

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—MONDAY, MARCH 29, 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 and Heavenly Father: We begin the most sacred week in the Christian Calendar and prepare for Passover, so we pray that as this holy time is upon us we may re-commit ourselves to Your teaching, recognize the lengths You have gone to claim and redeem us as Your people and call us to lead a moral and ethical life as we serve this Senate and the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, March 25, 1999, was read and approved.

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

Present—Senators

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

Absent with leave—Senators

Bland	Flotron	Scott—3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 461, regarding Kenneth E. Ross, D.O., House Springs, which was adopted.

Senator Stoll offered Senate Resolution No. 462, regarding Jeromy Crump, Crystal City, which was adopted.

Senator Kenney offered Senate Resolution No. 463, regarding Zachary Michael Morehead, Grain Valley, which was adopted.

Senator Graves offered Senate Resolution No. 464, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Wayne Downing, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 465, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Carroll, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 466, regarding the Fifty-sixth Wedding Anniversary of Mr. and Mrs. Clyde Welch, Rock Port, which was adopted.

Senator Mueller offered Senate Resolution No. 467, regarding Brigit D. Kendall, Sunset Hills, which was adopted.

Senator Howard offered Senate Resolution No. 468, regarding Three Rivers Community College, Poplar Bluff, which was adopted.

Senator Quick offered Senate Resolution No. 469, regarding Carol L. Babcock, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No.

470, regarding Michelle Jennings, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 471, regarding Gwyn Blunk, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 472, regarding Aaron Beatty, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 473, regarding Clint Helfers, Blue Springs, which was adopted.

Senator Schneider offered Senate Resolution No. 474, regarding James A. Meiners, Jr., Florissant, which was adopted.

Senator Ehlmann offered Senate Resolution No. 475, regarding Heath Lee Goodrich, Lake St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 476, regarding Julia Diane Kitsmiller, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 477, regarding Major/Chief Deputy Richard L. Marberry, Jefferson County, which was adopted.

Senator Ehlmann offered Senate Resolution No. 478, regarding Michael B. "Mike" Wilson, St. Charles, which was adopted.

Senator DePasco offered Senate Resolution No. 479, regarding Farah N. Awan, Kansas City, which was adopted.

Senator Steelman offered Senate Resolution No. 480, regarding the death of John Wendell Twitty, Rolla, which was adopted.

Senator Staples offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 481

WHEREAS, the members of the Missouri Senate believe that a firm path into the future must be built upon a keen understanding of the diverse nature of the history of the Show-Me State; and

WHEREAS, one of the most divisive and important events to engulf this state was the War Between the States which began and ended in April months that were separated by four long years of intense fighting and bloodshed; and

WHEREAS, 40,000 brave Missouri men from all areas of the state chose to defend their state and the Confederate States of

America, first as members of partisan units and the Missouri State Guard and later as soldiers in the armies of the Confederacy; and

WHEREAS, the vaunted Missouri Brigade and other units saw action outside this fine state in the difficult battles which were fought at Shiloh, Vicksburg, and Franklin at the same time as the war within the state ranked third behind the states of Virginia and Tennessee in the number of military clashes between Union and Confederate forces; and

WHEREAS, Missouri suffered political upheaval in many ways during this time, including the loss of elected Governor Claiborne Fox Jackson of Randolph County who was replaced by a provisional governor elected by the Missouri State Convention on July 31, 1861, after Governor Jackson declared his allegiance with the Confederacy and joined the southern cause only to die a year later; and

WHEREAS, the Sons of Confederate Veterans is an international historical organization which was established in 1896 for descendants of Confederate soldiers who are dedicated to the preservation of the memory and honor of those who fought for what they believed was just, right, and constitutional; and

WHEREAS, the Missouri Division of the Sons of Confederate Veterans celebrate the month of April as Confederate History Month with all due reverence and solemn pride:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to acknowledge the examination of this historical period in Show-Me State heritage and to recognize the Sons of Confederate Veterans for the role it plays in promulgating a deeper understanding of Missouri history; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Chapter of the Sons of Confederate Veterans as it commemorates Confederate History Month.

Senator Johnson assumed the Chair.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 482

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 9:00 a.m. to 5:00 p.m. on Saturday, September 4, 1999 for the purpose of a citizenship assembly and workshop.

Senator Russell offered Senate Resolution No. 483, regarding the Lady Jays Basketball Team from Marshfield High School, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 394**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 394**

An Act to repeal sections 137.016, 138.430, 140.110, 242.580, 243.370, 245.210 and 516.010, RSMo 1994, relating to ownership of property, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Quick.

