

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—MONDAY, MARCH 8, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: In spite of sleet, rain and ice we made it here and we thank You for bringing us safely through it all. This week we pray that we may walk steadily towards the many goals that were set for this session. And we pray that You pour out Your healing power on so many who are ill, bring them quickly to health and wholeness. All 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 for Thursday, March 4, 1999, was read and approved.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	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—32

Absent with leave—Senators

DePasco Staples—2

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 340, regarding Eric Ward, Poplar Bluff, which was adopted.

Senator Kenney offered Senate Resolution No. 341, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Leonard Fick, Greenwood, which was adopted.

Senator Kenney offered Senate Resolution No. 342, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Briggs, Independence, which was adopted.

Senator Howard offered Senate Resolution No. 343, regarding W. M. Luna, Piedmont, which was adopted.

Senator Steelman offered Senate Resolution No. 344, regarding "Serendipity: One Day That Makes A Difference" Program at Salem Upper Elementary School, Salem, which was adopted.

Senator Schneider offered Senate Resolution No. 345, regarding the death of Donald R. Zykan, North St. Louis County, which was adopted.

Senator Kenney offered Senate Resolution No. 346, regarding Arthur A. Davis, III, Lee's Summit, which was adopted.

Senator Ehlmann offered Senate Resolution No. 347, regarding Timothy Alan Carr, St. Peters, which was adopted.

Senator Graves offered Senate Resolution No. 348, regarding the One Hundred First Birthday of Carl Hayzlett, Forest City, which was adopted.

Senator Graves offered Senate Resolution No.

349, regarding the Ninetieth Birthday of Mary L. Landes, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 350, regarding the Ninetieth Birthday of Susan Everett Muir, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 351, regarding the Ninety-sixth Birthday of Dell Morris, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 352, regarding the One Hundred Fourth Birthday of Florence Foster, King City, which was adopted.

Senator Graves offered Senate Resolution No. 353, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carroll R. Brand, Osborn, which was adopted.

Senator Graves offered Senate Resolution No. 354, regarding the Ninety-sixth Birthday of Louise Kneale, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 355, regarding the Ninety-fifth Birthday of Mrs. Mary Ann Palmer, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 356, regarding the Ninety-first Birthday of Dorothy Bell, Rock Port, which was adopted.

Senators Schneider and Klarich offered Senate Resolution No. 357, regarding Manfred P. Zettl, St. Louis, which was adopted.

Senators Schneider and Klarich offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 358

WHEREAS, the Missouri Senate takes pride in honoring those rare professionals who have attained the pinnacle of success among their peers; and

WHEREAS, Manfred P. Zettl, Managing Chef of the St. Louis Women's Club, prepared the exquisite menu for the First Annual Senate Gourmet Dinner and Wine Tasting sponsored by Missouri Wineries and the Missouri Department of Agriculture Grape and Wine Program, held on April 22, 1998, at the Michigan Place Banquet Hall in Jefferson City; and

WHEREAS, born in Salzburg, Austria, in 1941, a graduate of the Austrian Hotel School, the French Wine School and the California Wine Council, Manfred Zettl has traveled the world serving as Chef for the luxury line the S.S. Rotterdam; for Austrian hotels such as the Hotel Goldener Hirsch and Schloss Hotel Velden, as well as The Zuerserhof in the Arlberg Mountains; and for Famous Barr Company where his recipe for French onion soup received the

attention of numerous magazines, making him a celebrity; and

WHEREAS, one of only 780 chefs in America to belong to the prestigious American Academy of Chefs, Chef Zettl is exceedingly proud of his affiliation with the Commanderie De Bordeaux, the Chaine Des Rotisseurs, Les Amis Du Vin, the St. Louis Chefs De Cuisine Association, and the Academy of Culinary Art in St. Louis, where he currently serves as an instructor; and

WHEREAS, an accomplished ice carver, Chef Zettl has received such accolades as the 1972 National Ice Carving Championship and the American Academy of Restaurant and Hospitality Sciences 1995 Five Star Award; and

WHEREAS, the 1986-1987 Chef of the Year, Manfred Zettl served as the Advisor and Sponsor of Explorer Post 9113 Chefs and Cooking Post of the Boy Scouts of America, Advisor to the Jewish Community Centers Association Food Service, Consultant for Beck Flavor Company, Corporate and Consulting Chef for the Five Star Food Base Company of Minnesota, and as the Production Manager for La Bonne Bouchee where he began a complete cake and pastry line for Quality Food Service Operations; and

