

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—TUESDAY, MAY 4, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our action, if it is truly to be a sharing in God’s action, will flow from our inner being, who we are.” (Jeanne Hinton)

Benevolent God, You who watch over us and prompt us to act, as You would have us act, make us mindful that the way we speak and the actions we take say a great deal about who we are as Your children. So we pray, help us to always do our very best from the smallest items on our agendas to the major bills we pass. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-TV 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 Callahan

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—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1854, regarding the Compton-Drew ILC Middle School Dolphins Bicycle Club, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 1855, regarding Anna Marie Smith, which was adopted.

Senator Mathewson offered Senate Resolution No. 1856, regarding Melvin A. (Mel) Aytes, Lee’s Summit, which was adopted.

Senator Childers offered Senate Resolution No. 1857, regarding Brian Matthew Lee Martin, Springfield, which was adopted.

Senators Gross and Dolan offered Senate

Resolution No. 1858, regarding Grace Harmon, St. Charles, which was adopted.

Senator Champion offered Senate Resolution No. 1859, regarding Joshua R. Babb, which was adopted.

Senator Bartle offered Senate Resolution No. 1860, regarding Stephen M. Daily, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1861, regarding Jon Ellis, Lee's Summit, which was adopted.

Senator Stoll offered Senate Resolution No. 1862, regarding Melissa L. Blair, which was adopted.

Senator Dolan offered Senate Resolution No. 1863, regarding Matthew S. Drake, which was adopted.

Senator Dolan offered Senate Resolution No. 1864, regarding Michael Mayer, which was adopted.

Senator Jacob offered Senate Resolution No. 1865, regarding the 5000th episode of Pepper & Friends, KOMU-TV, Columbia, which was adopted.

Senator Yeckel offered Senate Resolution No. 1866, regarding the Reverend Richard Storey, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Cauthorn moved that **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage.

Senator Jacob requested a roll call vote be taken on Senator Cauthorn's motion and was joined in his request by Senators Callahan, Mathewson, Quick and Wheeler.

HS for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was brought before the body by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel—18		

NAYS—Senators

Bray	Callahan	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler—14		

Absent—Senators

Bland	Dolan—2
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Absent with leave—Senators—None

SSA 1 for **SA 1** was again taken up.

Senator Loudon requested consent of the Senate to strike (3) of Section 208.213 from his amendment, which request was denied.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn.

Senator Loudon offered **SSA 2** for **SA 1**:

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Pages 2-3, Section 208.212, by striking all of said section from the bill and inserting in lieu thereof the following:

“208.213. 1. For purposes of Medicaid eligibility, investment in annuities shall be limited to those annuities that:

(1) Are actuarially sound as measured against the Social Security Administration Life Expectancy Tables, as amended;

(2) Provide equal or nearly equal payments for the duration of the device and which exclude “balloon” style final payments; and

2. The department shall establish a thirty-six month look-back period to review any

investment in an annuity by an applicant for Medicaid benefits. If an investment in an annuity is determined by the department to have been made in anticipation of obtaining or with an intent to obtain eligibility for Medicaid benefits, the department shall have available all remedies and sanctions permitted under federal and state law regarding such investment. The fact that an investment in an annuity which occurred prior to the effective date of this section does not meet the criteria established in subsection 1 of this section shall not automatically result in a disallowance of such investment. The department of social services shall promulgate rules that require applicants for medical assistance to state on their application whether they have purchased an annuity within thirty-six months of filing such application.

3. The department of social services shall promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Cauthorn, **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for

SS for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, as amended. Representatives: Johnson (47), Angst, Brown, Wharton and Bringer.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, as amended: Senators Childers, Greisheimer, Bartle, Mathewson and Caskey.

On motion of Senator Gibbons, the Senate recessed until 1:15 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 978**, entitled:

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

Was taken up by Senator Yeckel.

Senator Yeckel offered **SS** for **HS** for **HCS** for **HB 978**, entitled:

SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 978

An Act to repeal section 536.010, RSMo, and to enact in lieu thereof six new sections relating to

small businesses.

Senator Yeckel moved that **SS** for **HS** for **HCS** for **HB 978** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, Page 10, Section 536.325, Line 8, of said page, by inserting after all of said line the following:

“Section 1. 1. Effective one hundred eighty days from the effective date of this act, every liquefied petroleum gas supplier registered to do business in Missouri in accordance with section 323.060, RSMo, and every broker or wholesale supplier of propane to a residential, commercial, or agricultural end-user shall demonstrate the ability to respond in damages for personal injury or property damages. The minimum amount of financial responsibility shall be in the amount of one million dollars per occurrence with an annual aggregate of one million dollars.

2. A liquefied petroleum gas supplier may use either of the following mechanisms to demonstrate financial responsibility required in subsection 1 of this section:

(1) A liquefied petroleum gas supplier may elect to provide a signed affidavit in accordance with regulations promulgated by the department of agriculture certifying that such company has and will maintain financial responsibility during the period of registration. The affidavit shall state clearly: “Any false affidavit is a crime under section 575.050 of Missouri law.”;

(2) A liquefied petroleum gas supplier may obtain liability insurance as an endorsement to an existing policy or as a separate policy from a qualified insurer or risk retention group. Each insurance policy shall be issued by an insurer or risk retention group that is licensed to transact the business of insurance or eligible to provide

insurance as an excess or surplus lines insurer in one or more states. The supplier's certificate of insurance must be made available upon request by the department.

3. A liquefied petroleum gas supplier who is unable to demonstrate the level of financial responsibility required in subsections 1 or 2 of this section upon request of the department shall be prohibited from filling containers until such proof is provided and is acceptable to the department, except as hereby provided.

4. In the event a registered propane supplier is non-renewed by its insurance carrier, the supplier shall have a maximum of one hundred twenty days to secure suitable coverage in order to qualify to fill containers.

