

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—TUESDAY, APRIL 13, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Theodore Roosevelt said in 1899: "I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life."

Let us Pray: Gracious and Merciful Lord: We may never know the number of times people have failed to produce the victories You have laid out before them simply because they have quit at the eleventh hour. So we pray that You will grant us and the leaders of our country, Your strength in a special measure that when we are discouraged and ready to quit we may continue until Your will is accomplished victoriously among us. This we ask in Your victorious Name. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

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 Rohrbach offered Senate Resolution No. 547, regarding Jerad Ray Lachner, Prairie Home, which was adopted.

Senator Steelman offered Senate Resolution No. 548, regarding Robert "Bob" Hogan, Fulton, which was adopted.

Senator Steelman offered Senate Resolution No. 549, regarding the One Hundredth Birthday of Elzathen Pegg, Rosebud, which was adopted.

Senator Quick offered Senate Resolution No. 550, regarding Brian Christopher Fuller, Lawson, which was adopted.

Senator Quick offered Senate Resolution No. 551, regarding Adam Tyler Dodson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 552, regarding Scott Andrew Huster, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 553, regarding Scott Thomas Owen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 554, regarding Mark W. Snyder, Liberty, which was adopted.

Senator Quick offered Senate Resolution No.

555, regarding Patrick David Williams, Liberty, which was adopted.

Senator Howard offered Senate Resolution No. 556, regarding the Eighty-fifth Birthday of Early Ida Marie Coffee Wilderness Avery, Lilbourn, which was adopted.

Senator Graves offered Senate Resolution No. 557, regarding Rodney Ray Pearl, Clarksdale, which was adopted.

REFERRALS

President Pro Tem Quick referred **SCS** for **SB 377**; **SCS** for **SB 440** and **SB 472** to the Committee on State Budget Control.

RESOLUTIONS

Senator Steelman moved that **SR 514** be taken up for adoption, which motion prevailed.

Senator Steelman moved that **SR 514** be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Banks moved that **SCR 17** be taken up for adoption, which motion prevailed.

On motion of Senator Banks, **SCR 17** was adopted by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bentley	Graves	Singleton—3
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Absent with leave—Senators—None

Senator Mathewson moved that **HCR 4** be taken up for adoption, which motion prevailed.

Senator Mathewson moved that **HCR 4** be adopted.

At the request of Senator Mathewson, the

motion to adopt **HCR 4** was withdrawn.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 19**, introduced by Senator Goode, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 19**

An Act to repeal sections 303.041, 303.042, 303.043, 303.190, 307.353, 307.355, 307.360, 307.365, 307.390, 643.315, 643.335, 643.350 and 643.355, RSMo 1994, and sections 32.080, 136.055, 301.025, 301.140, 301.190, 302.302, 302.321, 303.024, 303.025, 303.026, 304.155, 304.156, 304.157, 304.158, 307.350, 307.366, 307.375 and 643.310, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections, and with an emergency clause for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **SS** for **SCS** for **SB 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Mathewson	Mueller	Rohrbach
Schneider	Scott	Sims	Stoll
Wiggins—21			

NAYS—Senators

Caskey	Howard	Klarich	Maxwell
Russell	Singleton	Stelman	Westfall
Yeckel—9			

Absent—Senators

Bentley	Flotron	Quick	Staples—4
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Mathewson
Mueller	Rohrbach	Schneider	Scott
Sims	Singleton	Stoll	Wiggins

Yeckel—25

NAYS—Senators

Caskey	Howard	Klarich	Maxwell
Russell	Steelman	Westfall—7	

Absent—Senators

Quick Staples—2

Absent with leave—Senators—None

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

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

Senator DePasco moved that motion lay on the table, 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 by Senator Stoll.

At the request of Senator Stoll, **SCS for SB 425** 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 1045—Financial and Governmental Organization.

HB 472—Aging, Families and Mental Health.

SECOND READING OF SENATE BILLS

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

SB 527—Rules, Joint Rules and Resolutions.

