

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—TUESDAY, FEBRUARY 23, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We thank You for this new day and pray that we may ever keep our eyes upon Your uplifting Word, never letting modern techniques alter the facts of Your unchanging message of love for the world and service to the people of it. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator Staples—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 279

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 20, 1999 from 9:00 A.M. to 3:00 P.M. and December 2, 3 and 4, 1999.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 280

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of

granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 7, 1999 and until 1:00 p.m. on October 8, 1999.

INTRODUCTION OF BILLS

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

SB 478—By Singleton.

An Act to repeal section 317.001, RSMo Supp. 1998, and to enact in lieu thereof two new sections relating to health insurance for professional boxers.

SB 479—By Singleton.

An Act to repeal section 323.060, RSMo Supp. 1998, relating to petroleum gas retailers, and to enact in lieu thereof one new section relating to the same subject.

SB 480—By Singleton.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospital records.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 349**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SCS for SBs 31 and 285, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 31 and 285

An Act to repeal sections 130.046, 130.050 and 130.057, RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS for SBs 31 and 285** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Jacob	Mueller	Schneider	Singleton—4
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Absent with leave—Senator Staples—1

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

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

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

Senator Maxwell moved that **SB 169** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SB 169** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 28, introduced by Senator Mueller, entitled:

An Act to repeal section 537.620, RSMo 1994, relating to certain insurance for political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mueller, **SB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Kinder Schneider—2

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 83, introduced by Senator Goode, entitled:

An Act to repeal section 67.1071, RSMo 1994, relating to the homeless, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 83** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

Senator Goode moved that the vote by which

the bill passed be reconsidered.

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

SB 105, with **SCA 1**, introduced by Senators Sims and Yeckel, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

Was called from the Consent Calendar and taken up by Senator Sims.

SCA 1 was taken up.

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

On motion of Senator Sims, **SB 105**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 159, with **SCS**, introduced by Senator House, entitled:

An Act to repeal section 135.600, RSMo Supp. 1998, relating to tax credit for contributions to

maternity homes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 159

An Act to repeal sections 135.550 and 135.600, RSMo Supp. 1998, relating to tax credits for contributions for certain charitable purposes, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 219, introduced by Senator Caskey, entitled:

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 219** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Singleton—1

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 189, introduced by Senator House, entitled:

An Act to repeal sections 71.190, 71.740, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children and minors.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SB 34, introduced by Senator Johnson, entitled:

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 34** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Caskey Kinder—2

Absent—Senator Singleton—1

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

President Wilson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 289**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

At the request of Senator Goode, **SB 289**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

Senator Maxwell moved that **SB 160** and **SB 82**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 160** and **82**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 160 and 82

An Act to amend chapters 66 and 644, RSMo, by adding thereto four new sections relating to water resources, with an emergency clause for a certain section.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 160** and **82** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 160** and **82**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 160 AND 82

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections

247.030, 247.040 and 644.031, RSMo Supp. 1998, and to enact in lieu thereof sixteen new sections relating to water and service services, with an emergency clause for a certain section.

Senator Maxwell moved that **SS** for **SCS** for **SBs 160** and **82** be adopted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 160 and 82, Page 14, Section 247.040, Line 15 of said page, by inserting immediately after said line the following:

"249.645. 1. Any public sewer district created under the provisions of sections 249.430 to 249.660 or established pursuant to article VI, section 30(a) of the Missouri Constitution may establish, make and collect charges for sewage services, including tap-on fees. The charges may be set as a flat fee or based upon the amount of water supplied to the premises and shall be in addition to those charges which may be levied and collected for maintenance, repair and administration expenses as provided for in section 249.640. Any private water company, public water supply district, or municipality supplying water to the premises located within a sewer district shall, upon reasonable request, make available to such sewer district its records and books so that such sewer district may obtain therefrom such data as may be necessary to calculate the charges for sewer service. Prior to establishing any such sewer charges, public hearings shall be held thereon and at least thirty days' notice shall be given thereof.

