, with SCS       |
| SB 112-Loudon, with SCS  | SB 416-Yeckel, with SCS  |
| SBs 125 & 290-Goode, with<br>SCS & SA 6 (pending)  | SB 434-Yeckel, with SCS  |
| SB 209-Steelman, et al, with SCS   | SB 436-Klindt, with SCS, SS<br>for SCS & SA 2 (pending)              |
| SB 217-Champion and Clemens,<br>with SS (pending)  | SB 446-Bartle, with SCS  |
| SB 241-Yeckel, with SCS  | SB 449-Bartle  |
| SBs 248, 100, 118, 233, 247, 341<br>& 420-Gross, et al, with SCS &<br>SS for SCS (pending)       | SB 450-Mathewson, et al, with<br>SCS, SS for SCS & SA 2<br>(pending) |
| SB 253-Steelman, et al, with SCS,<br>SS for SCS & SA 1 (pending)                                 | SB 455-Dougherty and Shields   |
| SB 300-Cauthorn, et al, with SCS   | SB 458-Childers  |
| SBs 312, 49, 111, 113, 191, 206,<br>263, 404, 409, 418, 538, 550 &<br>584-Dolan, et al, with SCS | SB 460-Loudon, with SS &<br>SA 1 (pending)                           |
| SBs 343, 89, 134, 171, 240, 261,<br>331, 368, 369, 419, 484 & 581-<br>Dolan, with SCS            | SB 476-Jacob   |
|  | SB 485-Shields, with SCS   |
|  | SB 531-Childers, with SCS  |
|  | SB 564-Gross   |
|  | SB 685-Gibbons, et al, with SCS                                      |
|  | SB 693-Klindt, et al, with SCS                                       |
|  | SJR 13-Stoll   |



HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)  
HCS for HB 144, with SCS  
(Vogel)  
HB 208-Engler, et al, with SCS  
(Kinder)  
HS for HCS for HB 257-  
Munzlinger, with SCS  
(Cauthorn)  
HB 286-Bearden, with SCS  
(Shields)

HS for HCS for HB 321-  
Wilson (130), with SS & SS  
for SS (pending) (Loudon)  
HCS for HBs 346 & 174,  
with SCS (Foster)  
HB 412-Goodman, et al (Childers)  
HB 444-Jackson, with SCS  
(Yeckel)  
HB 445-Portwood, et al,  
with SCS (Loudon)

Unofficial  
CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Journal  
Reported 3/13

SB 159-Bland, with SCS  
SB 694-Klindt

SB 490-Dolan

Copy  
House Bills  
Reported 4/14

HB 307-Merideth and  
Shoemaker (Foster)

HB 505-Byrd and Villa,  
with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS (Bartle)

## SENATE BILLS WITH HOUSE AMENDMENTS

SB 275-Russell, with HCS	SCS for SB 373-Bartle, with HCS
SCS for SB 281-Shields, with HCS	SB 399-Caskey, with HCS
SB 289-Dolan, et al, with HCA 1	SB 423-Childers, with HCA 1
SCS for SB 295-Shields, with HCS	SCS for SB 447-Bartle, with HCA 1
SCS for SB 296-Griesheimer, with HS for HCS, as amended	SB 465-Bartle, with HCS
SS for SCS for SB 298- Griesheimer, with HCS, as amended	SB 468-Bartle, with HCA 1
SB 301-Bray, with HCS	SB 470-Bartle, with HCS
SB 325-Steelman, with HCS	SB 474-Bartle, with HCS
SB 355-Stoll, with HCS	SB 504-Clemens and Champion, with HCS
SCS for SB 358-Shields, with HCS	SCS for SB 547-Caskey, with HCS
SB 370-Foster, with HCS	SCS for SB 592-Foster, with HCS
	SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

Journal  
In Conference

SCS#2 for SB 52-Shields, with HCS	HS for HB 4-Bearden, with SCS, as amended (Russell)
SCS for SBs 299 & 40-Champion, et al, with HS, as amended	HS for HB 5-Bearden, with SCS, as amended (Russell)
SB 394-Bartle, with HCS, as amended	HS for HB 6-Bearden, with SCS, as amended (Russell)
SB 401-Dolan, et al, with HCS	HS for HB 7-Bearden, with SCS (Russell)
SB 407-Klindt, with HCS	HS for HB 8-Bearden, with SCS, as amended (Russell)
SB 448-Bartle, with HCS	HCS for HB 600, with SS for SS for SCS, as amended (Shields)
SB 552-Yeckel, with HCS	
HS for HB 2-Bearden, with SCS, as amended (Russell)	
HS for HB 3-Bearden, with SCS, as amended (Russell)	

Requests to Recede or Grant Conference

SS for SCS for SB 36-Klindt,  
with HCS, as amended  
(Senate requests House  
recede or grant conference)  
SB 186-Cauthorn, with HCS  
(Senate requests House  
recede or grant conference)

SCS for SB 379-Champion, with HCS  
(Senate requests House  
recede or grant conference)  
HCS for HB 427, with SCS  
(Bartle)  
(House requests Senate  
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

Unofficial

To be Referred

HCR 29-Jetton, et al  
HCR 3-Townley

HCR 5-Townley

Journal

Reported from Committee

SR 30-Shields, with SCS, SS  
for SCS & SA 1 (pending)  
SCR 4-Jacob  
HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al  
SCR 18-Mathewson and  
Steelman  
HCR 11-Moore and Walton

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