WHEREAS, the remarkable, gourmet dinner included wines provided by Missouri wineries and an impressive menu of hor d'oeuvres, a first course of chicken double consomme with shitaki quenelles and Ozark flat bread sticks, fresh cherry lemon sorbet, fresh mixed garden greens with Italian croutons and walnut balsamic vinaigrette, fresh churned butter, and hot bread; and

WHEREAS, the dinner's main course consisted of a farm raised cornfed Missouri Double Porkchop with honey ginger glacé, roasted garlic mashed potatoes, fresh green beans with bacon and sweet onions, honey glazed carrot nuggets, and Route 66 Chocolate Souffle with fresh raspberry chocolate sauce; and

WHEREAS, this exquisite dinner prepared by Chef Manfred P. Zettl, C.E.C., A.A.C., of the St. Louis Women's Club, who has dazzled the likes of dignitaries and celebrities, including John F. Kennedy, Nikita Khrushchev, Marilyn Monroe, Clark Gable, Herbert Von Karian, the Shah of Persia, and Queen Elizabeth of England:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our most sincere appreciation to Chef Zettl for the unparalleled success of the First Annual Senate Gourmet Dinner and Wine Tasting, and in wishing him only the very best as he continues to enhance the lives of others as a culinary artist and that the Flag shall fly over the State Capitol on this date in his honor in perpetuity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Chef Manfred P. Zettl, C.E.C.,A.A.C.

Senator Ehlmann offered the following resolution:

SENATE RESOLUTION NO. 359

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Twenty-third District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 52 be amended to read as follows:

"Rule 52. **1.** All bills reported to the senate from any committee shall lie on the table one day before being perfected and ordered printed; and bills when reported perfected shall lie over one day before a third reading.

2. Notwithstanding any other rule to the contrary, Senate Bill No. 318, considered by the senate during the ninetieth general assembly, first regular session, shall be amended only by substitute, and any substitute offered shall not exceed a total annual cost to general revenue in excess of two hundred eighty-five million dollars. Any substitute offered pursuant to this rule must be on the senators' desks twenty-four hours prior to taking it up. The senate shall take up Senate Bill No. 318 on Monday, March 22, 1999."

CONCURRENT RESOLUTIONS

Senators Banks and Clay offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, political party committees perform important functions by acting for and representing their political parties; and

WHEREAS, ward committees perform an important role in acting for and representing the interest of their political party at the local level; and

WHEREAS, when a vacancy occurs in a ward committee, it is the duty of the other committee member in the same ward to appoint a replacement; and

WHEREAS, when a vacancy is not promptly filled by the other ward committee member, the ability of that ward committee to represent and act for the political party in important matters of the ward is impaired:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, that the general assembly believes for all of the above reasons, that any vacancy existing in a ward committee should be filled as soon as possible; and

BE IT FURTHER RESOLVED, should any vacancy remain unfilled for a period of thirty days, the respective ward committee shall post the date of the election and shall conduct an election for that unfilled position. The ward committee shall send the election results to the central city committee of both parties for ratification of the election results. Upon ratification, the person winning the election shall become the committee person; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to each of the established political parties in this state that has ward committee representation.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dan W. Brown, D.V.M., Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory L. Hempen, 56 Montague Court, St. Louis, St. Louis County, Missouri 63123, as a member of the Seismic Safety Commission, for a term ending August 11, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William E. James, Democrat, 902 Bird Avenue, Harrisonville, Cass County, Missouri 64701, as a member of the Missouri State Lottery Commission, for a term ending September 7, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert J. Mayfield, Democrat, 12910 Walnut Way Terrace, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri State Lottery Commission, for a term ending September 7, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith A. Steffen-Drake, 3443 South Kings Avenue, Springfield, Greene County, Missouri 65807, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John H. Teale, D.C., 305 Gaines Road, Excelsior Springs, Clay County, Missouri 64024, as a public member of the State Board of Cosmetology, for a term ending August 16, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 5, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debbie M. Ulinski, 4236 Virginia Avenue #10, St. Louis, St. Louis County, Missouri 63111, as a public member of the Missouri State Committee of Interpreters, for a term ending December 11, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

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

SB 501—Transportation.

SB 502—Agriculture, Conservation, Parks and Tourism.

SB 503—Aging, Families and Mental Health.

SB 504—Financial and Governmental Organization.

SB 505—Civil and Criminal Jurisprudence.

SB 506—Ways and Means.

SB 507—Agriculture, Conservation, Parks and Tourism.

SB 508—Agriculture, Conservation, Parks and Tourism.

SB 509—Ways and Means.

SB 510—Agriculture, Conservation, Parks and Tourism.

SB 511—Education.