2. Any charges made under this section shall be due at such time or times as specified by the county commission, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent, they shall be a lien upon the land charged, upon the county commission filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The county commission shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording

fees or attorney's fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure.

3. Should a lien be placed upon a customer's property by a public sewer district for unpaid sewer charges, the lien shall have priority as and be enforced in the same manner as taxes levied for state and county purposes.

4. Should the sewer charges remain unpaid for a period in excess of [one year] **three months**, the district, after notice to the customer by certified mail, shall have the authority at its discretion to disconnect the customer's sewer line from the district's line or request any private water company, public water supply district, or any municipality supplying water to the premises to discontinue service to the customer until such time as the sewer charges and all related costs of this section are paid."; and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell moved that **SS** for **SCS** for **SBs 160** and **82**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **SBs 160** and **82**, as amended, was declared perfected and ordered printed.

Senator Clay moved that **SB 282**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 282**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282

An Act to repeal section 135.530, RSMo Supp. 1998, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Clay moved that **SCS** for **SB 282** be adopted.

President Wilson assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 282, Page 4, Section 135.817, Line 11, by inserting immediately after the word "conveyed" the following: ", **subject to the terms and conditions prescribed in subdivisions (1) to (4) of this subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, may assign, transfer, sell or otherwise convey such tax credits:**

(1) For no less than seventy-five percent of the par value of such credits;

(2) The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department in writing within thirty calendar days following the effective day of the transfer, and shall provide any information as may be required by the department to administer and carry out the provisions of this section;

(3) The assignee may not have any financial interest in any contract with the assignor or in any firm which has a contract with the assignor relating to financing or providing services included in the eligible costs for new construction or the eligible costs for rehabilitation that give rise to any tax credit granted pursuant to section 135.814; and

(4) Notwithstanding any other provision of law to the contrary, the amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the par value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee".

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

Senator Mathewson assumed the Chair.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 282, Page 3, Section 135.811, Line 37, by inserting after all of said line the following:

"135.812. 1. The department of economic development shall establish a rural housing development revolving loan program as provided in this section. Any taxpayer may receive a tax credit for funds provided to the department for the establishment of this program but not to exceed a total of 3 million dollars.

2. The program shall be used to provide loans for the construction of single family houses within incorporated communities with a population of five thousand or less in third class counties.

3. The loans shall be no-interest loans made to nonprofit corporations. The amount of each loan shall be no more than seventy thousand dollars.

4. Any nonprofit corporation desiring to construct single family housing pursuant to this section shall apply to the department for such funds. The application shall include information pertaining to, but not limited to, the following:

(1) The area in which the housing is intended to be constructed;

(2) A statement about the need for single family housing in such area;

(3) The time period required for constructing each home and making it available on the market;

(4) A list of the officers, with addresses and phone numbers, of the corporation;

(5) The assets and experience of the corporation and the individual or agency who will advise such corporation in the construction of such housing; and

(6) A statement as to availability and cost of sewage and water lines for such housing.

5. The department shall award loan contracts to qualified nonprofit organizations according to a statement of need and compliance

with this section.

6. The department shall set control criteria that could result in the expiration of the loan, may require reasonable reports on the progress of housing construction and may inspect the construction sites and records of the nonprofit corporation.

7. A nonprofit corporation receiving a loan shall place the funds in a revolving account to be used to pay for the costs of construction, buying, selling, and preparing a property. Any interest earned on the account shall be kept in the revolving account and used for the same purposes.

8. Upon the sale of a home, the proceeds shall be placed in the revolving fund and used to fund the construction of another home or to repay a loan. Any deficit on a loan shall be repaid by the nonprofit corporation. Any surplus remaining after repayment of a loan shall remain in the revolving fund to be used for the public benefit in development or rehabilitation of housing.

