

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 7, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Edward Elson wrote: "Throughout the ages men have been stirred by the realization that the eternal God is available to them and that nothing, literally nothing, can overwhelm or destroy a man when he lives this faith."

Let us Pray: Gracious and Heavenly Father: We pray that You will give us the faith of our fathers in trusting You through all of life's situations, the mountaintop experiences and the difficulties of everyday living in the valley, and lead us home to heaven at last. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 516, regarding the One Hundredth Birthday of Mrs. Blanche Wood, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 517, regarding Jemima P. Phillips, Cape Girardeau, which was adopted.

Senator Howard offered Senate Resolution No. 518, regarding Kenneth L. Garner, which was adopted.

Senator Howard offered Senate Resolution No. 519, regarding Julie Jeffress, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 520, regarding Anna Lynn Martin, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 521, regarding Ashley Layne Wilcoxson, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 522, regarding Tarah Wake, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 523, regarding Brandy Williams, Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 524, regarding Marifloyd Wright, Kennett, which was adopted.

Senator Russell offered Senate Resolution No. 525, regarding John and Mellene Schudy, Wright County, which was adopted.

Senator Mueller offered Senate Resolution

No. 526, regarding Wallace W. Ward, Jr., Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 527, regarding Peter D. Bogetto, Kirkwood, which was adopted.

Senator Steelman offered Senate Resolution No. 528, regarding the One Hundred Second Birthday of Mrs. Ruth A. Land, Steelville, which was adopted.

REFERRALS

President Pro Tem Quick referred **SJR 17** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 451** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 451, Page 2, Section 590.100, Lines 22-25, by striking all of said lines and inserting in lieu thereof the following:

"(6) "Noncertified reserve officer", any person who is not certified serving in a law enforcement capacity with nonprimary enforcement authority, and who must be under the supervision of a certified peace officer or certified reserve officer of the same agency;"; and

Further amend said bill, page 11, section 590.135, line 49, by inserting after "agency" the following: ";

(8) Final disciplinary action by any state or territory, whether agreed to voluntarily or not, including but not limited to any removal, suspension, limitation, or restriction of certificate for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct or any other act which would constitute a violation of any provision of this chapter".

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 451, Page 17, Section 590.180, Line 8, by adding after the end of said line the following:

"Section 1. No person shall hold themselves out to be or represent themselves to be a "chief law enforcement officer" unless that person is appropriately certificated pursuant to this Chapter after having completed all requisite training; and

Further amend said bill, page 17, section 1, by adding at the end of said line the following:

"Section B. Because of the immediate need to protect the citizens from misrepresentations and the irreparable harm associated with public figures making false and misleading statements to the press, this act is deemed necessary for the immediate preservation of public, health, welfare, peace and safety. Section 1 of this act is hereby declared to be an emergency act within the meaning of the Constitution, and Section 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said act, by amending the title and enacting clause accordingly.

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

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 451, Page 9, Section 590.117, Line 7, by inserting immediately after said line the following:

"590.121. **1.** The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.

2. After July 1, 2000, a law enforcement agency may acquire canines trained and certified for use in law enforcement activities. Any canine acquired by a law enforcement agency after July 1, 2000, shall be trained and certified along with its handler before it is used in law enforcement activities.

3. The director may establish by rule the hours and types of canine-handler training required for certification, may provide for periodic recertification of canine-handler teams and may accept training and certification provided by recognized state and national K-9 police associations. Such training shall include aggression control and bomb and narcotics detection. Applications for certification of canine-handler teams shall be made on forms prepared by the director and shall be accompanied by an application fee. The fee shall be set by rule in an amount that does not substantially exceed the cost of administration of certification. Moneys so received shall be transmitted to the director of revenue for deposit in the general revenue fund. Certification for a canine-handler team shall be valid only for that team.

4. The director may adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above

amendment be adopted, which motion prevailed.

On motion of Senator Singleton, **SB 451**, as amended, was declared perfected and ordered printed.

SB 71 was placed on the Informal Calendar.

Senator Goode moved that **SB 392**, **SB 393** and **SB 267**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 392**, **393** and **267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 392, 393 and 267

An Act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 136.055, 302.130, 302.171, 302.173, 302.181 and 302.309, RSMo Supp. 1998, relating to drivers' licenses, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Goode moved that **SCS** for **SBs 392**, **393** and **267** be adopted.