SB 512—Education.

SB 513—Public Health and Welfare.

SB 514—Aging, Families and Mental Health.

SB 515—Public Health and Welfare.

SB 516—Insurance and Housing.

SB 517—Insurance and Housing.

SB 518—Local Government and Economic Development.

SB 519—Public Health and Welfare.

SB 521—Public Health and Welfare.

SB 522—Financial and Governmental Organization.

SB 523—Education.

SB 524—Ways and Means.

SB 525—Elections, Veterans' Affairs and Corrections.

SB 526—Civil and Criminal Jurisprudence.

HOUSE BILLS ON SECOND READING

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

HCS for HB 349—Financial and Governmental Organization.

HCS for HB 533—Local Government and Economic Development.

HB 346—Transportation.

HB 152—Agriculture, Conservation, Parks and Tourism.

HB 79—Pensions and General Laws.

HB 39—Commerce and Environment.

HB 399—Ways and Means.

HB 35—Agriculture, Conservation, Parks and Tourism.

HJR 5—Education.

HB 153—Agriculture, Conservation, Parks and Tourism.

HB 323—Elections, Veterans' Affairs and Corrections.

HB 338—Transportation.

HS for HCS for HB 618—Aging, Families and Mental Health.

HB 318—Local Government and Economic Development.

HCS for HB 524—Commerce and Environment.

HCS for HB 139—Agriculture, Conservation, Parks and Tourism.

HB 541—Agriculture, Conservation, Parks and Tourism.

HB 368—Financial and Governmental Organization.

HB 63—Elections, Veterans' Affairs and Corrections.

HCS for HB 52—Financial and Governmental Organization.

HCS for HB 60—Transportation.

HCS for HB 348—Civil and Criminal Jurisprudence.

HB 65—Pensions and General Laws.

HB 271—Public Health and Welfare.

HB 265—Public Health and Welfare.

HB 103—Local Government and Economic Development.

HB 530—Pensions and General Laws.

HB 136—Civil and Criminal Jurisprudence.

HB 216—Commerce and Environment.

HB 518—Agriculture, Conservation, Parks and Tourism.

HB 248—Civil and Criminal Jurisprudence.

HB 165—Civil and Criminal Jurisprudence.

HB 359—Civil and Criminal Jurisprudence.

HB 69—Civil and Criminal Jurisprudence.

HB 358—Public Health and Welfare.

HB 183—Civil and Criminal Jurisprudence.

HB 76—Civil and Criminal Jurisprudence.

HB 369—Appropriations.

HB 275—Local Government and Economic Development.

HS for HB 450—Commerce and Environ-

ment.

HB 107—Local Government and Economic Development.

HCS for **HBs 321** and **493**—Education.

HS for **HCS** for **HB 274**—Judiciary.

HCS for **HB 888**—Agriculture, Conservation, Parks and Tourism.

HS for **HB 162**—Labor and Industrial Relations.

HB 191—Public Health and Welfare.

HB 315—Transportation.

HB 517—Transportation.

HB 478—Insurance and Housing.

HB 185—Transportation.

HB 662—Pensions and General Laws.

HB 514—Pensions and General Laws.

HB 94—Public Health and Welfare.

HB 468—Transportation.

HB 300—Transportation.

HB 407—Local Government and Economic Development.

HB 366—Local Government and Economic Development.

HB 64—Public Health and Welfare.

HB 646—Transportation.

HB 464—Pensions and General Laws.

HB 445—Insurance and Housing.

HB 34—Insurance and Housing.

HB 680—Transportation.

HB 678—Transportation.

HB 661—Civil and Criminal Jurisprudence.

HB 242—Civil and Criminal Jurisprudence.

HB 282—Financial and Governmental Organization.

HCS for **HB 308**—Aging, Families and Mental Health.

REPORTS OF STANDING COMMITTEES

On behalf of Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Quick submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 379**; **SCS** for **SB 346**; **SS** for **SCS** for **SB 335**; **SCS** for **SB 325**; and **SCS** for **SBs 295** and **46**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SB 399**; **SCS** for **SBs 295** and **46**; **SCS** for **SB 346**; **SB 426**; and **SB 320** and **SB 445**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following reports:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 176**, 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 Elections, Veterans' Affairs and Corrections, to which was referred **SB 364**, 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 Elections, Veterans' Affairs and Corrections, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 466, Page 1, In the Title, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 65.110 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by striking all of said line and inserting in lieu thereof the following:

"Section A. Sections 65.110 and 205.180, RSMo 1994, are repealed and two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 65.110 and"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"65.110. 1. There shall be chosen at the biennial election in each township one trustee, who shall be ex officio treasurer of the township, one township collector, one township clerk, and two members of the township board.