5. Propane suppliers registered in accordance with section 323.060, RSMo, and in compliance with the provisions of subsection 1 of this section shall not be held liable for damages in excess of the limits of this provision by any court action or jury decision rendered as long as this provision remains in effect.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, Page 1, Section A, Line 4, by inserting after all of said line the following:

“324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such

entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be [revoked] **suspended** within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. **The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied.** Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel moved that **SS** for **HS** for **HCS** for **HB 978**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **HS** for **HCS** for **HB 978**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Quick Russell—3

Absent with leave—Senators—None

The President declared the bill passed.

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 Scott moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1305**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1493, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1288**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1040** and **HCS** for **HB 1041**, with **SCS**, entitled respectively:

An Act to repeal sections 160.261, 160.518, 160.570, 162.261, 163.036, 167.031, 167.051, 171.031, and 210.145, RSMo, and to enact in lieu thereof fourteen new sections relating to education accountability, with an emergency clause for a certain section.

An Act to repeal sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and 302.272, RSMo, and to enact in lieu thereof ten new sections relating to school personnel, with an emergency clause for certain sections.

Were taken up by Senator Nodler.

SCS for **HCS** for **HB 1040** and **HCS** for **HB**

1041, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1040
AND HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1041

An Act to repeal sections 105.454, 160.254, 162.700, 163.031, 163.036, 165.301, 167.031, 167.051, 168.104, 168.124, 168.126, 168.221, 168.303, 168.500, 168.515, 169.270, 169.291, 169.295, 169.322, 169.596, 169.712, 172.360, 174.453, 209.321, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty new sections relating to school personnel, with an emergency clause for certain sections.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 48, Section 174.453, Line 29, by inserting after "2004." all of the following:

"209.296. No person shall represent himself as an interpreter or engage in the practice of interpreting as defined in section 209.285 in the state of Missouri unless he is certified by the Board for Certification of Interpreters pursuant to the provisions of sections 209.285 to 209.318 or holds a certification recognized in section 209.322.

209.316. Violations, penalty - injunction granted when - venue.-

1. A violation of any provision of sections 209.285 to 209.318 is a class A misdemeanor.

2. All fees or other compensation received for services rendered in violation of sections 209.285 to 209.318 shall be refunded.

3. The board, with the approval of the commission, may sue in its own name in any

court in this state. The board shall inquire diligently as to any violation of sections 209.285 to 209.318, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 209.285 to 209.318.

4. Upon application by the board, the attorney general may on behalf of the board request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Engaging in or offering to engage in the practice of interpreting for which a certification is required pursuant to 209.296, upon a showing that interpreting services were provided, or offered to be provided, without a certification issued pursuant to 209.285 to 209.318 or recognized in section 209.322; or

(2) Engaging in or offering to engage in the practice of interpreting, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 209.285 to 209.339 and may be brought concurrently with other actions to enforce sections 209.285 to 209.339.;"
and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House

Bill 1041, Page 45, Section 169.322, Line 71, by inserting immediately after said line the following:

“169.560. **1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employing school district does not utilize a salary schedule, or if the position in question is not subject to the employing district's salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the nonteacher school employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which

the person is so employed and shall contribute to the retirement system.

2. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in a district included in the retirement system created by those sections in a certified staff position paid on the regular teachers' salary schedule on either a part-time or temporary-substitute basis for more than five hundred fifty hours but not to exceed a total of eight hundred hours in any one school year, and through such employment may earn up to seventy-five percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed seventy-five percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the seventy-five-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system because of earnings during such period of employment, and the district shall contribute to the retirement system on the basis of such earnings at the percentage rate established pursuant to this chapter for full-time employees of the retirement system. Such a person shall not accrue service credit upon the basis of employment authorized pursuant to this subsection. If such a person is employed in any capacity by such a district on a regular, full-

time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill 1041, Page 22, Section 167.052, Line 4, by inserting after all of said line the following:

“167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools; **except that in districts which are no more than fifteen square miles in size, transportation costs for students who live less than one mile from their assigned school may be considered as reimbursable miles when the district can demonstrate that such students are required to cross a state highway, county arterial, or other major barrier that constitutes a safety problem.** The board of education may provide transportation for pupils living less than one mile from school **who do not face safety problems** at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation. If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an

increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES NO
(If you are in favor of the proposition (or question), place an X in the box opposite “YES”. If you are opposed to the proposition (or question), place an X in the box opposite “NO”.)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.”; and

Further amend the title and enacting clause

accordingly.

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

Senator Days offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this chapter or chapter 167, RSMo, “need to know” is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do

serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040,

RSMo;

(17) Felonious restraint under section 565.120, RSMo;

(18) Property damage in the first degree under section 569.100, RSMo;

(19) The possession of a weapon under chapter 571, RSMo;

(20) Child molestation in the first degree pursuant to section 566.067, RSMo;

(21) Deviate sexual assault pursuant to section 566.070, RSMo;

(22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

(23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent, or in a school district with no high school, the principal of the school

which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

4. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

5. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section, or when reporting to his or her supervisor or other person as mandated by state law, acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be

construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial

investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after

receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

(2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the

alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

10. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

11. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle assumed the Chair.

Senator Scott offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.596, Line 8, by inserting after “superintendent” the following: **“unless the district has a shortage of superintendents, as determined by both the school district and the state board of education”**.

Senator Scott moved that the above

amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 8, Section 163.031, Line 33, by inserting immediately after the word “included” the following: **“and any monies received by the Pettis County school fund, prior to December 31, 2005, in resolution of environmental law violations shall not be included”**; and

Further amend said bill, page 53, section 2, line 5, by inserting immediately after said line the following:

“Section 3. All monies received in the Pettis County school fund in resolution of environmental law violations shall be deposited into that district’s capital projects fund. The provisions of this section shall terminate on December 31, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 6** was withdrawn.

Senator Gross offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 49, Section 209.321, Line 30, by inserting immediately after said line the following:

“210.145. 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family

assessments and services, and other relevant information.

2. Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation, or, which, if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

4. The local office of the division shall cause an investigation or family assessment and services approach to be initiated immediately or no later than within twenty-four hours of receipt of the

report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. The division shall not meet with the child [at the child's school or child-care facility] **in any school building or child care facility building where abuse of such child is alleged to have occurred.** When the child is reported absent from the residence, the location and the well-being of the child shall be verified.

5. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20

U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

6. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

7. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

8. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

9. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

10. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the

division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

11. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional

information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.

14. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

15. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

16. The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.”; and

Further amend said bill, page 53, Section B, line 2, by striking the second “and”; and

Further amend said line by inserting after “168.515” the following “**and 210.145**”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.322, Line 71, by inserting after all of said line the following:

“169.577. Any member of a retirement system subject to the provisions of this chapter, who is within five years of being eligible to retire with a retirement allowance as provided in this chapter, may elect to purchase additional creditable service of up to [five-tenths] **six-tenths** of a year which shall, when so purchased, be included in the total of the member's years of creditable service,

used to enable the member to achieve the minimum creditable service time required for a retirement allowance, and applied in the computation of the member's annual service retirement allowance. For any member of a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715, and notwithstanding any other provision within this section to the contrary, the purchase shall be effected in the same manner as provided in section 169.056. The request for purchase of the additional creditable service shall be made in writing to the board of trustees of the system in which the applicant is a member. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, the amount, with

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

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 47, Section 169.712, Line 33, by inserting after all of said line the following:

“171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **provided that such opening date does not occur before the last Monday in August**, and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance.

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above

amendment be adopted, which motion failed.

Senator Steelman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 53, Section 2, Line 5, by inserting immediately after said line the following:

“Section 3. If a public school district hosts a district-sponsored Internet web site, that district shall post on such site:

(1) A current version of that district's policy manual and all related documents; and

(2) A current version of that district's handbook, or, if the district has more than one handbook, handbooks.”; and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 26, Section 168.126, Line 46, by inserting immediately after said line the following:

“168.211. 1. In metropolitan districts the superintendent of schools shall be appointed by the board of education for a term of one to four years, during which term his compensation shall not be reduced. [In the event the board shall dismiss the superintendent during said term, he shall be paid compensation only for the balance of the current year.] The superintendent of schools shall appoint, with the approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the pleasure of the superintendent of schools and as many associate and assistant superintendents as he deems necessary, whose compensation shall be fixed by the board. The

superintendent of schools shall give bond in the sum that the board requires but not less than fifty thousand dollars. No employee or agent of the board shall be a member of the board.

2. The superintendent of schools shall have general supervision, subject to the control of the board, of the school system, including its various departments and physical properties, courses of instruction, discipline and conduct of the schools, textbooks and studies. All appointments, promotions and transfers of teachers, and introduction and changes of textbooks and apparatus, shall be made by the superintendent with the approval of the board. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment, by examination, and in cases of promotion, by length and character of service. Examinations for appointment shall be conducted by the superintendent under regulations to be made by the board. He shall make such reports to the board that it directs or the rules provide.

3. The superintendent of schools shall have general supervision, subject to the approval of the board, of all school buildings, apparatus, equipment and school grounds and of their construction, installation, operation, repair, care and maintenance; the purchasing of all supplies and equipment; the operation of the school lunchrooms; the administration of examinations for the appointment and promotion of all employees of the school system; and the preparation and administration of the annual budget for the school system. Subject to the approval of the board of education as to number and salaries, the superintendent may appoint as many employees as are necessary for the proper performance of his duties.

4. The board may grant a leave of absence to the superintendent of schools, and may remove him from office by vote of a majority of its members.

5. The commissioner of school buildings shall be a person qualified by reason of education,

experience and general familiarity with buildings and personnel to assume the following responsibilities and duties. Subject to the control of the superintendent of schools, he shall exercise supervision over all school buildings, machinery, heating systems, equipment, school grounds and other buildings and premises of the board of education and the construction, installation, operation, repair, care and maintenance related thereto and the personnel connected therewith; the purchasing of building supplies and equipment and such other duties as may be assigned to him by board rules or regulations, provided that this provision shall not apply to any commissioner of school buildings serving on October 13, 1967.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

“161.415. 1. Within the limits of amounts appropriated therefor, the department of elementary and secondary education shall make available up to [one] **two** hundred one-year, renewable scholarships in an amount of two thousand dollars to minority students for the purpose of encouraging minority students to enter teaching. **Such scholarship shall be increased to three thousand dollars if the student is entering the special education field.** Such scholarships shall be available to minority high school graduates and college students who are residents of Missouri, and who enter and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or

university located in Missouri, or who after the completion of their baccalaureate degree enter teacher education and make a commitment to teach science, [or] mathematics, **or special education**, and who have:

(1) Achieved scores on an accepted standardized test of academic ability, including, but not limited to, the SAT, ACT, SCAT, which place them at or above the seventy-fifth percentile; [and] **or**

(2) A high school rank at or above the seventy-fifth percentile.

2. If the number of applicants exceeds the number of scholarships or revenues available, the department of elementary and secondary education may consider the financial needs of the applicant.

3. Any college or university located in Missouri which offers a teacher education program approved by the department of elementary and secondary education, and wishes to have the scholarships provided pursuant to this section made available to eligible applicants for admittance to such college or university, must provide matching funds to match one dollar for every two dollars made available by the state pursuant to this section for students attending the college or university. [Such matching funds shall not be taken from money made available to the college or university from state funds.] The total scholarship available to any one student from state and from college and university sources pursuant to such match program shall be three thousand dollars per year, **or in the case of those students entering the special education field, four thousand dollars per year.**

4. A recipient shall be eligible for a renewed scholarship for a maximum of three additional years. Eligibility for renewed scholarships shall be based on criteria established by the colleges of education and the department of elementary and secondary education.

5. As used in this section the term “minority” includes Asian Americans, Hispanic Americans, Native Americans and African Americans.

6. The scholarships provided in subsection 1 of this section shall be available to otherwise eligible students who are currently enrolled in a community college and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri.

7. If a student ceases their study prior to receiving a degree, any scholarship received under this section shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases their study until the amount received is paid back to the state. In order to provide for the servicing of such loans, the department of elementary and secondary education may sell such loans to the higher education loan authority of the state of Missouri created under sections 173.350 to 173.450, RSMo.