RESOLUTIONS

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

SENATE RESOLUTION NO. 558

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished herself as a leader in her community; and

WHEREAS, Mary Liz Fick, an esteemed resident of St. Charles, Missouri, will be the guest of honor as she spends a day at the Missouri State Capitol in the company of Senator John Schneider, a wonderful gift she received after placing the highest bid during the 1998 Thomas Jefferson Days Auction; and

WHEREAS, the oldest of four children born to Virgil and Gloria Bosche Fick, Mary Liz Fick came into this world in St. Louis, Missouri, and attended McCluer North High School before pursuing her B.S.E. at Northeast Missouri State University (now Truman State University) in Kirksville; and

WHEREAS, Mary Liz Fick has provided a tremendous degree of service to the citizenry of Missouri as a Social Service worker with the St. Louis Region of the Division of Aging, where she is known, admired, and deeply respected by her fellow colleagues as an exemplary employee who takes great pride in her work and the terrific job she does; and

WHEREAS, Mary Liz Fick has compiled an enviable list of service to the Democratic Party as a member of the Fourteenth Ward Democratic Club, the St. Charles County Democrats, the St. Peters-Harvester Democratic Club, the Greater St. Louis Young Democrats, and the Florissant Open Democratic Township Club; and

WHEREAS, an invaluable member of her community, Mary Liz Fick is exceedingly proud of the roles she has played in various civic clubs and organizations that include the Communication Workers of America Local 6355; and

WHEREAS, it is entirely fitting and proper that this legislative body pay tribute to Mary Liz Fick, a remarkable individual whose kindness and generous nature continue to serve as an inspiration to all those who know and love her:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join the Honorable John Schneider in extending a most cordial welcome to Mary Liz Fick as she visits our beautiful statehouse in Jefferson City, and in wishing her only the very best of success in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mary Liz Fick.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 328**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 136**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 39**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 929**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 453**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 568**, begs leave to report that it has considered the same and recommends that the bill

do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 861**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 965**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob requested unanimous consent of the Senate to send forward a corrected committee report on **HB 34**, which request was granted.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 34**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 34, Page 1, In the Title, Line 2, by striking the following: "section 537.620" and inserting in lieu thereof the following: "sections 537.620 and 537.635"; and further amend line 3 of the title, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 537.620 and 537.625, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 537.620 and 537.625, to read as follows:"; and

Further amend said bill and page, section 537.620, line 7, by inserting after all of said line the following:

"537.635. The association may, on the seventh day thereafter, commence to do business. The association shall be a body corporate, and shall do business as a corporation. No member of the association shall be liable for any amounts because of his membership in the association other than his assessments as provided in the articles of association and the bylaws of the association. The business of the association shall be conducted so as to preclude any distribution of income, profit or property of the association to the individual members thereof except in payment of claims or indemnities or upon the final dissolution of the association, **but the association may pay dividends to its members as long as the association has a positive surplus both before and after any such dividend is declared.**"

On behalf of Senator Johnson, Chairman of the Committee on State Budget Control, Senator DePasco submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS for SB 351; SB 359; and SCS for SBs 387, 206 and 131**, begs leave to report that it has considered the same and recommends that the bills do pass.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

HB 409, introduced by Representative McBride, entitled:

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

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

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

On motion of Senator Howard, **HB 409** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mueller
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Banks	Goode	Mathewson	Maxwell
Russell	Scott—6		

Absent with leave—Senator DePasco—1

The President Pro Tem declared the bill passed.

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

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

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

HB 487, introduced by Representative Hollingsworth, entitled:

An Act to repeal section 556.036, RSMo Supp. 1998, relating to statute of limitations, and to enact in lieu thereof one new section for the sole purpose of extending the statute of limitations for false affidavits and false declarations made to a public official concerning child support arrearages.

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

Senator Mathewson assumed the Chair.