On motion of Senator Quick, **SCS** for **SB 394** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators

Banks	Schneider—2
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Absent with leave—Senators

Bland	Flotron	Scott—3
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The President declared the bill passed.

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

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

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

SS No. 2 for **SB 288**, introduced by Senator Quick, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 288**

An Act relating to the establishment of the Missouri settlement trust fund.

Was taken up.

On motion of Senator Quick, **SS No. 2** for **SB 288** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Caskey—1

Absent—Senator Schneider—1

Absent with leave—Senators

Bland	Flotron	Scott—3
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The President declared the bill passed.

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

Senator Quick 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 Goode moved that **SB 179**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Goode raised the point of order that **SCA 1** is out of order as it goes beyond the scope of the bill.

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

President Wilson assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 179, Page 2, Section 8.878, Line 2, by inserting after the word "assembly" on said line the words "for approval".

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

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 179, Page 6, Section 327.395, Line 17, Change Title to "relating to state and political subdivisions contracting."; and further by inserting after all of said line the following:

"Section 1. Notwithstanding any other law to the contrary, no county official or employee may receive any personal income pursuant to a contract with a political subdivision that requires use of their official office or the property of such office. Compensation otherwise due under such contracts shall be deposited into the county general revenue fund."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 2** is out of order as it exceeds the purpose and intent of the bill and, further, that the amendment is improperly drafted.

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

Senator Childers offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 179, Page 1, Section 8.875, Line 13, by inserting after the word "project" on said line the following: "provided however that the provisions of this section shall in no way be construed to require the contracting entities to include any collective bargaining agreement as a condition of participation in a project governed by such contract".

Senator Childers moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Childers offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3

Amend Senate Bill No. 179, Page 1, Section 8.875, Line 13, by inserting after the word "project" on said line the following: "provided however that no contract pursuant to this section may require nor prevent the contracting entities to include any collective bargaining agreement as a condition of participation in a project governed by such contract".

Senator Childers moved that the above substitute amendment be adopted.

At the request of Senator Goode, **SB 179**, with **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

Senator Rohrbach moved that **SB 37**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 37

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 37** be adopted.

Senator Bentley offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 37, Page 6, Section 67.475, Line 24, by inserting after all of said line the following:

"67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision,

a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, **and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand,** that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner:.....

Owner's telephone number and mailing

of such district to the Missouri department of economic development.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise or otherwise, any real property within its boundaries, personal property or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to

levy real property taxes, **and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand**, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) To fix, charge and collect fees, rents and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(11) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(12) To loan money as provided in sections 67.1401 to 67.1571;

(13) To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(14) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(15) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems and other site improvements;

(e) Parking lots, garages or other facilities;

(f) Lakes, dams and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms and kiosks;

(i) Paintings, murals, display cases, sculptures and fountains;

(j) Music, news and child-care facilities; and

(k) Any other useful, necessary or desired improvement;

(16) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks and other real property and improvements located within its boundaries for public use;

(17) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(18) Within its boundaries, to operate or to contract for the provision of music, news, child-care or parking facilities, and buses, minibuses or other modes of transportation;

(19) Within its boundaries, to lease space for sidewalk café tables and chairs;

(20) Within its boundaries, to provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons;

(21) Within its boundaries, to provide or contract for cleaning, maintenance and other services to public and private property;

(22) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

(23) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(24) To provide or support training programs for employees of businesses within the district;

(25) To provide refuse collection and disposal services within the district;

(26) To contract for or conduct economic, planning, marketing or other studies; and

(27) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571

shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1501. 1. A district may use any one or more of the assessments, taxes, or other funding methods specifically authorized pursuant to sections 67.1401 to 67.1571 to provide funds to accomplish any power, duty or purpose of the district; provided, however, no district which is located in any city not within a county and which includes any real property that is also included in a special business district established pursuant to sections 71.790 to 71.808, RSMo, prior to the establishment of the district pursuant to sections 67.1401 to 67.1571 shall have the authority to impose any such tax or assessment pursuant to sections 67.1401 to 67.1571 until such time as all taxes or special assessments imposed pursuant to sections 71.790 to 71.808, RSMo, on any real property **or on any business** located in such special business district or on any business or individual doing business in such special business district have been repealed in accordance with this subsection. The governing body of a special business district which includes real property located in a district established pursuant to sections 67.1401 to 67.1571 shall have the power to repeal all taxes and assessments imposed pursuant to sections 71.790 to 71.808, RSMo, and such power may be exercised by the adoption of a resolution by the governing body of such special business district. Upon the adoption of such resolution such special business district shall no longer have the power to impose any tax or special assessment pursuant to sections 71.790 to 71.808, RSMo, until such time as the

district or districts established pursuant to sections 67.1401 to 67.1571 which include any real property that is also included in such special business district have been terminated or have expired pursuant to sections 67.1401 to 67.1571.