Senator Johnson assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 7, Section 302.177, Line 34, by inserting at the end of said line the following: "**Any applicant for a new, renewal or duplicate driver's license, including a commercial driver's license, who is seventy years of age or older at the time of application and meets the requirements set forth in this chapter, shall be issued a license valid for three years. All licenses issued pursuant to this subsection shall expire on the applicant's date of birth in the third year after issuance.**".

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

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 9, Section 302.178, Line 42, by inserting immediately after said line the following:

"During the first six months after the issuance of an intermediate drivers license, the intermediate licensee shall carry no more than one passenger unless those passengers are family members or unless accompanied by a parent, grandparent, legal guardian, or a licensed driver twenty-one years of age or older."

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

Senator Mathewson assumed the Chair.

Senator Jacob offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 18, Section 302.735, Line 34, by inserting immediately after said line the following:

"303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

2. The insurance identification card shall include all of the following information:

(1) The name and address of the insurer;

(2) The name of the named insured;

(3) The policy number;

(4) The effective dates of the policy, including month, day and year;

(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles; and

(6) The statement "THIS CARD MUST BE

CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

(1) Name of the self-insurer;

(2) The word "self-insured"; and

(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall notify the director of revenue, in the manner determined by the director, and the officer or inspector may issue a citation to the operator pursuant to subsection 6 of this section. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.

6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer, commercial vehicle enforcement

officer or commercial vehicle inspector pursuant to this section is guilty of a class C misdemeanor. [However, no person shall be found guilty of violating this section] If the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation, **the judge may impose a fine of ten dollars and court costs. Notwithstanding any provisions of law to the contrary, no points shall be assessed for a violation of this section in addition to any fine.**

304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of [an infraction] **a misdemeanor.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob requested a division of the question, asking that a vote be taken first on the portion of the amendment dealing with Section 303.024 and that a second vote be taken on the portion of the amendment dealing with Section 304.140, which request was granted.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Jacob moved that Part 1 of **SA 3** be adopted, which motion failed.

Senator Kenney offered **SSA 1** for **Part 2** of **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR PART 2 OF

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 392, 393 and 267, Page 18, Section 302.735, Line 34, by inserting after said line the following:

"304.140. Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of an infraction **or a misdemeanor if traveling in**

excess of 25 miles per hour over the speed limit."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **Part 2** of **SA 3** is out of order as it goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bills 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 979**, entitled:

An Act to repeal section 169.450, RSMo Supp. 1998, relating to the public school retirement systems in certain school districts, 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 230**, entitled:

An Act to repeal section 175.021, RSMo 1994, and section 175.020, RSMo Supp. 1998, relating to Lincoln University, 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 988**, entitled:

An Act to repeal section 60.595, RSMo 1994, relating to the department of natural resources revolving services fund, 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 929**, entitled:

An Act relating to open burning of household refuse in certain counties.

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 **HCS for HB 818**, entitled:

An Act relating to the remediation of student academic deficiencies.

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 **HCS for HB 389**, entitled:

An Act to repeal section 72.416, RSMo 1994, and sections 71.012, 72.400, 72.401, 72.410 and 72.422, RSMo Supp. 1998, relating to boundaries of political subdivisions, 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.

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 Senator Mathewson.

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

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 529, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Harter, Springfield, which was adopted.

Senator Caskey offered Senate Resolution No. 530, regarding the One Hundredth Birthday of Porter Baker, Leeton, which was adopted.

Senator Kenney offered Senate Resolution No. 531, regarding the Sixty-ninth Wedding Anniversary of Mr. and Mrs. Herbert Robinson, Lee's Summit, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 417**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SB 417 was again taken up.

At the request of Senator Quick, **SS for SB 417** was withdrawn.

Senator Quick offered **SS No. 2 for SB 417**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 417

An Act relating to escrow accounts for tobacco product manufacturers, with an emergency clause.