2. If the number of candidates for any township office is no greater than the number of such officers to be elected, no election shall be held for that township office, and the candidate or candidates shall assume the responsibilities of such office at the same time and in the same manner as if such candidate or candidates had been elected. For the purposes of this subsection, township offices are: trustee, ex officio treasurer, collector, clerk and township board.

[2.] **3.** Upon the assumption of office of a county assessor elected as provided by section 53.010, RSMo, the township clerk shall cease to perform the duties of ex officio township assessor and shall promptly deliver to the county assessor all books, papers, records, and property pertaining to the office of ex officio township assessor."

THIRD READING OF SENATE BILLS

SB 433, introduced by Senator Russell, entitled:

An Act authorizing the director of the department of natural resources to convey certain property in the Lake of the Ozarks State Park.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 433** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senator Banks—1

Absent with leave—Senators

DePasco Graves Staples—3

The President declared the bill passed.

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

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

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

SB 362, introduced by Senator Westfall, entitled:

An Act to repeal sections 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265 and 324.267, RSMo Supp. 1998, relating to the licensure of massage therapists, and to enact in lieu thereof eleven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 362** was

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks	Schneider	Singleton—3
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Absent with leave—Senators

DePasco	Graves	Staples—3
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The President declared the bill passed.

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

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

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

SB 456, introduced by Senator Klarich, entitled:

An Act to repeal section 362.077, RSMo Supp. 1998, relating to bank charters, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 456** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	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—30		

NAYS—Senators—None

Absent—Senators

Banks	Schneider—2
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Absent with leave—Senators

DePasco	Staples—2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	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—30		

NAYS—Senators—None

Absent—Senators

Banks	Schneider—2
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Absent with leave—Senators

DePasco	Staples—2
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On motion of Senator Klarich, title to the bill was agreed to.

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

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

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 520—Civil and Criminal Jurisprudence.

SENATE BILLS FOR PERFECTION

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

SCA 1 was taken up.

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

SCA 2 was taken up.

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

Senator Goode offered **SS** for **SB 289**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 289

An Act to repeal sections 162.857 and 162.867, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof two new sections relating to the same subject.

Senator Goode moved that **SS** for **SB 289** be adopted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 289, Page 7, Section 162.867, Line 25, by inserting immediately after all of said line the following:

"162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011, RSMo. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of **the** board of

aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) **The state board of education shall make a determination of accreditation status of any district within ninety days of the date of completion of the district's accreditation review by the department of elementary and secondary education. In the event the state board of education is otherwise prohibited from classifying as unaccredited any district, then any resident taxpayer of that district shall have a cause of action to have a court of law declare the school district unaccredited under the uniform criteria established by the state board of education. In such action, the plaintiff must plead a prima facie case that the school district fails to meet the criteria, at which time the burden of proof will be on the school district to show it meets the criteria for accreditation or provisional accreditation, and, if the person bringing such action prevails, such person shall be entitled to reasonable attorney's fees and such other remedies as the court may order, which may include an order that the district be classified as unaccredited. A finding of non-accreditation shall not create additional obligation or liability on the part of the state of Missouri other than that set out below.** In the event that the state board of education or any court of this state shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a person of recognized

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

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

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

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

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

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

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

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

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

5. The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or

require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax. The transitional school district, any other statute to the contrary notwithstanding, shall not be subject to any certificate of tax abatement issued pursuant to sections 99.700 to 99.715, RSMo. Any certificate of abatement issued after August 28, 1998, shall not be applicable to the transitional school district. The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

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

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

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

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

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

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

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

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

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

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

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section.";

and
Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Goode moved that **SS** for **SB 289**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 289**, as amended, was declared perfected and ordered printed.

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 570**, entitled:

An Act to repeal section 491.060, RSMo 1994, relating to witness testimony, 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 453**, entitled:

An Act to repeal section 610.035, RSMo Supp. 1998, relating to public records, 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 473**, entitled:

An Act to repeal section 610.015, RSMo Supp. 1998, relating to votes taken at public governmental bodies meetings, 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 257**, entitled:

An Act to repeal section 561.031, RSMo 1994,

relating to appearances by the defendant, 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 326**, entitled:

An Act to repeal section 41.160, RSMo 1994, relating to certain military forces, 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 290**, entitled:

An Act to repeal section 301.445, RSMo Supp. 1998, relating to motor vehicle license plates, 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 724**, entitled:

An Act to repeal section 43.503, RSMo Supp. 1998, relating to the Missouri uniform law enforcement system, 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.

