

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—TUESDAY, MARCH 2, 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 pray this day for your spiritual presence as we face another day of conflicting demands and pressures. And we pray for former Senator Jeff Schaeperkoetter, who is in serious condition from a car accident last night. We pray that You will provide Your healing power to flow through his body bringing him to wholeness of mind, body and spirit through Your mercy's sake. 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 KOMU-TV had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	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	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

Absent with leave—Senators

Banks Bland—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 322, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. William Phillip Benz, Eureka, which was adopted.

CONCURRENT RESOLUTIONS

Senator Clay moved that **SCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Clay, **SCR 1** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Ehlmann Maxwell Schneider—3

Absent with leave—Senators

Banks Bland—2

Senator Goode moved that **SCR 2** be taken up for adoption, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Goode, **SCR 2** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Mueller Schneider—2

Absent with leave—Senators

Banks Bland—2

Senator DePasco announced that photographers from KRCG-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 20**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 32** be taken up for perfection, which motion prevailed.

On motion of Senator Howard, **SB 32** was declared perfected and ordered printed.

Senator Quick moved that **SB 288** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS** for **SB 288**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 288

An Act relating to the Missouri settlement trust fund.

Senator Quick moved that **SS** for **SB 288** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 288, Page 2, Section 1, Line 1, by adding at the end of said line, the following:

"Section A. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2000, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly. The ballots of submission shall contain the following language, and the amendment receiving the greater majority of votes cast for adoption shall supercede:

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be considered "total state revenues" as used in section 17 of article X of the Missouri Constitution?"

AND

"Shall all funds received by the state of Missouri as a result of any legal settlement or award related to public health or health-related issues of smoking be excluded from "total state revenues" as used in section 17 of article X of the Missouri Constitution and subject to appropriation?"; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 1** is out of order in that the amendment

goes beyond the original intent and purpose of **SS** for **SB 288**.

The point of order was referred to the President Pro Tem.

Senator Ehlmann raised a further point of order that **SS** for **SB 288** is out of order in that it goes beyond the intent of the original bill.

The point of order was referred to the President Pro Tem.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

The pending points of order were taken under advisement, placing the bill on the Informal Calendar.

Senator Sims moved that **SB 322**, **SB 150** and **SB 151**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 322**, **150** and **151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 322, 150 and 151

An Act to repeal sections 27.020, 210.211, 210.245, 210.251, 210.252, 210.254, 210.256 and 210.516, RSMo 1994, and section 210.221, RSMo Supp. 1998, relating to child care providers and child placement, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 322**, **150** and **151** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 1, In the Title, Line 2, by striking "27.020" and inserting in lieu thereof the following: "207.020".

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

President Wilson assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Lines 12-13, by striking the following: "care of children with behavioral problems with the approval of a judge"; and inserting in lieu thereof the following: "**and with the approval of a judge in the thirty-ninth judicial circuit, care of children with behavioral problems,**".

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

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Line 33, by inserting after all of said line the following:

"Section 1. 1. To qualify for receipt of state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, an applicant and any person over the age of fourteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145, RSMo. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of fourteen who is living in the applicant's home has been recorded pursuant to section 210.221, RSMo, or section 210.145, RSMo;

(2) Determine if the applicant or any person over the age of fourteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or

210.496, RSMo; and

(3) Request a criminal background check of the applicant and any person over the age of fourteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of fourteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145, RSMo;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496, RSMo;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge.

The division of family services shall, by rule, determine any additional types of offenses or reports, including but not limited to domestic violence, elder abuse or drug offenses, which will disqualify an applicant from receiving such state or federal funds.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the

age of fourteen who is living in the applicant's home listed in subsection 3 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of fourteen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. For child care providers who receive state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, the department of social services shall:

(1) Be authorized to revoke the registration of a registered provider for due cause;

(2) Require providers to be at least eighteen years of age;

(3) Where there are no local ordinances or regulations regarding smoke detectors, require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence where child care is provided;

(4) Require providers to be tested for tuberculosis;

(5) Make providers aware of local opportunities for training in first aid and child care.