Senator Quick moved that **SS No. 2 for SB 417** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 417, Page 7, Section 2, Line 24 after the word "section 2(b)(3)", by inserting the following new section:

"1. Any attorney who has been appointed Assistant Attorney General to represent the State of Missouri in connection with an action against tobacco product manufacturers, shall not accept compensation for representing the State of Missouri from one other than the State of Missouri unless the State of Missouri consents after consultation.

2. If at any time subsequent to May 15, 1998, an attorney who has been appointed Assistant Attorney General or who has rendered services for the State of Missouri in connection with any action against tobacco product manufacturers who entered into or seeks to enter into a contract with a third person for payment of fees earned in connection with that attorney's representation of the State of Missouri, that contract shall not be consented to by the State of Missouri, and shall not be valid or enforceable unless the State of Missouri in acts of legislation, signed by the Governor, specifically consents to that contract.

3. If at any time subsequent to May 15, 1998, any Assistant Attorney General or outside counsel entered into or seeks to enter to enter a contract, wherein a third party will pay for services rendered to the State of Missouri, the Attorney General of the State of Missouri shall challenge as invalid and unethical that contract, unless consented to as provided in Subsection 2 above.

4. If any taxpayer in the State of Missouri sends to the Attorney General notice that a contract has been entered into subsequent to May 15, 1998, between an attorney or attorneys and a third person to provide for payment of fees earned or alleged to have been earned as a result of services rendered on behalf of or to the State of Missouri, the Attorney General shall within thirty (30) days proceed with litigation to set aside and rule that contract null and void, unless it has been consented to by legislation as provided in Subsection 2 above. Any taxpayer in the State of Missouri has a right and shall be

allowed to intervene in said action for all purposes, including but not limited to discovery, settlement conferences, and the trial of said matter.

5. If, after receiving written notice from a taxpayer that a contract exists between an attorney who has rendered services on behalf of the State of Missouri in connection with litigation against tobacco product manufacturers without the consent provided for in Subsection 2, and the Attorney General does not proceed to set aside that contract within thirty (30) days, any taxpayer of the State of Missouri shall have standing and the right to file a lawsuit in the Circuit Court of the county in which said taxpayer resides, to set aside that contract. The Court shall award reasonable attorney fees and costs of said lawsuit, and apportion as the Court deems fit the payment of those attorney fees and costs between the defendants and from the appropriations to the office of the Attorney General of the State of Missouri."

Senator Steelman moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Quick, **SB 417**, with **SS No. 2** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Mueller moved that **SB 89**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

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

On motion of Senator Mueller, **SB 89**, as amended, was declared perfected and ordered printed.

Senator Clay moved that **SB 387**, **SB 206** and **SB 131**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 387**, **206** and **131**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 387, 206 and 131

An Act to repeal sections 208.040 and 208.070, RSMo 1994, and section 210.150, RSMo

Supp. 1998, and to enact in lieu thereof seven new sections relating to child care and abuse.

Was taken up.

Senator Clay moved that **SCS** for **SBs 387, 206** and **131** be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

On motion of Senator Clay, **SCS** for **SBs 387, 206** and **131** was declared perfected and ordered printed.

Senator Johnson moved that **SB 351**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with effective dates.

Was taken up.

Senator Johnson moved that **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 351** was declared perfected and ordered printed.

Senator Mueller moved that **SB 359** be taken up for perfection, which motion prevailed.

Senator Mueller offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 359, Page 1, Section 700.010, Line 8, by striking the opening bracket "[" and the closing bracket "]" from said line; and

Further amend said bill and section, page 2, lines 43-47, by striking all of said lines and inserting in lieu thereof the following:

"(12) "Recreational vehicle", a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;".

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

On motion of Senator Mueller, **SB 359**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 472** be taken up for perfection, which motion prevailed.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 472, Page 4, Section 165.221, Line 17, by inserting immediately after said line the following:

"167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 and 167.131.

2. Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

3. Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children as eligible pupils for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall

send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons."; and

Further amend title and enacting clause accordingly.

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

Senator Johnson assumed the Chair.

Senator Westfall offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 472, Page 3, Section 162.411, Line 6, by inserting after all of said line the following:

"163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year [or], the number of eligible pupils for

the immediately preceding year **or the average number of eligible pupils for the three preceding school years**, whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.