9. Separate records shall be kept for the costs of each home built by the nonprofit corporation.

10. The construction of homes by nonprofit corporations pursuant to this section shall be done on site at a location where water and sewage services are available. Cities and other political subdivisions may waive the costs of connecting utilities or providing building permits or other services.

11. All homes shall be constructed in accordance with the rural development building standards of the United States Department of Agriculture, but additional consideration may be given to those entities constructing homes which incorporate basic elements of universal design for elderly and disabled occupants.

12. The nonprofit corporation may contract with other entities for the buying and selling of property and for construction of housing pursuant to this section.

13. Homes constructed by nonprofit

corporations pursuant to this section shall be sold at cost plus a two thousand five hundred dollar administration fee. The administration fee may be used to pay an individual or agency with previous experience in housing construction for supervising the purchase of land and construction of each house. Any such agent of the corporation shall ensure that all legal and insurance requirements are met. Any part of the administration fee remaining after paying such costs shall be placed into the revolving fund.

14. The buyer of the home may use any available financing mechanism to make the purchase, including any other state or federal assistance programs.

15. The nonprofit corporation shall establish priorities for selling the homes constructed to low income or moderate income persons and families, as defined in section 215.010, insofar as such buyers have financing arrangements completed previous to occupancy. The nonprofit corporation shall contact any local housing authority or community housing development organization to ascertain qualified buyers prior to the completion of construction.

16. The sale contract shall contain a clause to prevent speculative purchases. The clause shall require an interest-free second mortgage to be obtained for the difference between the sale price and the appraised price, if any. The interest-free second mortgage shall be payable to the nonprofit organization and shall become due and payable to such organization if the buyer of the home sells the property prior to five years of ownership. The interest-free second mortgage shall be null and void after a period of five years following the closing date of the home purchase if the following requirements are met:

(1) The home has been the primary home of the purchaser for a period of five years after the closing date; and

(2) The property has not been used as rental property for such five-year period."; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Clay, **SB 282**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 481—By Childers and Russell.

An Act to repeal section 304.170, RSMo 1994, relating to length of certain vehicles, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, there has been a recent influx of immigrants moving into the state of Missouri and such immigrants can affect the amount of state government services that are necessary and the ways state government services are administered; and

WHEREAS, such immigrants affect our state educational system by creating a need for programs to enhance language communication; and

WHEREAS, our local law enforcement agencies are faced with new difficulties in assisting residents in the understanding of, and in the abiding with, state and federal law; and

WHEREAS, many of the recent immigrants do not have adequate health care coverage which results in limited access, or no access, to health care; and

WHEREAS, this recent increase of persons with limited English speaking skills and different cultural backgrounds is having an impact on local communities and neighborhoods; and

WHEREAS, there is a recent increase in demand for social services benefits; and

WHEREAS, there are more demands on employment training programs for unskilled workers in our state:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Immigration in Missouri be created to study the effects of the recent trend in immigration and to make recommendations on how best to prepare for the impact of this

trend; and

BE IT RESOLVED that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro tem of the Senate, with no more than three House members or three Senate members being from the same political party; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on State Budget Control, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Quick referred **SB 310** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 281, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Pat Hemphill, Columbia, which was adopted.

Senator DePasco offered Senate Resolution No. 282, regarding the Thirty-fifth Anniversary of the New Hope Baptist Church, Independence, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 482—By Flotron.

An Act to repeal section 44.010, RSMo Supp. 1998, and to enact in lieu thereof eight new sections relating to information technology resources, with penalty provisions and an emergency clause.

THIRD READING OF SENATE BILLS

SB 4, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.402, RSMo Supp. 1998, relating to transportation sales taxes, and to

enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Maxwell
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Banks	Bland	Graves	Mathewson
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Schneider—5

Absent with leave—Senator Staples—1

The President Pro Tem declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Clay moved that **SB 282**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 282**, as amended, was again taken up.