2. The department of social services shall promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

At the request of Senator Sims, **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

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 **HB 662**, entitled:

An Act to repeal section 57.968, RSMo 1994, and section 57.967, RSMo Supp. 1998, relating to sheriffs' retirement, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 514**, entitled:

An Act to repeal sections 169.560 and 169.655, RSMo Supp. 1998, relating to the public school and the nonteacher school employer retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

has taken up and passed **HB 94**, entitled:

An Act to repeal section 195.030, RSMo Supp. 1998, relating to controlled substances, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 468**, entitled:

An Act to repeal sections 8.843, 104.160, 104.180, 226.060, 226.100 and 301.273, RSMo 1994, and section 226.445, RSMo Supp. 1998, relating to the department of transportation, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 300**, entitled:

An Act relating to automobile driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 425**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 215**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 386**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 323, regarding the 1999 State Champion Oak Grove High School Wrestling Team, which was adopted.

Senator Maxwell offered Senate Resolution No. 324, regarding the "Senior Buddy" Program at Hannibal High School and Eugene Field Elementary School, Hannibal, which was adopted.

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.

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

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

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 11, Section 210.516, Line 33, by inserting after all of said line

the following:

"Section 1. 1. To qualify for receipt of state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, an applicant and any person over the age of fourteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145, RSMo. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of fourteen who is living in the applicant's home has been recorded pursuant to section 210.221, RSMo, or section 210.145, RSMo;

(2) Determine if the applicant or any person over the age of fourteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496, RSMo; and

(3) Request a criminal background check of the applicant and any person over the age of fourteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of fourteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145, RSMo;

(2) Has been refused licensure or has experienced licensure suspension or revocation

pursuant to section 210.496, RSMo;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge.

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of fourteen who is living in the applicant's home listed in subsection 3 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of fourteen who is living in the applicant's home, the applicant shall not apply for such funds until a guarantee is given that such person will not be present during the time the children are present.

7. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. For child care providers who receive state or federal funds for providing child care services in the home either by direct payment or through reimbursement to a child care beneficiary, the department of social services shall:

(1) Be authorized to revoke the registration of a registered provider for due cause;

(2) Require providers to be at least eighteen years of age;

(3) Require providers to be tested for tuberculosis;

(4) Make providers aware of local opportunities for training in first aid and child care.

2. The department of social services shall promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Sims, **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 325, regarding the death of Mr. Louis J. Donati, St. James, which was adopted.

Senator Yeckel offered Senate Resolution No. 326, regarding George T. Winebright, St. Louis, which was adopted.

Senator Howard, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 327

WHEREAS, the Missouri Senate is always proud to recognize those exemplary citizens who give of themselves so that others might live better; and

WHEREAS, so many lives are enriched by the quiet, devoted contributions of those who stepped forward to help when any neighbor is in need; and

WHEREAS, the tremendous hopes, the many missions and the daily necessities of the smallest, but most significant details in the hearts of people could never be met without older workers and volunteers; and

WHEREAS, lives have been touched in countless, unmeasurable ways by the outstanding volunteers who have offered from the treasure of their hearts, their skills, knowledge, generosity, kindness, warmth of personality and life's experience to others; and

WHEREAS, for the ninth consecutive time, the Missouri Department of Social Services, Division of Aging and the MSECC Committee comprised of the National Senior Citizens Education and Research Center, the American Association of Retired Persons, Green Thumb, Incorporated, the United States Forest Service, the Missouri Department of Economic Development, Division of Job Development and Training, the Missouri Department of Labor and Industrial Relations, Division of Employment Security, the National Council on Aging, Jewish Vocational Service and Cardinal Ritter Institute, have joined to work in a united effort to select and sponsor finalists for the Older Worker of the Year Celebration; and

WHEREAS, the 1999 finalists for older worker of the year come from every part of the great state of Missouri; and

WHEREAS, Howard Wilson of St. Joseph, Frank Graves of Moberly, Rose Holman of Independence, Helen Bishop of El Dorado Springs, Emerson Lemmel of Mt. Sterling, Betty Jo Faulkner of St. Louis, James Grindstaff of Joplin, Marie Hall of Springfield, Brenda Westmorland of Stover, Jessie Beck of Kansas City, Gloria Chunn of St. Louis, Louise Urban of St. Peters, Herbert Reynolds of DeSoto and Mary Moore of West Plains were selected as finalists and Ernest Smith of Dexter, Missouri was selected as Older Worker of the Year; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to recognize the extraordinary caring and tremendous results of the efforts of these outstanding individuals on behalf of the people of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for all the finalists for Older Worker of the Year.