3. For the purposes of distribution of state school aid pursuant to section 163.031, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.";

and

Further amend the title and enacting clause accordingly.

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

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 472, Page 2, Section A, Line 12, by inserting immediately after said line the following:

"160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, RSMo, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people. **At least one of the performance standards shall require that 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.**

2. The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. Separate work groups composed of professionals with appropriate expertise shall be convened for each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers serving on such work groups shall be selected by professional teachers' organizations of the state. Additional teachers who are not members of such organizations may serve by appointment of the state board of education.

3. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to

subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection 4 of this section.

4. Not later than one year after the development of written curriculum frameworks pursuant to subsection 3 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section."; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator House, **SB 472**, as amended, was declared perfected and ordered printed.

Senator Mathewson assumed the Chair.

Senator Schneider moved that **SB 71** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Schneider, **SB 71** was declared perfected and ordered printed.

Senator Johnson assumed the Chair.

Senator Schneider moved that **SB 441**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 441**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 441

An Act to repeal section 286.005, RSMo

Supp. 1998, relating to commissioners within the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 441** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 441, Page 1, Section 286.005, Line 15, by inserting after the word "to", the words "one-half".

Senator Ehlmann moved that the above amendment be adopted.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 441, Page 2, Section 286.005, Line 23, by adding the following: "The members of the Commission shall recuse themselves from any case in which one of the parties is represented by counsel who also sponsored their pay raise bill in the General Assembly."

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 2** was withdrawn.

Senator Schneider moved that **SCS** for **SB 441** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 441** was declared perfected and ordered printed.

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 451**, 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.

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 **HS** for **HCS** for **HB 852**, entitled:

An Act to repeal sections 632.483, 632.489, 632.495, 632.507 and 632.510, RSMo Supp. 1998, relating to civil commitment of sexually violent predators, and to enact in lieu thereof six 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 **HCS** for **HBs 850** and **851**, entitled:

An Act to repeal sections 1.160 and 566.010, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of clarifying the penalties for certain sexual offenses.

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 401**, entitled:

An Act relating to screening for hearing loss in newborns.

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 **HS** for **HB 492**, entitled:

An Act to repeal sections 409.303, 409.305, 409.402, 409.408, 409.410, 409.412 and 409.823, RSMo 1994, and sections 409.201, 409.202, 409.204, 409.401, 409.406, 409.407 and 409.415, RSMo Supp. 1998, relating to the regulation of securities, and to enact in lieu thereof fourteen 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 **HCS** for **HBs 603, 722 and 783**, entitled:

An Act to repeal sections 34.040, 260.205 and 260.273, RSMo Supp. 1998, relating to the department of natural resources, and to enact in lieu thereof four 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 **HS** for **HCS** for **HB 822**, entitled:

An Act to repeal sections 362.247, 362.680, 362.925, 362.930, 365.010, 365.020, 370.107, 456.040, 475.092 and 511.030, RSMo 1994, and sections 143.471, 362.275, 362.550, 362.610, 456.520, 475.093 and 620.010, RSMo Supp. 1998, relating to financial institutions, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

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 **HS** for **HCS** for **HB 256**, entitled:

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

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 **HCS** for **HBs 736, 515 and 508**, entitled:

An Act to repeal sections 169.010, 169.060, 169.070, 169.075, 169.560 and 169.655, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to the public school retirement system, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

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 **HCS** for **HB 911**, entitled:

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160 and 50.1170, RSMo 1994, and sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140 and 50.1180, RSMo Supp. 1998, relating to the county employees' retirement system, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an effective date.

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 **HS** for **HB 454**, entitled:

An Act to repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

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

HB 987—Local Government and Economic Development.

HB 812—Elections, Veterans' Affairs and Corrections.

HB 808—Agriculture, Conservation, Parks and Tourism.

HB 965—Financial and Governmental Organization.

COMMUNICATIONS

Senator Mathewson submitted the following:

April 7, 1999

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

This is official notice that I object to House Bill 792 being placed on the consent calendar. In its present form, I cannot agree that this is a consent measure and it should be returned to committee.