On motion of Senator Caskey, **HB 487** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks Maxwell Yeckel—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

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

HB 741, introduced by Representatives Monaco and May (108), entitled:

An Act to repeal sections 213.111 and 213.112, RSMo Supp. 1998, relating to the human rights commission, and to enact in lieu thereof two new sections relating to the same subject.

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

On motion of Senator Clay, **HB 741** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Caskey	Childers
Clay	Ehlmann	Flotron	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins—27	

NAYS—Senators

Bland Goode Yeckel—3

Absent—Senators

Graves Maxwell Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Clay moved that the vote by which the

bill passed be reconsidered.

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

HB 257, introduced by Representatives Seigfreid and Relford, entitled:

An Act to repeal section 561.031, RSMo 1994, relating to appearances by the defendant, and to enact in lieu thereof one new section relating to the same subject.

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

Senator Scott assumed the Chair.

On motion of Senator Jacob, **HB 257** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Stoll moved that **SB 455**, with **SCA 1**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCA 1 was taken up.

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

Senator Stoll offered **SS** for **SB 455**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 455

An Act to repeal sections 116.160, 116.170, 116.175 and 116.190, RSMo Supp. 1998, and to enact in lieu thereof five new sections relating to the powers of the general assembly.

Senator Stoll moved that **SS** for **SB 455** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 455, Page 1, In the Title, Lines 4-5 of said page, by striking the following: "powers of the general assembly" and inserting in lieu thereof the following: "procedures of ballot measures"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County

Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any referendum petition with any name other than his **or her** own, or knowingly to sign his **or her** name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. entitled (title of law), passed by

the general assembly of the state of Missouri, at the regular (or special) session of the general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19].., unless the general assembly shall designate another date, and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME (Signature)	DATE SIGNED	ADDRESS (Street)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
		(City, Town or Village)			

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].....

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially and the requirements of section 116.050 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the State of Missouri proposed by the initiative:

County
Page No.

It is a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both**, for anyone to sign any initiative petition with any name other than [his] **or her** own, or knowingly to sign his name more than once for the same measure for the same election, or to sign a petition when [he] **such person** knows he **or she** is not a registered voter.

INITIATIVE PETITION

To the Honorable, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the day of, [19]..., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, a Missouri registered voter and a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
(Signature)	SIGNED	(Street)	CODE	DIST.	(Printed
		(City, Town			or Typed)
		or Village)			

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his **or her** name thereto in my presence; I believe that each has stated his **or her** name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....
Signature of Affiant
(Person obtaining signatures)

.....
Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].....

.....
Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires.....

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.060. Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. **Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page.** Signatures of voters from counties other than the one designated by the circulator **in the upper right hand corner** on a given page shall not be counted as valid.

116.080. **1.** Each petition circulator [must be

a Missouri registered voter and a resident of Missouri.] shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?

YES

NO

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

4. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page [he] **such circulator** submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his **or her** official signature and affix his **or her** official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his **or her** presence.

5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section

560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

116.090. 1. Any person who signs any name other than his own to any petition, or who knowingly signs his name more than once for the same measure for the same election, or who knows he is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor **punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.**

116.100. The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. **All pages shall be submitted at one time.** When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the number of pages presented from each county. When a person

submits a petition he **or she** shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180. [No initiative petition shall be accepted by the secretary of state until 8:00 a.m. on the second Tuesday of January in even-numbered years for access to the general election ballot in those years.]

116.110. Any voter who has signed an initiative or referendum petition may withdraw his **or her** signature from that petition by submitting to the secretary of state, before the petition is [certified as sufficient or insufficient, an affidavit] **filed with the secretary of state, a sworn statement** requesting that his **or her** signature be withdrawn[. If the secretary of state receives such an affidavit before the day he certifies the petition he shall strike the signature and not count it.] **and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of state.**

116.120. 1. When an initiative or referendum petition is submitted to the secretary of state, he **or she** shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. **Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid.** The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn in such a manner that every signature **properly** filed with the secretary of state shall be given an equal opportunity to be included in the sample. **The process for establishing the random sample and determining the statistically valid result shall be**

established by the secretary of state. Such a random sampling shall include an examination of five percent of the signatures.