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 322**, **SB 150** and **SB 151**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Mueller offered **SA 1** to **SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 1, Section 1, Line 9 of the amendment, by deleting the word "such" and inserting after "with" "the background".

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

Senator Bentley moved that **SA 4**, as amended, be adopted, which motion prevailed.

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

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 322, 150 and 151, Page 10, Section 210.256, Lines 14-18, by deleting all new language.

Senator Kenney 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 Bills Nos. 322, 150 and 151, Page 7, Section 210.245, Line 32, by deleting the word "ten" on said line and inserting in lieu thereof the word "thirty".

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

Senator Johnson assumed the Chair.

Senator Sims moved that **SCS** for **SBs 322**, **150** and **151**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SBs 322**, **150** and **151**, as amended, was declared perfected and ordered printed.

Senator Jacob moved that **SB 239**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 239

An Act to repeal section 205.190, RSMo Supp. 1998, relating to county hospitals in first classification counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 239** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **SB 239** was declared perfected and ordered printed.

At the request of Senator Quick, **SB 417**, with **SCA 1**, was placed on the Informal Calendar.

Senator Stoll moved that **SB 346**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to repeal sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Stoll moved that **SCS** for **SB 346** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 346, Page 11, Section 115.157, Line 40, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 11, Section 115.157, Line 42, by inserting an opening bracket "[" immediately before the word "database"; and

further amend said line by inserting after the closing bracket "]" the following: "**provided that nothing in this chapter shall require such voter information to be released to the public over the Internet**".

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

President Pro Tem Quick assumed the Chair.

Senator Stoll offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 346, Page 13, Section 115.199, Line 4, by inserting after all of said line the following:

"115.231. 1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions **or presidential primary ballots** in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 346, Page 7, Section 115.123, Line

9, by striking the word "April" and inserting in lieu thereof the word "**March**"; and

Further amend said bill, Page 33, Section 115.755, Line 2, by striking the word "April" and inserting in lieu thereof the word "**March**"; and

Further amend said bill, Page 34, Section 115.761, Line 22, by striking the word "April" and inserting in lieu thereof the word "**March**".

Senator Klarich moved that the above amendment be adopted.

Senator Howard assumed the Chair.

At the request of Senator Klarich, **SA 3** was withdrawn.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 346, Page 37, Section 115.785, Line 9, by inserting immediately after said line the following:

"Section 1. Beginning January 1, 2000, all reports filed with the ethics commission by any candidate for a statewide office, or such candidate's committee, shall be filed in electronic format as prescribed by the commission; provided however, that if a candidate for statewide office, or such candidate's committee receives five thousand dollars or less for any reporting period, the report for that reporting period shall not be required to be filed electronically."; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 346, Page 20, Section 115.349, Line 5, by striking the word "March" and inserting in lieu thereof the word "**April**"; and

Further amend said section and page, line 7, by striking the word "February" and inserting in lieu thereof the word "**January**".

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

SA 5 failed of adoption by the following vote:

YEAS—Senators

Caskey	Childers	Ehlmann	Flotron
Kenney	Kinder	Klarich	Rohrbach
Russell—9			

NAYS—Senators

Bentley	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—20

Absent—Senators

Graves	Maxwell	Schneider—3
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Absent with leave—Senators

Banks	Bland—2
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Senator Mueller offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 346, Page 27, Section 115.507, Line 4, by adding after said line the following: **"The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur."**

Senator Mueller moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 346**, with **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

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 **HB 407**, entitled:

An Act relating to changes in county classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 366**, entitled:

An Act to repeal section 52.385, RSMo 1994, relating to county collectors, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 64**, entitled:

An Act to amend chapter 209, RSMo, relating to aid to the blind, by adding thereto one new section relating to guide dog trainers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 646**, entitled:

An Act to repeal section 304.235, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 464**, entitled:

An Act to repeal section 70.686, RSMo 1994,

relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

THIRD READING OF SENATE BILLS

SB 294, introduced by Senator Staples, entitled:

An Act to repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Staples moved that **SB 294** be read the 3rd time and finally passed.