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 282, Page 2, Section 135.811, Line 17, by adding after the word "owner-occupied" the following: "for at least 5 years after the completion

of the project"; and

Further amend said bill, page 4, line 14, by adding the following:

"The Department shall cause to be filed of record in the recorder's office of the county in which the property is located the agreement that the property shall be owner-occupied for at least 5 years and that, should said agreement be violated the state shall be reimbursed for the amount of the tax credit and a lien may be placed against the property for any amount owed but not paid."

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

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 282, Page 3, Section 135.817, Lines 3-6, by deleting everything on said lines after the words "dollars" at the beginning of line 3.

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

Senator Mathewson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 282, Page 1, Section 135.530, Line 6, by deleting the following: "[which has] **each block group having**"; and

Further amend said bill, page 1, section 135.530, line 7, by deleting the words: "which has" and inserting in lieu thereof the following: "[which has] **each block group having**"; and

Further amend said bill, page 4, section 135.817, line 11, by adding immediately after said line, the following: "**Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and its value.**"

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

Senator Rohrbach offered **SA 6**, which was

read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 282, Page 4, Section 135.821, Line 5, by deleting the words "applications were received" and inserting in lieu thereof the words "of the lowest level of median household income."

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

Senator Clay moved that **SCS** for **SB 282**, as amended, be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SB 282**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 266** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SS** for **SB 266**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 266

An Act to repeal section 451.022, RSMo Supp. 1998, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

Senator Klarich moved that **SS** for **SB 266** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Klarich, **SS** for **SB 266** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 14**, **SB 60** and **SB 69**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 14, 60** and **69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 14, 60 and 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Was taken up.

Senator Mathewson moved that **SCS** for **SBs 14, 60** and **69** be adopted.

Senators Mathewson, Bentley and Steelman offered **SS** for **SCS** for **SBs 14, 60** and **69**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 14, 60 AND 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Senator Mathewson moved that **SS** for **SCS** for **SBs 14, 60** and **69** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 14, 60 and 69, Page 2, Section 135.760, Line 11, by inserting immediately after said line the following:

"3. The total aggregate tax credits authorized pursuant to subsection 1 of this section shall be limited to no more than twenty million dollars per tax year. The director of the department of revenue shall estimate the amount of such credits to be claimed for each tax year and shall pro-rate the amount of such credit for each taxpayer."

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Mathewson, **SA 1** was withdrawn.

At the request of Senator Mathewson, **SB 14**, **SB 60** and **SB 69**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Banks moved that **SB 8** and **SB 173**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 8** and **173**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 8 and 173

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the department of health.

Was taken up.

Senator Banks moved that **SCS** for **SBs 8** and **173** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **SBs 8** and **173** was declared perfected and ordered printed.

Senator Scott moved that **SB 308** and **SB 314**, with **SCS**, be taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

SCS for **SBs 308** and **314**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 308 and 314

An Act to repeal sections 104.352, 104.354, 104.370 and 104.610, RSMo 1994, and sections 104.010, 104.395, 104.401, 104.410, 104.420, 104.612 and 104.620, RSMo Supp. 1998, relating to certain state retirement systems, and to enact in lieu thereof forty-two new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **SBs 308** and **314** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 308** and **314** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

Was taken up by Senator Goode.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of

state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1999.

Was taken up.

President Wilson assumed the Chair.

Senator Goode moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins—31	

NAYS—Senators

Kenney Yeckel—2

Absent—Senators—None

Absent with leave—Senator Staples—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 224** be taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 224, Page 2, Section 434.100, Line 21, by striking the word "or"; and further amend line 22, by inserting immediately after the word "agreements" the following: ";

(8) An agreement containing a party's promise to indemnify, defend or hold harmless another person, if the agreement also requires the party to obtain specified limits of insurance to insure the indemnity obligation and the party had the opportunity to recover the cost of the required insurance in its contract price; provided, however, that in such case the party's liability under the indemnity obligation shall be limited to the coverage and limits of the required insurance; or

(9) Railroads regulated by the Federal Railroad Administration".