2. If the random sample verification establishes that the number of valid signatures is less than ninety percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to have failed to qualify in that district. In finding a petition insufficient, the secretary of state does not need to verify all congressional districts on each petition submitted if verification of only one or more districts establishes the petition as insufficient.

3. If the random sample verification establishes that the number of valid signatures total more than one hundred ten percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to qualify in that district.

4. If the random sampling shows the number of valid signatures within a congressional district is within ninety to one hundred ten percent of the number of signatures of qualified voters needed to declare the petition sufficient in that district, the secretary of state shall order the examination and verification of each signature filed.

116.130. 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent [not later than two weeks after the petition is submitted if the election authority is to verify each signature and not later than three weeks after the petition is submitted if verification is to occur by random sampling as provided in section 116.120] **pursuant to the following schedule:**

(1) **Not later than two weeks after one petition is filed in the office of the secretary of state;**

(2) **Not later than three weeks after two**

petitions are filed in the office of the secretary of state;

(3) Not later than four weeks after three or more petitions are filed in the office of the secretary of state.

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. **Signatures shall not be counted as valid if they have been struck through or crossed out.**

2. If the election authority is requested to verify the petition by random sampling, such verification [must] **shall** be completed and certified not later than two weeks from the date **that** the election authority receives the petition from the secretary of state. If the election authority is to verify each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the [eleventh] **last Tuesday in July** prior to the election. **In the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.**

[2.] **3.** If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

[3.] **4.** The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the

number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

[4.] **5.** The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[5.] **6.** After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions [or return them to the person submitting them upon written request from such person. Returned petitions shall be stamped by the secretary of state to indicate that such petitions are no longer valid].

116.150. 1. After the secretary of state makes [his] a determination on the sufficiency of the petition and if [he] **the secretary of state** finds it sufficient, [he] **the secretary of state** shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, [he] **the secretary of state** shall issue a certificate stating the reason for the insufficiency.

3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later."; and

Further amend said bill, Page 6, Section 116.190, Line 15 of said page, by inserting after all of said line the following:

"116.220. The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition **or in the order in which they are passed by the general assembly.** [He] **The secretary of state** shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. **In the event a measure is labeled prior to, but not voted on at the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Stoll moved that **SS** for **SB 455**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS** for **SB 455**, as amended, was declared perfected and ordered printed.

Senator Johnson assumed the Chair.

Senator Clay moved that **SB 328, 87, 100** and **55**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

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

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 252.043, Line 18, by inserting immediately after said line the following:

"557.035. When assessing punishment pursuant to section 557.036, the court or jury shall consider the motivation of the defendant and the status of the victim, including but not limited to, the actual, presumed or perceived race, color, religion, national origin, sex, sexual

orientation or disability."; and

Further amend said bill, pages 2-3, section 574.087, lines 1-8, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.090, lines 1-7, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.093, lines 1-8, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Clay offered **SSA 1** for **SA 3**:

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

Amend Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 252.043, Line 18, by inserting immediately after said line the following:

"557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class C felony.

2. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class D felony.

3. The court shall assess punishment in all

of the cases in which the state pleads and proves any of the motivating factors listed in this section.

4. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

(2) "Sexual Orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness."; and

Further amend said bill, pages 2-3, section 574.087, lines 1-8, by striking all of said section from the bill; and

Further amend said bill, page 3, section 574.090, lines 1-7, by striking all of said lines and inserting line lieu thereof the following:

"[574.090. 1. A person commits the crime of ethnic intimidation in the first degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates subdivision (1) of subsection 1 of section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo.