Senator Staples was recognized to close.

Senator Bentley rose to be recognized to speak on the bill.

Senator Staples yielded the floor to Senator Bentley, who spoke on the bill.

Senator Singleton rose to interrogate Senator Bentley.

The Chair stated that Senator Staples had been recognized to close and further debate would not be proper.

Senator Singleton raised the point of order that when Senator Bentley was recognized to speak the floor was again open for debate.

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

On motion of Senator Staples, **SB 294** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Staples	Steelman
Stoll—21			

NAYS—Senators

Bentley	Goode	Jacob	Mueller
Scott	Sims	Singleton	Westfall
Wiggins—9			

Absent—Senators

Schneider	Yeckel—2
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Absent with leave—Senators

Banks	Bland—2
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The President declared the bill passed.

President Pro Tem Quick assumed the Chair.

The emergency clause failed to receive a two-thirds majority by the following vote:

YEAS—Senators

Caskey	Childers	DePasco	Graves
House	Jacob	Kenney	Kinder
Maxwell	Quick	Rohrbach	Russell
Staples	Steelman	Stoll	Yeckel—16

NAYS—Senators

Bentley	Clay	Ehlmann	Flotron
Goode	Howard	Johnson	Klarich
Mathewson	Mueller	Scott	Sims
Singleton	Westfall	Wiggins—15	

Absent—Senator Schneider—1

Absent with leave—Senators

Banks	Bland—2
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On motion of Senator Staples, title to the bill was agreed to.

Senator Staples 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 DePasco moved that **SB 196** be taken up for perfection, which motion prevailed.

On motion of Senator DePasco, **SB 196** was declared perfected and ordered printed.

Senator DePasco moved that **SB 197** be taken up for perfection, which motion prevailed.

On motion of Senator DePasco, **SB 197** was declared perfected and ordered printed.

Senator Johnson moved that **SB 33** be taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 33, Page 1, Section 144.517, Line 5, by adding the words "or secondary school"; and

Further amend said bill, line 8, by adding after the word "field", the following "or high school diploma".

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

SA 1 failed of adoption by the following vote:

YEAS—Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Rohrbach	Scott
Steelman	Wiggins	Yeckel—11	

NAYS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Goode	House	Jacob
Johnson	Mathewson	Mueller	Quick
Russell	Sims	Singleton	Staples
Stoll	Westfall—18		

Absent—Senators

Howard	Maxwell	Schneider—3
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Absent with leave—Senators

Banks	Bland—2
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On motion of Senator Johnson, **SB 33** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 436**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 396**, 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.

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

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 391**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Linda Sherwin, and March of Dimes Volunteers from across the state.

Senator Childers introduced to the Senate, Jennifer Beasley, Lynn Chamberlain, Kirsten Green and thirty-four eighth grade students from Kirbyville School, Kirbyville.

Senator Maxwell introduced to the Senate, Vickie Massen, Ann Hagan and sixteen sixth grade students from St. Brendan's Catholic School, Mexico.

Senator Clay introduced to the Senate, Dina Vatcha and Tracie Hope, St. Louis.

Senator Howard introduced to the Senate, members of the Southeast Missouri Teachers Association.

Senator Kinder introduced to the Senate, Ed Seabaugh, Jackson; and JoAnn Hahs, Oak Ridge.

Senator Maxwell introduced to the Senate, Mark, Amy and Regan Thomas and Joe, Chris and Ryan Joseph Dimmitt, Shelbina; and Regan and Ryan Joseph were made honorary pages.

Senator Caskey introduced to the Senate, Christine Bell, Warrensburg.

Senator Mathewson introduced to the Senate, seventy eighth grade students from Salisbury School, Salisbury; and Doug Bixenman, Natasha Hollon, Nic Perkins and Debra Durham were made honorary pages.

Senator Stoll introduced to the Senate, Mrs. Fricke, Mrs. Cooseman and fourth grade students from Hillsboro R-3 School.

Senator Maxwell introduced to the Senate, members of the Missouri Nurses Association.