8. Every student receiving scholarships under this section shall teach in an elementary or secondary public school in this state for a period of five years after receiving a degree or the scholarship shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases to teach until the amount received is paid back to the state. In order to provide for the servicing of such loans, the department of elementary and secondary education may sell such loans to the higher education loan authority of the state of Missouri created under sections 173.350 to 173.450, RSMo. For each year that the student teaches up to five years, one-fifth of the amount which was received under this section shall be applied against the total amount received and shall not be subject to the repayment requirement of this section.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Pages 15-19, Section 163.036, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

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

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

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 15, Section 163.036, Lines 6-10, by striking said lines; and

Further amend said bill and section, Page 16, lines 11 to 21, by striking said lines and inserting in lieu thereof the following: “year, whichever is greater. **Beginning with**”.

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

Senator Goode offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 3, Section 105.454, Line 60, by inserting after all of 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 Goode moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Stoll offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 5, Section 162.032, Line 11, by inserting immediately after said line the following:

“162.065. Any school district which provides bussing services to its students and any private transportation company which provides bussing services to a school district shall do the following:

(1) Consult the Missouri sex offender registration list prior to selecting school bus stops; and

(2) Have manifests containing the name, home address, bus stop, and destination of each student that is allowed to use a school bus and provide a copy of such list to each school bus driver so that any person who attempts to board a school bus who is not on such manifest can be denied access to such bus.

162.067. During fall registration, all school districts shall provide, to each student’s parent or family, background information on the district’s transportation program which shall include the name of the private transportation company the district uses, if any, the results of highway patrol safety inspections on busses that will be used to transport students, and any corporate safety information regarding such busses that is available.”; and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 26, Section 168.126, Lines 28-32, by striking all boldfaced language from said lines and inserting in lieu thereof the following: **“If a district eliminates non-tenured staff for financial reasons, the district shall place such teachers on leave of absence as provided in section 168.124.”**

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

Senator Coleman offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 53, Section 393.310, Line 53, by inserting immediately after said line the following:

“488.5020. A surcharge of twenty dollars shall be assessed as costs in each court proceeding filed in any court in the state in all felony criminal cases involving chapters 195, 565, 566, 569, 570, and 571, RSMo; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality.

589.313. 1. There is hereby created in the state treasury the “GREAT Fund”. The fund shall consist of one-half of the money collected pursuant to section 488.5019, RSMo, in addition to money appropriated by the general assembly, charges, gifts, grants, bequests from federal, private, or other sources and investment income on the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the GREAT fund shall not be transferred and placed to the credit of the general revenue fund. The remaining one-half of the funds collected pursuant to section 488.5020, RSMo, shall be

used to fund the after-school reading retreat program as described in section 167.680, RSMo.

2. This fund shall be administered by the department of elementary and secondary education in accordance with the provisions of this section.

3. The department of elementary and secondary education in conjunction with local law enforcement who agree to participate shall, develop a “Gang Resistance Education and Training Program” (GREAT) for school districts which the department of elementary and secondary education determines are in need of such programs. GREAT shall be designed to help children set goals, resolve conflicts without violence, resist school bullying, and understand how gangs and youth violence impacts individuals and communities. The funds received annually by the GREAT fund shall be distributed to the gang resistance education and training program (GREAT) to be used to promote the program. The department of elementary and secondary education shall work together to develop criteria for local law enforcement and local public school districts, working together, to receive funds to carry out the goals of GREAT.

4. The department of elementary and secondary education shall develop a grant program to provide school districts with matching grants to fund the after-school reading retreat program as described in section 167.680, RSMo. The after-school reading retreat program shall put emphasis on improving the reading skills of children who attend the program along with other instruction. The department of elementary and secondary education with the approval of the state board of education shall develop the criteria for public school districts to receive said funds.”; and

Further amend said bill, page 54, section B, line 8, by inserting immediately after said line the following:

“Section C. The provisions of sections

488.5020 and 589.313 of this act shall terminate on December 31, 2009.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 47, Section 169.712, Line 33, by inserting after all of said line the following:

“171.053. 1. Any school district which allows an excused absence for athletics or any other extracurricular school activity shall allow, pursuant to its written policy and with the approval of the responsible sponsoring school employee, any student enrolled in the district to use such regularly scheduled instructional time as is reasonably necessary for such student to participate in an officially sanctioned activity of such programs as, but not limited to, the Future Farmers of America Organization (FFA organization), Family, Career, and Community Leaders of America (FCCLA), 4-H, and organized competitions at the state fair; provided, if the program is not a part of the Missouri state fair or 4-H, that such program has a local chapter which is officially recognized by the student's school.

2. For the purpose of distributing state school aid pursuant to section 163.031, RSMo, a student who is participating in an officially sanctioned activity of any such program, as provided pursuant to subsection 1 of this section, shall be considered to be attending regularly scheduled instruction in the district and such hours of participation occurring during the regular school day shall be included in the district's calculation of average daily attendance, as defined in section 163.011, RSMo.”; and

Further amend the title and enacting clause

accordingly.

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

President Pro Tem Kinder assumed the Chair.

Senator Dougherty offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

- (1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and
- (2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section

for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section**, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books, and fees to any public community college [or], vocational, or technical school, **or any private vocational or technical school** for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. The following requirements must be satisfied in order for private vocational or technical schools to obtain reimbursements pursuant to subsection 6 of this section:

(1) Such institutions must be members of the North Central Association and be accredited by the Higher Learning Commission;

(2) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college; and

(3) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article

I, section 7, of the Missouri Constitution or the first amendment to the United States Constitution.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 48, Section 174.453, Line 29, by inserting after all of said line the following:

“174.780. 1. Public institutions of higher education in this state shall not:

(1) Publicly post or display in any manner an individual's Social Security number;

(2) Require an individual to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;

(3) Require an individual to use his or her Social Security number to access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the web site;

(4) Print an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires that the number appear on the document; or

(5) Print an individual's Social Security number on any kind of student identification card.

Notwithstanding the provisions of this subsection, Social Security numbers may be used in any transaction related to applications, including documents sent as part of the admissions application or enrollment process, contract, or policy, or to confirm the accuracy of the Social Security number.