2. A district may establish different classes of real property within the district for purposes of special assessments. The levy rate for special assessments may vary for each class or subclass based on the level of benefit derived from services or improvements funded, provided or caused to be provided by the district.

3. Notwithstanding anything in sections 67.1401 to 67.1571 to the contrary, any district which is not a political subdivision shall have no power to levy any tax but shall have the power to levy special assessments in accordance with section 67.1521.

67.1531. 1. The district may levy by resolution a tax upon real property **or on any business** located within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot, the tax which the resolution seeks to impose. If a majority of the votes cast by the qualified voters voting on the proposed tax are in favor of the tax, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the tax, then the resolution seeking to levy the tax shall be deemed to be null and void.

2. The district may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters pursuant to subsection 1 of this section and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

3. The ballot shall be substantially in the following form:

(1) Shall the (insert name of district) Community Improvement District ("District") impose a real property tax upon (all real property) within the district at a rate of not more than (insert amount) dollars per hundred dollars assessed valuation for a period of

..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of purpose) in the district?

YES NO

and

(2) In the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand:

Shall the (insert name of district) Community Improvement District ("District") impose a real property tax within the district at a rate of not more than (insert amount) dollars per hundred dollars assessed valuation and/or a business license tax in an amount not to exceed upon all persons who are engaged in the business of for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of purpose) in the district?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

4. No district levying a real property tax **or a business license tax** pursuant to this section may repeal or amend such real property tax **or a business license tax** or lower the tax rate of such tax if such repeal, amendment or lower rate will impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or obligations that it has issued to finance any improvements or services rendered within the district."; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach moved that **SCS for SB 37**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS for**

SB 37, as amended, was declared perfected and ordered printed.

Senator Stoll moved that **SB 425**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 425, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 425

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to remediation of student academic deficiencies.

Was taken up.

Senator Stoll moved that **SCS for SB 425** be adopted.

Senator Wiggins assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 425, Page 3, Section 167.333, Line 71, by inserting immediately after said line the following:

"(7) 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."

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson assumed the Chair.

Senator Stoll moved that **SCS for SB 425** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS for SB 425** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 215** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 215, Page 1, Section

103.083, Line 8, by inserting after the word "and" the following: "**retrospective**"; and

Further amend said bill, Page 1, Section 103.083, Line 9, by striking the following: "on a retroactive basis".

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 215**, with **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

HCS for HB 11—Appropriations.

HCS for HB 12—Appropriations.

HCS for HB 889—Education.

HS for HCS for HBs 26 and 117—Civil and Criminal Jurisprudence.

HCS for HB 676—Elections, Veterans' Affairs and Corrections.

HS for HCS for HB 686—Local Government and Economic Development.

HB 895—Civil and Criminal Jurisprudence.

HB 792—Civil and Criminal Jurisprudence.

HB 930—Elections, Veterans' Affairs and Corrections.

HB 328—Civil and Criminal Jurisprudence.

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 327**, entitled:

An Act to repeal section 552.040, RSMo Supp. 1998, relating to criminal competency, 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 500**, entitled:

An Act to repeal section 304.180, RSMo 1994, and sections 301.010 and 304.200, RSMo Supp. 1998, relating to motor vehicles, 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 915**, entitled:

An Act to repeal section 394.120, RSMo 1994, relating to transaction of business at meetings of electric cooperatives, 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.

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 25, 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:

Martha A Gragg, Republican, Rural Route 2, Post Office Box 167, Milan, Sullivan County, Missouri 63556, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, Rosa Miller, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 25, 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:

Donald M. Claycomb, 1102 Tanya Lynn, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 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 25, 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:

Margaret "Meg" A. Harding, Democrat, 6924 Northwest Highway Nine, Kansas City, Platte County, Missouri 64152, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 1999, and until her successor is duly appointed and qualified; vice, William H. Worley, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 25, 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:

Karen E. Touzeau, 2901 Conestoga Court, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2004, 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 25, 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:

Christine C. Meyer, 1008 West 71st Terrace, Kansas City, Jackson County, Missouri 64114, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, 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 25, 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:

Karla K. Dwyer, 2203 North Somerset, Kirksville, Adair County, Missouri 63501, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until her successor is duly appointed and qualified; vice, Kathy Crow, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 25, 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:

Ronald E. Graham, 1311 Southwest Granite Creek Drive, Blue Springs, Jackson County, Missouri 64015, as a member of the Drug Utilization Review Board, for a term ending October 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

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

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Barbara, Josh and Edward Pemberton, Senath; and

Cindy Andrews and Becca and Ned Stevens, St. Louis; and Edward and Josh were made honorary pages.