Senator Flotron introduced to the Senate, Sue McCartney, Mrs. Bockel, Mrs. LoPiccolo and eighty fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Kinder introduced to the Senate, Julie Keathley, Dexter; Pam O'Brien, Cape Girardeau; and Sarah Ross, Angelo Moore and Kim Eftink.

Senator Singleton introduced to the Senate, Willie Shipee and forty nursing students from Missouri Southern State College.

Senator Howard introduced to the Senate, Howard Wilson, St. Joseph; Frank Graves, Moberly; Rose Holman, Independence; Helen Bishop, El Dorado Springs; Emerson Lemmel, Mt. Sterling; Betty Jo Faulkner and Gloria Chunn, St. Louis; James Grindstaff, Joplin; Marie Hall, Springfield; Brenda Westmorland, Stover; Jessie Beck, Kansas City; Louise Urban, St. Peters; Herbert Reynolds, DeSoto; Mary Moore, West Plains and Ernest Smith, Dexter.

Senator Graves introduced to the Senate, Sue Dorrell, Shelly Robertson and students from St. Gregory School, Maryville.

Senator Sims introduced to the Senate, her daughter, Molly Sims, St. Louis.

Senator Sims introduced to the Senate, Scott Vibranz, Peg Capo, Gretchen Davis and John

Hanpeter, St. Louis.

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

SENATE CALENDAR

THIRTY-THIRD DAY—WEDNESDAY, MARCH 3, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 473-Stoll	SB 501-Westfall
SB 474-Kinder	SB 502-Howard
SB 475-Mathewson	SB 503-Howard
SB 477-Ehlmann	SB 504-Mueller
SB 478-Singleton	SB 505-Wiggins
SB 479-Singleton	SB 506-Wiggins
SB 480-Singleton	SB 507-Childers
SB 481-Childers and Russell	SB 508-Johnson
SB 482-Flotron	SB 509-Maxwell
SB 483-Yeckel	SB 510-Graves
SB 484-Yeckel	SB 511-Graves
SB 485-Johnson	SB 512-Stoll and Flotron
SB 486-Westfall and Bentley	SB 513-Bland and DePasco
SB 487-Graves	SB 514-Bland
SB 488-Ehlmann	SB 515-Bland
SB 489-Ehlmann	SB 516-Bland
SB 490-Banks	SB 517-Bland
SB 491-Mueller	SB 518-Staples
SB 492-Stoll	SB 519-Banks
SB 493-Kenney	SB 520-Banks
SB 494-Childers	SB 521-Banks
SB 495-Goode	SB 522-Rohrbach
SB 496-Wiggins	SB 523-Kinder
SB 497-Ehlmann	SB 524-House
SB 498-Wiggins	SB 525-Rohrbach
SB 499-Klarich	SB 526-Schneider
SB 500-Westfall	SJR 29-Caskey

HOUSE BILLS ON SECOND READING

HCS for HB 349	HB 165-May (108th)
HCS for HB 533	HB 359-Hosmer
HB 346-Thompson (37th)	HB 69-Elliott
HB 152-Leake, et al	HB 358-Hosmer
HB 79-Ransdall and Gaw	HB 183-Pouche
HB 39-Dougherty	HB 76-Smith
HB 399-Bray	HB 369-Murray
HB 35-Campbell	HB 275-May (108th) and
HJR 5-Barry, et al	O'Toole
HB 153-Leake, et al	HS for HB 450-Relford
HB 323-Gratz and Vogel	HB 107-Days and Foley
HB 338-Koller	HCS for HBs 321 & 493
HS for HCS for HB 618-Harlan	HS for HCS for HB 274-May (108th)
HB 318-Leake and Treadway	HCS for HB 888
HCS for HB 524	HS for HB 162-Luetkenhaus
HCS for HB 139	HB 191-Dougherty, et al
HB 541-Kreider, et al	HB 315-Hosmer
HB 368-Murray and Franklin	HB 517-Backer, et al
HB 63-Relford, et al	HB 478-Ward, et al
HCS for HB 52	HB 185-Lakin
HCS for HB 60	HB 662-Crump
HCS for HB 348	HB 514-Franklin
HB 65-O'Toole and May (108th)	HB 94-Clayton
HB 271-Clayton	HB 468-Koller
HB 265-Smith	HB 300-Green
HB 103-Treadway	HB 407-Robirds
HB 530-May (108th) and Liese	HB 366-Hartzler (123rd)
HB 136-Smith	HB 64-Long
HB 216-Parker	HB 646-Hampton, et al
HB 518-Ross	HB 464-Richardson
HB 248-Kissell	