2. Except as provided in subsection 3 of this

section, the provisions of subsection 1 of this section apply only to the use of Social Security numbers on or after July 1, 2006.

3. Except as provided in subsection 7 of this section, public institutions of higher education that have used an individual's Social Security number prior to July 1, 2006, in a manner inconsistent with subsection 1 of this section, may continue using that individual's Social Security number in such manner on or after July 1, 2006, provided the individual is given an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by subsection 1 of this section and the individual fails to file a written request instructing the institution to cease using his or her Social Security number in such a manner.

4. A written request by an individual to stop the use of his or her Social Security number in a manner prohibited by subsection 1 of this section shall be implemented within thirty days of the receipt of such request. There shall be no fee or charge for implementing the request. A public institution of higher education shall not deny services to an individual because the individual makes a written request pursuant to this subsection.

5. This section does not prevent the collection, use, or release of a Social Security number as required by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

6. This section does not apply to documents that are recorded or required to be open to the public under chapter 610, RSMo. This section does not apply to records that are required by statute, case law, or Missouri court rules to be made available to the public.

7. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section.”; and

Further amend said bill, Page 28, Section 1, Line 24, by inserting after all of said line the following:

“Section B. The enactment of Section 178.780 of Section A of this act shall become effective January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 21 is out of order as it exceeds the scope and purpose of the original bills.

Senator Gross assumed the Chair.

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

Senator Childers assumed the Chair.

Senator Jacob offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 22, Section 167.052, Line 4, by inserting after the end of said line the following:

“167.166. 1. No employee, volunteer, or school board member of any public school or charter school within this state shall perform or direct a strip search as defined in section 544.193, RSMo, of any student of any such school. No employee, volunteer, or school board member of any public school or charter school within this state shall direct a student to take part in, direct, supervise, be present for or witness a strip search of a fellow student. Any employee, volunteer, or school board member who violates this subsection shall be immediately suspended from their association with the school, without pay if such person would otherwise receive pay, pending an evidentiary hearing on the matter. In the event the person suspended is found, after an evidentiary hearing, to have violated this subsection, such person shall be subject to

sanctions up to and including termination from the school or on the school board.

2. In the event a certified law enforcement officer has probable cause to believe that a student of a public or charter school in this state has concealed a deadly or dangerous weapon on the student's person and is present on the property of the school, such officer may detain the student for the limited purpose of conducting a search and may conduct a strip search of such student as defined and limited in section 544.193, RSMo, and pursuant to the limitations and provisions of this subsection, only to the limited extent reasonably necessary to determine whether the student has possession of a deadly or dangerous weapon and to take possession of any such weapon if found on the person of the student. No male law enforcement officer shall conduct or be present during the strip search of a female student performed pursuant to this subsection. No female law enforcement officer shall conduct or be present during the strip search of a male student performed pursuant to this subsection. Any student to be strip searched pursuant to this subsection shall not be strip searched until the student has been given a reasonable opportunity to make contact with the student's parents or legal guardians, including at least contact by telephone, and to inform such persons of the impending strip search and to discuss same with such persons. In the event a parent or legal guardian of the student is successfully contacted and expresses a desire to be present during the strip search, the strip search shall not be commenced until the parent or legal guardian expressing such desire has been given at least fifteen minutes to appear at the location of the strip search.”; and

Further amend the title and enacting clause accordingly.

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

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator

Steelman moved that the vote by which SA 8 to SCS for HCS for HB 1040 and HCS for HB 1041 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Days	Dolan	Wheeler—4
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Absent with leave—Senators—None

SA 8 was again taken up.

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

Senator Steelman offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.322, Line 71, by inserting after all of said line the following:

“169.577. Any member of a retirement system subject to the provisions of this chapter, who is within five years of being eligible to retire with a retirement allowance as provided in this chapter, may elect to purchase additional creditable service of up to [five-tenths] **six-tenths** of a year which shall, when so purchased, be included in the total of the member's years of creditable service, used to enable the member to achieve the minimum creditable service time required for a retirement allowance, and applied in the computation of the member's annual service retirement allowance. For any member of a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715, and notwithstanding any other provision within this

section to the contrary, the purchase shall be effected in the same manner as provided in section 169.056. The request for purchase of the additional creditable service shall be made in writing to the board of trustees of the system in which the applicant is a member. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, the amount, with interest, the member would have contributed thereto and the amount the member's employer would have contributed thereto had the person been employed in a position covered by the retirement system for the number of months for which the member is electing to purchase credit, and had the member's compensation during such period been the same as the annual salary rate at which the member is receiving at the time of application, and the contribution rate in effect on the date of election to purchase credit. The payment shall be completed prior to termination of membership with the retirement system with interest on the unpaid balance. Nothing in this section shall be construed to allow a member to vest in the retirement system by using the creditable service purchased pursuant to the provisions of this section to reach the time of vesting."; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler moved that **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
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—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Bray	Callahan	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			

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HCS** for **HB 959** and **HCS** for **HB 1278**, with **SCS**, begs leave to report

that it has considered the same and recommends that the bills do pass.

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 the Conference Committee Report on **SCS for HS for HCS for HB 1002**, as amended, and has taken up and passed **CCS for SCS for HS for HCS for HB 1002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS for HCS for HB 1305**, as amended. Representatives: Byrd, Jetton, Crowell, Johnson (90) and Harris (23).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1003** and has taken up and passed **CCS for SCS for HS for HCS for HB 1003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1004** and has taken up and passed **CCS for SCS for HS for HCS for HB 1004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1005**, as amended, and has taken up and passed **CCS for SCS for HS for HCS for HB 1005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1007**, as amended, and has taken up and passed **CCS for SCS for HS for HCS for HB 1007**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1009** and has taken up and passed **CCS for SCS for HS for HCS for HB 1009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HCS for HB 1010**, as amended, and has taken up and passed **CCS for SCS for HS for HCS for HB 1010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HS for HCS for HB 978** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SB 732**, entitled:

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof nine new sections relating to recreation and entertainment districts.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

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

HB 1002, as amended, moved that the following conference committee report be taken up, which motion prevailed.

Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1002

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1002

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1002.
3. That the attached Conference Committee Substitute for House Bill No. 1002, be truly agreed to and finally passed.

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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

FOR THE SENATE:

FOR THE HOUSE:

YEAS—Senators

/s/ John T. Russell	/s/ Carl Bearden
/s/ Charles R. Gross	/s/ Brad Lager
/s/ Charlie Shields	/s/ Bryan P. Stevenson
/s/ Wayne Goode	/s/ Theodore Hoskins
/s/ Pat Dougherty	/s/ Vicky Walker

Bartle	Bray	Callahan	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			

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

NAYS—Senator Bland—1

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Russell, title to the bill

was agreed to.

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1003**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1003

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1003 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1003.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1003.
3. That the attached Conference Committee Substitute for House Bill No. 1003, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ John T. Russell
- /s/ Charles R. Gross
- /s/ Charlie Shields
- /s/ Wayne Goode
- /s/ Pat Dougherty

FOR THE HOUSE:

- /s/ Carl Bearden
- /s/ Brad Lager
- /s/ Bryan P. Stevenson
- /s/ Jeff Harris
- /s/ Barbara Fraser

Senator Russell moved that the above

conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	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			

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

Bartle	Bray	Callahan	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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1004**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1004.
3. That the attached Conference Committee Substitute for House Bill No. 1004, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Charles R. Gross

/s/ Charlie Shields

/s/ Wayne Goode

/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Brad Lager

/s/ Allen Icet

/s/ Matt S. Muckler

/s/ Clint Zweifel

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

YEAS—Senators

Bartle	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—32

NAYS—Senator Bland—1

Absent—Senator Callahan—1

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1005**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bill No. 1005.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1005.
3. That the attached Conference Committee Substitute for House Bill No. 1005, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

- | | |
|----------------------|---------------------|
| /s/ John T. Russell | /s/ Carl Bearden |
| /s/ Charles R. Gross | /s/ Brad Lager |
| /s/ Charlie Shields | /s/ Allen Icet |
| /s/ Wayne Goode | /s/ Thomas A. Villa |
| /s/ Pat Dougherty | /s/ Albert J. Liese |

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

YEAS—Senators

Bartle	Bray	Callahan	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			

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation,

the Department of Public Safety, and the Chief Executive’s Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

Bartle	Bray	Callahan	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			

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **SCS for HCS for HB 959**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for HCS for HB 959, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	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			

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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.

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 passed **HCS for SCS for SB 1093**, entitled:

An Act to amend chapters 67, 362, 369, and 370, RSMo, by adding thereto four new sections relating to investment of public funds.

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 passed **HCS for SCS for SB 1106**, entitled:

An Act to authorize the conveyance of tracts of land owned by the state, with an emergency clause.

Emergency clause adopted.

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 passed **HCS** for **SB 884**, entitled:

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the revisor of statutes.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HB 978**, 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 **SS** for **HS** for **HCS** for **HB 978**, as amended: Senators Yeckel, Nodler, Scott, Coleman and Caskey.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 18, 2004 for your advice and consent:

Monica L. Anthony, 404 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until her successor is

duly appointed and qualified; vice, Vicky Weimholt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

CONCURRENT RESOLUTIONS

Senators Shields and Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 50

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization (WHO); and

WHEREAS, Taiwan's achievements in the field of health are substantial, including:

(1) Attaining one of the highest life expectancy levels in Asia, and maternal and infant mortality rates comparable to those of western countries; and

(2) Eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(3) Providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

WHEREAS, on January 14, 2001, an earthquake, registering between 7.6 and 7.9 of the Richter scale, struck El Salvador. In response, the Taiwanese Government sent two rescue teams, consisting of ninety individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government; and

WHEREAS, the World Health Assembly has allowed

observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, in light of all benefits that Taiwan's participation in WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO; and

WHEREAS, in 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan; and

WHEREAS, avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos; and

WHEREAS, the SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO; and

WHEREAS, as the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the World Health Organization.

Senators Kinder and Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 51

Relating to recognition of the Ellis Fischel Cancer Center.

WHEREAS, on January 11, 1937, Governor Lloyd C. Stark of Missouri in his inaugural address stressed the desirability and importance of a cancer hospital, which should be available to "the humblest citizen"; and

WHEREAS, Senator Michael Kinney of St. Louis introduced a cancer hospital bill to the 59th General Assembly, a measure which was subsequently passed and signed by Governor Stark on May 28, 1937; and

WHEREAS, the bill provided for the erection and operation

of the first state cancer hospital in the country and provision for the establishment of diagnostic clinics, and for the Governor to appoint a State Cancer Commission to supervise the maintenance and operation of the state's cancer program and to appoint a hospital administrator; and

WHEREAS, the cornerstone for this historic state cancer hospital was laid December 9, 1938, and the hospital opened in 1940 as the Ellis Fischel State Cancer Hospital in honor of Dr. Ellis Fischel, a St. Louis surgeon who was a staunch advocate and chairman of the Missouri State Cancer Commission who suffered an early and unfortunate death before the hospital was completed; and

WHEREAS, the Ellis Fischel State Cancer Hospital has a long and historical record of compassionate cancer treatment for the citizenry of Missouri and beyond, and of cancer outreach education and prevention activities that have engaged virtually every county in the State of Missouri; and

WHEREAS, the Ellis Fischel State Cancer Hospital, which has been owned and operated by the State of Missouri under the authority of the Missouri State Cancer Commission for fifty years, was transferred by Governor John Ashcroft from management by the Missouri Department of Health and Senior Services to that of the Curators of the University of Missouri, a sovereign entity of the State of Missouri, on November 1, 1990; and

WHEREAS, this transfer of management and the merger of the highest quality cancer research, education, and treatment programs between the staffs of the Ellis Fischel State Cancer Hospital and the Medical School of the University of Missouri-Columbia, which resulted in renaming the program the Ellis Fischel Cancer Center, has resulted in a State Cancer Hospital that provides research in the causes, prevention, and treatment of cancer of the very highest quality care for Missourians:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, the House of Representatives concurring therein, unanimously join in extending our recognition of the history and service of the Ellis Fischel Cancer Center as the designated cancer institute of the State of Missouri; and

BE IT FURTHER RESOLVED that this resolution be sent to the governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

REFERRALS

President Pro Tem Kinder referred **SCR 50** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1867, regarding Keelyn Nicole Harris, Ballwin, which was adopted.