REPORTS OF STANDING COMMITTEES

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 326**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 336**, begs leave to report that it has considered

the same and recommends that the bill do pass.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Rachael and Elsa Klarich, St. Louis; and Rachael and Elsa were made honorary pages.

Senator Singleton introduced to the Senate, Richard Melton, St. Louis; Joshua Seaman, Chetopa, Kansas; Daine Branham, Neosho; Ian Finney, St. Stephens, Alabama; Brandy Murdock, Porter, Texas; Amanda Russell, Sacramento, Kentucky; Mr. and Mrs. James Link and James Thomas, Neosho.

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

SENATE CALENDAR

THIRTY-SIXTH DAY—TUESDAY, MARCH 9, 1999

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 267
HB 570-Rizzo
HB 453-Gross
HB 473-Legan

HB 257-Seigfreid
HB 326-Parker
HB 290-Champion
HB 724-Crump

THIRD READING OF SENATE BILLS

1. SCS for SB 282-Clay, et al
(In Budget Control)
2. SB 95-Maxwell
(In Budget Control)
3. SJR 25-Rohrbach and Goode
(In Budget Control)

4. SB 180-Johnson
5. SS for SCS for SBs 14, 60 &
69-Mathewson
(In Budget Control)
6. SS for SB 22-Flotron
(In Budget Control)

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|--|---|
| 7. SB 20-Goode, et al | 14. SS#2 for SB 163-House |
| 8. SB 33-Johnson
(In Budget Control) | 15. SB 379-Banks |
| 9. SCS for SBs 322, 150
& 151-Sims and Goode
(In Budget Control) | 16. SCS for SB 346-Stoll
(In Budget Control) |
| 10. SCS for SB 239-Jacob | 17. SS for SCS for SB 335-
Caskey |
| 11. SB 197-DePasco | 18. SCS for SB 325-Stoll |
| 12. SB 196-DePasco | 19. SCS for SBs 295 & 46-
Schneider, et al |
| 13. SB 32-Howard | (In Budget Control) |

Unofficial

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 19-Goode, with SCS | 11. SB 235-Stoll |
| 2. SB 339-Howard and
Sims, with SCS | 12. SB 209-Goode, et al,
with SCA 1 |
| 3. SB 405-Scott, et al, with SCS | 13. SB 179-Goode, with SCA 1 |
| 4. SB 249-Maxwell, with SCS | 14. SB 37-Rohrbach, with SCS |
| 5. SB 338-Howard and
Sims, with SCS | 15. SB 425-Stoll, et al, with SCS |
| 6. SJR 23-Mathewson, et al | 16. SB 215-Mathewson |
| 7. SBs 1, 92, 111, 129 &
222-Schneider, with SCS | 17. SB 386-Clay, with SCS |
| 8. SB 205-Westfall and
Staples, with SCA 1 | 18. SB 233-Sims, with SCS |
| 9. SB 70-Schneider, with SCS | 19. SBs 347, 40, 241 &
301-House, with SCS |
| 10. SB 394-Quick, with SCS | 20. SB 467-Caskey, with SCS |
| | 21. SB 336-Caskey |

Journal
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 5-Wiggins | SB 318-Jacob, et al, with
SCS & SS for SCS (pending) |
| SB 78-Russell, with SA 4 (pending) | SB 373-DePasco and Jacob,
with SS (pending) |
| SB 203-Wiggins | SB 417-Quick, with SCA 1 |
| SB 288-Quick, et al, with SS,
SA 1 & points of order (pending) | |
| SB 309-Maxwell, with SA 2
(pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/22

SB 353-Goode, with SCA 1
(In Budget Control)

SB 403-Rohrbach and Goode

Unofficial
Reported 3/1

SB 177-DePasco

SB 148-Childers

SB 460-House

SBs 320 & 445-Caskey, with SCS
(In Budget Control)

SB 201-Childers, with SCA 1

SB 426-Howard

(In Budget Control)

SB 207-Klarich and Wiggins

SB 399-Maxwell

(In Budget Control)

SB 142-Schneider

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Reported 3/2

SB 436-Quick, with SCS

SB 396-Mathewson, with SCS

SB 391-Schneider, et al, with SCS

SB 348-Wiggins

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Reported 3/8

SB 176-Rohrbach, with SCS

SB 364-Ehlmann

SB 466-Caskey, with SCA 1

SB 326-Goode

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

SR 359-Ehlmann

SCR 9-Mueller

Reported from Committee

SCR 14-Quick

To be Referred

SCR 17-Banks and Clay

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