THIRD READING OF SENATE BILLS

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| 1. SCS for SBs 308 & 314-
Scott and Russell | 3. SS for SCS for SBs 160
& 82-Maxwell |
| 2. SCS for SBs 8 & 173-
Banks | 4. SCS for SB 282-Clay, et al
(In Budget Control) |

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| <p>5. SB 95-Maxwell
(In Budget Control)</p> <p>6. SJR 25-Rohrbach and
Goode
(In Budget Control)</p> <p>7. SB 180-Johnson</p> | <p>8. SS for SCS for SBs 14,
60 & 69-Mathewson
(In Budget Control)</p> <p>9. SS for SB 22-Flotron
(In Budget Control)</p> <p>10. SB 20-Goode, et al</p> |
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SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| <p>1. SB 5-Wiggins</p> <p>2. SB 379-Banks, with SCA 1</p> <p>3. SB 325-Stoll, with SCS</p> <p>4. SB 335-Caskey, with SCS</p> <p>5. SB 373-DePasco and Jacob</p> <p>6. SB 19-Goode, with SCS</p> <p>7. SB 339-Howard and
Sims, with SCS</p> <p>8. SB 405-Scott, et al,
with SCS</p> <p>9. SB 249-Maxwell, with SCS</p> <p>10. SB 338-Howard and
Sims, with SCS</p> <p>11. SJR 23-Mathewson, et al</p> | <p>12. SBs 1, 92, 111, 129 &
222-Schneider, with SCS</p> <p>13. SB 205-Westfall and
Staples, with SCA 1</p> <p>14. SB 70-Schneider, with SCS</p> <p>15. SB 394-Quick, with SCS</p> <p>16. SB 235-Stoll</p> <p>17. SB 209-Goode, et al,
with SCA 1</p> <p>18. SB 179-Goode, with SCA 1</p> <p>19. SB 37-Rohrbach, with SCS</p> <p>20. SB 425-Stoll, et al, with SCS</p> <p>21. SB 215-Mathewson</p> <p>22. SB 386-Clay, with SCS</p> |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| <p>SB 78-Russell, with SA 4
(pending)</p> <p>SB 163-House, with SS &
SA 2 (pending)</p> <p>SB 203-Wiggins</p> <p>SB 288-Quick, et al, with SS,
SA 1 & points of order (pending)</p> <p>SB 289-Goode, et al, with
SCAs 1 & 2</p> | <p>SBs 295 & 46-Schneider,
et al, with SCS (pending)</p> <p>SB 309-Maxwell, with SA 2
(pending)</p> <p>SB 318-Jacob, et al, with SCS
& SS for SCS (pending)</p> <p>SB 346-Stoll, with SCS &
SA 6 (pending)</p> <p>SB 417-Quick, with SCA 1</p> |
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CONSENT CALENDAR

Senate Bills

Reported 2/22

SB 414-Stoll	SB 299-Yeckel
SB 268-Staples	SB 76-Banks
SB 152-Childers	SB 403-Rohrbach and Goode
SB 353-Goode, with SCA 1 (In Budget Control)	SB 170-Schneider, with SCS

Reported 2/23

SB 349-Graves	SB 410-Howard
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Reported 3/1

SB 433-Russell	SB 201-Childers, with SCA 1
SB 362-Westfall	SB 426-Howard
SB 177-DePasco	SB 207-Klarich and Wiggins
SB 456-Klarich	SB 399-Maxwell
SB 148-Childers	SB 142-Schneider
SB 460-House	
SBs 320 & 445-Caskey, with SCS	

Reported 3/2

SB 436-Quick, with SCS	SB 391-Schneider, et al, with SCS
SB 396-Mathewson, with SCS	SB 348-Wiggins

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Goode)

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

Unofficial

Journal

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