Senator Foster offered Senate Resolution No. 1868, regarding Jerry Gross, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1869, regarding Nadine Roberts, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1870, regarding J. Larry Thompson, Dexter, which was adopted.

Senator Foster offered Senate Resolution No. 1871, regarding Matt Morris, Columbia, which was adopted.

Senator Foster offered Senate Resolution No. 1872, regarding Dr. Mary A. Phyfer, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1873, regarding Larry D. Hastings, Poplar Bluff, which was adopted.

Senator Quick offered Senate Resolution No. 1874, regarding the Eightieth Birthday of Martha Bader, Gladstone, which was adopted.

Senator Bray offered Senate Resolution No. 1875, regarding Gannet Tseggai, which was adopted.

Senator Champion offered Senate Resolution No. 1876, regarding Bill Rowe, Jr., which was adopted.

Senator Dougherty offered the following resolution:

SENATE RESOLUTION NO. 1877

WHEREAS, lead poisoning is a 100% preventable childhood epidemic that affects Missouri's youngest citizens; and

WHEREAS, St. Louis has a lead poisoning rate eight times the national average; and

WHEREAS, awareness and education among parents, educators, and communities is key to lead poisoning prevention efforts; and

WHEREAS, HealthCare USA has formed a collaboration

with the St. Louis Lead Prevention Coalition, Clear Corps, and the St. Louis Black Repertory Company to develop the lead poisoning prevention community theater education initiative, "Jimmy's Getting Better"; and

WHEREAS, funded by a grant from Eli Lilly, the "Jimmy's Getting Better" project will educate the St. Louis community regarding the impact of lead poisoning on children and families; and

WHEREAS, HealthCare USA has taken a leadership role in developing this lead poisoning education initiative for the community:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, unanimously join in a thunderous round of applause for HealthCare USA and its collaborative partners, the St. Louis Lead Prevention Coalition, Clear Corps, and the St. Louis Black Repertory Company for their creative approach to educating families and communities about childhood lead poisoning, and further extend our best wishes to Missouri healthcare providers that follow the lead of HealthCare USA and its corporate "good citizenship" in assuring that collaborative efforts to address lead poisoning are undertaken by private-public partnerships that benefit all of Missouri's children; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for HealthCare USA.

Senators Loudon, Scott, Cauthorn, Foster, Coleman, Yeckel, Dolan, Griesheimer, Steelman and Klindt offered the following resolution:

SENATE RESOLUTION NO. 1878

WHEREAS, Amendment I of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion...", is a specific and unequivocal instruction to only the United States Congress; and

WHEREAS, the United States Constitution makes no further restriction on the ability of states to acknowledge a Supreme Ruler; and

WHEREAS, Amendment X of the United States Constitution, which provides that "The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people", reserved the right of the acknowledgment of God by the states and the people; and

WHEREAS, the Preamble to the Missouri Constitution, which provides that "We the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this constitution for the better government of the state", is within the boundaries of rights reserved to the states by the United States Constitution; and

WHEREAS, the Federal Judiciary has overstepped its Constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, or government by local and state officers and other state institutions, including state schools; and

WHEREAS, the Federal Courts have failed to perform its duty to resolve the confusion between Amendment I and Amendment X of the United States Constitution; thus, the United States Congress, as allowed in Article II, Section 2 of the United States Constitution which provides in part that "the court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make", must clarify and instruct the Federal Judiciary to refrain from interfering with any expression of religious faith by any elected local, state, or Federal official and thereby limit the jurisdiction of the Federal courts in such matters; and

WHEREAS, there is pending before the 2nd Session of the 108th Congress the following: H.R. 3799 and S. 2082 which will limit the jurisdiction of the Federal courts and return the rights, as claimed by the state of Missouri in its Preamble to the Missouri Constitution, to the states and to the people and resolve the issue of improper judicial activism in matters relating to the acknowledgment of God; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, urge the United States Congress to adopt forthwith H.R. 3799 or S. 2082; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, the Chair of the United States Senate Judiciary Committee, the Chair of the United States House of Representatives Judiciary Committee, and each member of the Missouri Congressional delegation.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jesse Susi, M.D., Town and Country.

Senator Cauthron introduced to the Senate, Birdie Kueckelhan and Mary Bail, Boonville; Cora Wisdom, Kansas City; and Carol Fowler, Marshall.

Senator Nodler introduced to the Senate, Andy, Angela and Hailey Johnson, Joplin.

The President introduced to the Senate, his daughter, Shannen Maxwell, his mother, Molly Maxwell Shellabarger and his stepfather, Wayne Shellabarger, Mexico.

Senator Loudon introduced to the Senate, Diane Bordeaux and seventy-five students from Mason Ridge Elementary School, Chesterfield; and Lauren Bordeaux, Alison Bean and Kevin Liberman were made honorary pages.

Senator Vogel introduced to the Senate, seventh grade students from St. Andrew's School, Tipton; and Rhiannon Hees, Matthew Brauner, Kayla Petree and Shelby Knipp were made honorary pages.

Senator Kinder introduced to the Senate, sixteen sixth, seventh and eighth grade students from Salem Lutheran School, Farrar.

Senator Yeckel introduced to the Senate, Bill Donius, St. Louis County.

Senator Gross introduced to the Senate, Deanna Gonzalez and fifth grade students from Blackhurst Elementary School, St. Charles; and Deanna was made an honorary page.

Senator Dougherty introduced to the Senate, Alleanna Ester Sanchez Gonzalez Nilges, Jefferson City; and Alleanna was made an honorary page.

On behalf of Senators Shields and Mathewson, the President introduced to the Senate, former State Senator Truman Wilson, St. Joseph.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, Mimi Deem, Joe Torrisi and twenty-five students from Compton/Drew ILC School, St. Louis.

Senator Kinder introduced to the Senate, Rodney Richardet, Perryville.