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

On motion of Senator Caskey, **SB 224**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 410**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 283, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Dowell, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Leeper, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 285, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billie D. Ford, Milan, which was adopted.

COMMUNICATIONS

Senator Jacob submitted the following:

February 23, 1999

Terry Spieler
Secretary, Missouri Senate
State Capitol Building
Jefferson City, MO 65101

Dear Ms. Spieler,

Pursuant to Rule #45, I respectfully request that Senate Bill 205 be removed from the Consent Calendar because it deals with controversial subject matter. I further request that Senate Bill 205 be returned to the Senate Committee on Transportation for further deliberation.

Your consideration of this request is greatly appreciated.

Sincerely,

/s/ Ken

Ken Jacob
State Senator
District #19

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Deanna Ferree, Nevada; and Scott Shellhorn, Stockton; and Deanna and Scott were made honorary pages.

Senator Mathewson introduced to the Senate, Landra Pummill, Sweet Springs; and Jorn Lorenzen, Hamburg, Germany; and Landra and Jorn were made honorary pages.

Senator Mathewson introduced to the Senate, Phyllis Domann, Sedalia.

Senator Bland introduced to the Senate, Ann Bodnar, Mable Washington, Lois Fitzpatrick and Alice Kitchen, Kansas City.

Senator Graves introduced to the Senate, Tonya Stallo and Becki Niemeier, Marceline.

Senator Rohrbach introduced to the Senate, Daniel Williams, California.

Senator Childers introduced to the Senate, Mark, Marina, Melissa, Jessica and Jason Bromley; Barry County.

Senator Howard introduced to the Senate, Doris Carpenter, Ellsinore; and Mary Fowler and Virginia Pierce, Poplar Bluff.

Senator Caskey introduced to the Senate, Johnny Harrelson and Chris Johnson, Calhoun; and Josh Fizer and Brandon Hamilton, Holden.

Senator Bentley introduced to the Senate, Dr. George Carson, Dr. Ron Phelps, Dr. Betty Gonyan and Dr. Leaman Jeslin, Springfield.

Senator Graves introduced to the Senate, Christine Harrelson, Milan.

Senator Maxwell introduced to the Senate, Dale Mudd, Steve Hobbs and Ben Given, Mexico; and Janna Mahan, Columbia.

Senator Westfall introduced to the Senate, Bruce Johnson, Anson Elliott, Tanya Kozer, Amber Hensley, Stefanie Eslinger, Stacey Perkins, John Kluthe and Ryan Persinger, Southwest Missouri State University.

Senator Westfall introduced to the Senate, Mr. and Mrs. Kenny Fleeman, Bolivar; and Jack Neill, Buffalo.

Senator Steelman introduced to the Senate, Alex Stemme, Hermann; Dan Arnsperger, Salisbury; and Kyle Malter, Malta Bend.

Senator Caskey introduced to the Senate, Wayne Seider and Tom Chandler, Butler.

Senator Howard introduced to the Senate, Jon Thompson, Dexter.

Senator Singleton introduced to the Senate, Doug Carnahan; and Jesse DeGouia, Jeff Denno, Rob Huffman, Tom Williams, Brad Toler, Patti Richardson, Janet Ferron, Paige White, Sherry Hull, Nicole Hollenberg, Aqueelah Jackson, Vanessa Copeland, Sarah Bradshaw, Bekah Little and Ron Mitchell, members of the Missouri Southern State College Student Senate.

Senator Sims introduced to the Senate, Joyce and Stephen Littlefield, David Smith and Rev. Stephen Lambin, St. Louis County.

Senator Caskey introduced to the Senate, Mr. and Mrs. Lewis Lincoln and Mr. and Mrs. Bernard Hopkins, Butler.