Senator Stoll introduced to the Senate, Alex and Kyle Mooney, Festus; and Alex and Kyle were made honorary pages.

Senator Singleton introduced to the Senate, Daniel Henson, Ashley Baine, Nick Prewett, Brett Doennig, Tobin Schultz, Jennifer Forsythe, Becky Millican, Tara Anderson, Jonah Weaver, Ryan Chapman, Duane Johnson, Seth Ganes and Professor Annette St. Clair, Joplin.

Senator Singleton introduced to the Senate, Lori Schlueter, Susan Bilderback, Laura Willson, Melissa Conness, Aimee Gruenewald, Kara Heath, Keara Janisch, Shellie Hembree, Melanie Friend and Mandy Muncy, Neosho.

Senator Graves introduced to the Senate, Lysander Overstreet and students from North Harrison, Eagleville.

Senator Bentley introduced to the Senate, Katelyn, Melissa and Michelle Lamitina, Matt Young and Josh Beebe, Springfield; and Melissa, Katelyn, Matt and Josh were made honorary pages.

Senator Childers introduced to the Senate, Trisha Chellios, Lisa Gosa, Janet Phelps, Melissa White, Richelle Tillman, Amanda Davis, Tessa Timmons, Paula Jones, Mike Collins and Tonya Lewis, members of the Reeds Spring Stream Team.

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

SENATE CALENDAR

—————
FORTY-FIFTH DAY—TUESDAY, MARCH 30, 1999
—————

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 327-Parker
HB 500-Koller

HB 915-Mays (50th) and
Legan

THIRD READING OF SENATE BILLS

SS for SCS for SBs 14,
60 & 69-Mathewson
(In Budget Control)

SS for SCS for SB 338-Howard and
Sims (In Budget Control)

SS for SCS for SB 19-Goode
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| 1. SB 386-Clay, with SCS | 14. SBs 328, 87, 100 & 55-
Clay, et al, with SCS |
| 2. SB 233-Sims, with SCS | 15. SB 451-Singleton |
| 3. SBs 347, 40, 241 &
301-House, with SCS | 16. SB 71-Schneider |
| 4. SB 467-Caskey, with SCS | 17. SBs 392, 393 & 267-
Goode, with SCS |
| 5. SB 336-Caskey | 18. SBs 387, 206 & 131-
Clay, with SCS |
| 6. SB 345-Johnson, with SCA 1 | 19. SB 351-Johnson and
Russell, with SCS |
| 7. SB 506-Wiggins | 20. SB 359-Mueller, et al |
| 8. SJR 17-Mueller | 21. SB 472-House |
| 9. SB 397-Maxwell, with SCS | 22. SB 441-Schneider, with SCS |
| 10. SB 316-Schneider and Ehlmann | 23. SB 455-Stoll, et al, with SCA 1 |
| 11. SBs 75, 381 & 204-
Wiggins, with SCS | 24. SB 30-Howard, with SCS |
| 12. SB 97-Maxwell and
Sims, with SCAs 1 & 2 | |
| 13. SB 89-Mueller | |

Unofficial
Journal
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 1, 92, 111, 129 & 222-
Schneider, with SCS &
SA 2 (pending)

SB 5-Wiggins

SB 70-Schneider, with SCS

SB 78-Russell, with SA 4
(pending)

SB 179-Goode, with SA 3
& SSA 1 for SA 3
(pending)

SB 203-Wiggins

SB 209-Goode, et al, with SS (pending)

SB 215-Mathewson, with
SA 1 (pending)

SB 235-Stoll, with SS &
SA 2 (pending)

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

SB 339-Howard and Sims, with SCS,
SS for SCS, SA 1 & SSA 1 for SA 1
(pending)

SB 373-DePasco and Jacob,
with SS (pending)

SB 417-Quick, with SS
(pending)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

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

RESOLUTIONS

SR 359-Ehlmann

SCR 9-Mueller

Reported from Committee

SCR 12-Steelman

SCR 15-Maxwell, with SCS