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

SENATE CALENDAR

 SIXTY-FIFTH DAY—WEDNESDAY, MAY 5, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-
Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HS for HCS for HBs 1268 & 1211-Smith (118), with SCS (Loudon) | 12. HS for HCS for HB 1207-Icet (Loudon) |
| 2. HCS for HB 1177, with SCS (Cauthorn) | 13. HS for HB 1193-Self, with SCS (Loudon) |
| 3. HCS for HB 980 (Klindt) | 14. HCS for HB 1278, with SCS (Loudon) |
| 4. HCS for HB 1115 (Gross) | 15. HCS for HB 1209 (Kinder) |
| 5. HCS for HBs 998 & 905 (Griesheimer) | 16. HCS for HBs 1074 & 1129, with SCS (Kinder) |
| 6. HCS for HB 833, with SCS (Vogel) | 17. HCS for HB 1439 (Dolan) |
| 7. HCS for HB 898, with SCS (Shields) | 18. HCS for HB 1617 (Bartle) |
| 8. HCS for HBs 946, 1106 & 952, with SCS (Dolan) | 19. HB 1664-Hanaway, et al (Bartle) |
| 9. HS for HB 1487-Self (Scott) | 20. HS for HCS for HB 1511-Byrd (Caskey) |
| 10. HCS for HB 1055 (Vogel) | 21. HS for HCS for HB 1453-Hanaway, with SCS (Shields) |
| 11. HCS for HB 1215, with SCS (Bartle) | (In Fiscal Oversight) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS
SB 735-Foster, et al, with SCS
SBs 738 & 790-Loudon, with SCS & SS for
SCS (pending)

SS for SS for SCS for SB 755-Shields
SBs 774 & 915-Wheeler, with SCS
SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)
 SB 817-Kennedy and Griesheimer, with SCS
 SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)
 SB 906-Foster, with SCS, SS for SCS & SA 2 (pending)
 SBs 908 & 719-Cauthorn, with SCS
 SB 933-Yeckel, et al
 SB 989-Gross, et al, with SCS (pending)
 SB 990-Loudon, with SCS
 SB 1037-Steelman and Stoll, with SCS
 SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)
 SB 1124-Goode and Steelman, with SCS
 SB 1128-Cauthorn, with SCS
 SB 1132-Steelman, et al, with SCS
 SB 1138-Bartle

SB 1159-Foster and Dougherty
 SB 1180-Shields and Kinder, with SCS
 SB 1198-Russell, with SCA 1
 SB 1213-Steelman and Gross, with SCS
 SB 1227-Russell, et al, with SCS
 SB 1232-Clemens, et al, with SCS (pending)
 SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)
 SB 1254-Klindt, with SCS
 SB 1277-Yeckel, with SCS
 SBs 1332 & 1341-Caskey and Mathewson, with SCS
 SB 1355-Days
 SB 1366-Yeckel, with SCS
 SJR 24-Caskey and Bartle, with SCS
 SJR 25-Yeckel
 SJR 26-Yeckel
 SJR 40-Stoll
 SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)
 HCS for HB 1182, with SCS & SS for SCS (pending) (Klindt)
 HCS for HB 1288, with SCS (Griesheimer)
 HB 1493-Emery, et al, with SCS (Steelman)
 HS for HCS for HB 1566-Stefanick, with SCS, SS for SCS, SS for SS for SCS, SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)
HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)
HB 1362-Hobbs, et al (Cauthorn)
HB 1377-Sutherland, et al (Griesheimer)
HB 1398-Lager (Klindt)HB 1407-Mayer and Villa (Dolan)
HB 1494-Ervin (Quick)
HBs 1613, 1445, 1454, 1462, HCS for
HB 1471, HBs 1608, 1612 & 1635-
Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)
HCS for HBs 1529 & 1655 (Griesheimer)
HCS for HB 1422 (Cauthorn)
HCS for HB 1171 (Klindt)
HB 1259-Threlkeld (Griesheimer)
HB 1126-Seigfreid, et al (Mathewson)
HCS for HB 1198 (Loudon)
HB 1502-Wilson (42), et al (Wheeler)
HB 1217-Johnson (47), et al, with SCS
(Wheeler)
HB 1572-St. Onge, et al (Loudon)
HCS for HB 1614 (Steelman)HCS for HB 1253, with SCS (Loudon)
HB 884-Ward (Loudon)
HCS for HB 1233 (Griesheimer)
HCS for HB 1090 (Quick)
HB 1440-Deeken, with SCS (Scott)
HB 1508-Baker (Bartle)
HCS for HB 1660, with SCS (Klindt)
HB 1616-Hanaway, et al (Gibbons)
HB 1444-Moore, et al (Vogel)
HCS for HB 988 (Bartle)
HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)
HCS for HB 1405 (Callahan)
HB 1114-Skaggs (Loudon)
HB 1167-Kelly (144), et al (Clemens)
HCS for HB 1284 (Dolan)HCS for HB 912 (Goode)
HCS for HB 1449 (Vogel)
HB 1149-May, et al (Steelman)
HB 1442-Lipke, et al (Kinder)
HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberg, et al, with SCS
(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 732-Gross, with HCS

SB 884-Klindt, with HCS

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SCS for SB 1093-Gibbons and Yeckel, with HCS

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

SCS for SB 1106-Shields, with HCS

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BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended
HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HS for HCS for HB 1006-Bearden, with
SCS (Russell)

HS for HCS for HB 1007-Bearden, with
SCS, as amended (Russell) (House
adopted CCR and passed CCS)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with
SCS (Russell) (House adopted CCR and
passed CCS)

HS for HCS for HB 1010-Bearden, with
SCS, as amended (Russell) (House
adopted CCR and passed CCS)

HS for HCS for HB 1011-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with
SCS, as amended (Russell)

HCS for HB 1305, with SCS, as amended
(Scott)

RESOLUTIONS

To be Referred

SCR 51-Kinder and Jacob

SR 1877-Dougherty

SR 1878-Loudon, et al

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Reported from Committee

SCR 45-Dougherty
SCR 46-Gross

HCR 10-Myers (Klindt)
HCR 12-Kelly (36) (Mathewson)

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