Sincerely,

/s/ Jim

James L. Mathewson
21st Senatorial District

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Thomas, Deborah, Kaitlyn, Joshua, Jessica, Thomas, Adam, Abraham, Isaiah and Hanna Ritter,

Homeschoolers from Warrenton; and Kaitlyn and Joshua were made honorary pages.

Senator Bentley introduced to the Senate, Jean Brabeel, Springfield.

Senator Stoll introduced to the Senate, Jim Allred and Tom Roettger, Arnold; Steve Siebert, Jay Katzenberger and Rob Schrage, Festus; and Paul W. Mayer, DeSoto.

Senator Steelman introduced to the Senate, her sons, Sam, Joe and Michael, and Marshal MacCormic and Alyssa McCree, Rolla; and Sam, Joe, Michael and Marshal were made honorary pages.

Senator Maxwell introduced to the Senate, Karla, Richard and Marilyn Dwyer, Kirksville.

Senator Flotron introduced to the Senate, the Physician of the Day, Michael H. Ryan, M.D., St. Louis.

Senator House introduced to the Senate, his son, Benjamin, St. Charles.

Senator Mueller introduced to the Senate, ninety fourth grade students from North Glendale Elementary School, St. Louis.

Senator Graves introduced to the Senate, Anne Tanner and twenty-four fourth grade students from Norborne Elementary School, Norborne; and Katie Kallenberger, Heather Harris, Anna Franklin and Crystal Culp were made honorary pages.

Senator Howard introduced to the Senate, Johnada Richardson, Betty Borders and fifty students from Boys and Girls Club of America; and Bianca Grayse, Lashonda Washington, Joann Peel, Jamhil Patterson, Travis Patterson and Ferlando Luster were made honorary pages.

Senator Klarich introduced to the Senate, members of the Eureka Fire Protection District.

Senator Stoll introduced to the Senate, Mike, Linda, Heather and Joel Rice, Homeschoolers from House Springs; and Heather and Joel were made honorary pages.

Senator Flotron introduced to the Senate, eighty fourth grade students from Carrollton Elementary School, Bridgeton.

Senator Steelman introduced to the Senate, Jeff Layman and Spence Jackson, Springfield.

Senator Sims introduced to the Senate, Kayonna Hammonds, Missy Shands, Ashley Johnson and Fredrisha Rowan, St. Louis; and Kayonna, Missy, Ashley and Fredrisha were made honorary pages.

Senator Kinder introduced to the Senate, Mr. and Mrs. Bill Holland, and their daughter Linda, St. Louis.

Senator Staples introduced to the Senate, Erik, Bjorn, Anne, Cathrine and Stephan Tschudi Madsen and Mariann Kordal, Norway.

Senator Howard introduced to the Senate, Kirby and Luke Van Ausdall, Caruthersville; and

Luke was made an honorary page.

Senator Rohrbach introduced to the Senate, Larry Henderson and Mike Kenagy, Laurie.

Senator Graves introduced to the Senate, Aleta Casady and nineteen seventh grade students from Bucklin School, Bucklin; and Donnie Melton, Cody McClamroch, James McGraw and Gabe Switzer were made honorary pages.

Senator Wiggins introduced to the Senate, Vickie Wolgast, Shaun Cussen, Sue Greenway, Nathan Armstrong, Jennifer Brandt, Brandy Eveler, Mary Follin, Ann Julich, Eric Hall, Kristi Martinez, Missy Wilson, Grandview.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, April 8, 1999.

SENATE CALENDAR

FIFTIETH DAY—THURSDAY, APRIL 8, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 979-Auer
 HB 230-Days
 HB 988-Backer
 HB 929-Griesheimer
 HCS for HB 818
 HCS for HB 389
 HS for HCS for HB 852-Hosmer
 HCS for HBs 850 & 851
 HB 401-Barry, et al

HS for HB 492-Hosmer
 HCS for HBs 603, 722 & 783
 HS for HCS for HB 822-Liese
 HS for HCS for HB 256-George
 HCS for HBs 736, 515 &
 508
 HCS for HB 911-Clayton
 HS for HB 454-Carter