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

SENATE CALENDAR

TWENTY-NINTH DAY—WEDNESDAY, FEBRUARY 24, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 473-Stoll
- SB 474-Kinder
- SB 475-Mathewson
- SB 476-Goode
- SB 477-Ehlmann
- SB 478-Singleton

- SB 479-Singleton
- SB 480-Singleton
- SB 481-Childers and Russell
- SB 482-Flotron

HOUSE BILLS ON SECOND READING

HCS for HB 349	HB 63-Relford, et al
HCS for HB 533	HCS for HB 52
HB 346-Thompson (37th)	HCS for HB 60
HB 152-Leake, et al	HCS for HB 348
HB 79-Ransdall and Gaw	HB 65-O'Toole and May (108th)
HB 39-Dougherty	HB 271-Clayton
HB 399-Bray	HB 265-Smith
HB 35-Campbell	HB 103-Treadway
HJR 5-Barry, et al	HB 530-May (108th) and
HB 153-Leake, et al	Liese
HB 323-Gratz and Vogel	HB 136-Smith
HB 338-Koller	HB 216-Parker
HS for HCS for HB 618-Harlan	HB 518-Ross
HB 318-Leake and Treadway	HB 248-Kissell
HCS for HB 524	HB 165-May (108th)
HCS for HB 139	HB 359-Hosmer
HB 541-Kreider, et al	HB 69-Elliott
HB 368-Murray and	HB 358-Hosmer
Franklin	HB 183-Pouche

THIRD READING OF SENATE BILLS

SB 294-Staples
(In Budget Control)

SB 184-Staples
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SJR 25-Rohrbach and Goode | 9. SB 32-Howard |
| 2. SB 22-Flotron | 10. SB 288-Quick, et al |
| 3. SB 95-Maxwell | 11. SBs 322, 150 & 151-Sims
and Goode, with SCS |
| 4. SB 309-Maxwell | 12. SB 239-Jacob, with SCS |
| 5. SBs 240, 226 & 229-
DePasco, with SCS | 13. SB 417-Quick, with SCA 1 |
| 6. SB 180-Johnson | 14. SB 346-Stoll, with SCS |
| 7. SB 81-Mathewson | 15. SB 196-DePasco |
| 8. SB 20-Goode, et al | 16. SB 197-DePasco |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 14, 60 & 69-Mathewson,
with SCS & SS for SCS (pending)

SB 78-Russell, with SA 4
(pending)

SB 163-House, with SS &
SA 2 (pending)

SB 203-Wiggins

SB 289-Goode, et al, with
SCAs 1 & 2

SBs 295 & 46-Schneider,
et al, with SCS (pending)

SB 318-Jacob, et al, with
SCS & SS for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 360-Maxwell

SB 237-Klarich

SB 136-Goode

(In Budget Control)

SB 234-Stoll, with SCS

SB 218-Caskey, with SCS

Reported 2/16

SB 275-Caskey, with SCS

SB 175-Rohrbach, with SCS

SB 329-Jacob

SB 310-Maxwell

(In Budget Control)

SB 357-Klarich, with SCA 1

SB 158-Singleton and
Schneider

SB 401-Maxwell

SB 276-Caskey, with SCA 1

Reported 2/22

SB 414-Stoll

SB 268-Staples

SB 152-Childers

SB 353-Goode, with SCA 1

SB 299-Yeckel

SB 76-Banks

SB 403-Rohrbach and Goode

SB 170-Schneider, with SCS

Reported 2/23

SB 349-Graves
SB 302-Bland, with SCS

SB 135-Goode
SB 410-Howard

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),
with SA 1, as amended & SA 2
(Senate refuses to recede and
requests House grant conference)

RESOLUTIONS

SCR 9-Mueller

To be Referred

HCR 10-Williams (121st)

Reported from Committee

SCR 1-Clay

SCR 2-Goode, et al