THIRD READING OF SENATE BILLS

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

2. SCS for SB 425-Stoll, et al
 (In Budget Control)

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|---|--|
| 3. SCS for SB 233-Sims
(In Budget Control) | 6. SB 506-Wiggins |
| 4. SB 215-Mathewson
(In Budget Control) | 7. SJR 17-Mueller
(In Budget Control) |
| 5. SS for SB 373-DePasco
(In Budget Control) | 8. SB 451-Singleton |

SENATE BILLS FOR PERFECTION

- | | |
|---------------------------------------|--|
| 1. SB 455-Stoll, et al,
with SCA 1 | 8. SB 125-Childers, with SCA 1 |
| 2. SB 30-Howard, with SCS | 9. SB 371-Flotron, et al,
with SCA 1 |
| 3. SB 440-Schneider, with SCS | 10. SB 208-House and
Ehlmann, with SCS |
| 4. SB 495-Goode | 11. SB 248-Maxwell, with SCS |
| 5. SB 29-Mueller | 12. SBs 429, 430 & 407-
Jacob, with SCS |
| 6. SB 94-Ehlmann, with SCS | |
| 7. SB 377-Howard, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SBs 1, 92, 111, 129 & 222-
Schneider, with SCS &
SA 8 (pending) | SB 318-Jacob, et al, with
SCS & SS for SCS
(pending) |
| SB 5-Wiggins | SBs 328, 87, 100 & 55-
Clay, et al, with SCS
& SA 2 (pending) |
| SB 70-Schneider | SB 336-Caskey, with SA 3
(pending) |
| SBs 75, 381 & 204-Wiggins,
with SCS | SB 339-Howard and Sims,
with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1
(pending) |
| SB 78-Russell, with SA 4
(pending) | SB 345-Johnson, with SS
(pending) |
| SB 97-Maxwell and Sims | SBs 347, 40, 241 & 301-
House, with SCS, SS
for SCS & SA 4 (pending) |
| SB 179-Goode, with SA 3 &
SSA 1 for SA 3 (pending) | |
| SB 203-Wiggins | |
| SB 235-Stoll, with SS &
SA 2 (pending) | |
| SB 316-Schneider and
Ehlmann | |

SBs 392, 393 & 267-Goode,
with SCS, Part 2 of SA 3, SSA 1
for Part 2 of SA 3 &
point of order (pending)

SB 397-Maxwell, with SCS
SB 417-Quick, with SS#2 &
SA 1 (pending)

CONSENT CALENDAR

House Bills

Reported 3/31

HB 153-Leake, et al
(Maxwell)

Reported 4/6

HB 409-McBride (Howard)
HB 426-Ridgeway and May
(108th)
HB 550-Howerton, et al
(Klarich)
HB 487-Hollingsworth
(Caskey)
HB 183-Pouche (Johnson)
HB 741-Monaco and May
(108th)
HB 257-Seigfreid (Jacob)
HB 895-Crump (Caskey)
HB 76-Smith (Caskey)
HCS for HB 348, with SCS
(Caskey)
HB 359-Hosmer (Caskey)
HB 69-Elliott, with SCS
HB 248-Kissell, with SCS
(Westfall)
HB 661-Crump (Caskey)
HB 165-May (108th)
(DePasco)
HB 136-Smith (Caskey)
HB 242-May (108th)
(Caskey)

HS for HCS for HB 274-May
(108th) (Schneider)
HB 103-Treadway (DePasco)
HB 275-May (108th) and
O'Toole, with SCS (Scott)
HB 366-Hartzler (123rd),
with SCS (Caskey)
HB 776-McBride (Maxwell)
HB 795-Kennedy and
Crawford, with SCS
(Scott)
HB 853-Seigfreid, with
SCA 1 (Mathewson)
HB 464-Richardson, with
SCS (Howard)
HB 514-Franklin (Stoll)
HB 662-Crump (Scott)
HB 920-Farnen, with SCA 1
(Maxwell)
HB 778-Luetkenhaus
(House)
HB 282-Clayton (Wiggins)
HB 445-Auer, with SCA 1
(Jacob)
HB 478-Ward, et al

HB 35-Campbell, with SCS
(Johnson)
HB 834-Crump (Staples)
HB 518-Ross, with SCA 1
(Mathewson)

HB 708-Meredith, et al
(Johnson)
HB 800-Linton (Klarich)
HB 791-Wagner (Russell)

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

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