2. Ethnic intimidation in the first degree is a class C felony.]" and

Further amend said bill, page 3, section 574.093, lines 1-8, by striking all of said line and inserting in lieu thereof the following:

"[574.093. 1. A person commits the crime of ethnic intimidation in the second degree if, by reason of any motive relating to the race, color, religion or national origin of another individual or group of individuals, he violates section 565.070, RSMo; subdivisions (1), (3) and (4) of subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section

569.090, RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or section 574.050.

2. Ethnic intimidation in the second degree is a class D felony.]" and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above substitute amendment be adopted.

President Pro Tem Quick assumed the Chair.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Committee Substitute for Senate Bills Nos. 328, 87, 100 and 55, Page 2, Section 557.035, Lines 13 and 14 of said page, by deleting on said lines, the words "biological maleness or femaleness" and inserting in lieu thereof the word "gender".

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

Senator Wiggins assumed the Chair.

Senator Clay moved that **SSA 1** for **SA 3**, as amended, be adopted, which motion prevailed on a standing division vote.

Senator Clay moved that **SCS** for **SBs 328, 87, 100** and **55**, as amended, be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SBs 328, 87, 100** and **55**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 347, SB 40, SB 241** and **SB 301**, with **SCS, SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

SA 4 was again taken up.

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

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

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 1, Section 162.203, Line 2, by deleting the brackets on lines 2 and 15 and inserting after the "1." on line 2 the words "previous to July 1st, 2003".

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

Senator Mathewson assumed the Chair.

Senator Steelman moved that **SA 4** be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bentley, Stoll, Sims and Howard.

SA 4 was adopted by the following vote:

YEAS—Senators

Clay	Ehlmann	Flotron	Graves
House	Kenney	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Stelman	Westfall	Wiggins
Yeckel—17			

NAYS—Senators

Bentley	Bland	Caskey	Childers
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Sims	Staples
Stoll—13			

Absent—Senators

Banks	Goode	Kinder—3
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Absent with leave—Senator DePasco—1

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 1, In the Title, Line 10, by inserting after the word "subject" the following ", with an emergency clause for a certain section"; and

Further amend said bill, page 29, section 163.172, line 19 of said page, by inserting immediately after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects [funds] **fund**, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank

account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to

the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For

the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the

conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section; **except that the state aid shall be deducted in equal amounts over the five school years following the school year of an unlawful transfer provided that:**

(1) The district shall provide written notice to the state board of education, no later than June first of the first school year following the school year of the unlawful transfer, stating the district's intention to comply with the provisions of subdivisions (1) to (4) of this subsection and have state aid deducted for that unlawful transfer over a five-year period;

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the

district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

(4) During each school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection except for the 1998-99 school year, the district shall maintain compliance with the requirements of section 165.016 without any recourse to waivers or base year adjustments and without the option to demonstrate compliance based upon the district's fund balances; and

(5) If, in any school year state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district fails to comply with any requirement of subdivisions (1) to (4) of this subsection, the full, remaining amount of state aid to be deducted pursuant to this subsection shall be deducted from the district's state aid payments by the department during such school year.

9. On or before June 30, 1999, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the amount transferred is equal to or less than the amount that the teachers' and incidental [fund] funds' unrestricted balances on June 30, 1995, exceeded eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

(2) To make the transfer allowed under subdivision (3) of this subsection, a school district shall:

(a) Have a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) Have passed a full waiver of Proposition C

tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

(c) Be in compliance or have paid all penalties required pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) After all transfers, have a remaining balance on June 30, 1998, in the combined teachers' and incidental funds which is no less than ten percent of the combined expenditures from those funds for the 1997-98 school year.

(3) A district which satisfies all of the criteria specified in paragraphs (a) to (d) of subdivision (2) of this subsection may, on or before June 30, 1998, make a one-time combined transfer from the teachers' and incidental funds to the capital projects fund of an amount no greater than the sum of the following amounts:

(a) The product of the district's equalized assessed valuation for 1994 times the difference of the district's equalized operating levy for school purposes for 1994 minus the district's equalized operating levy for school purposes for 1993;

(b) The product of the district's equalized assessed valuation for 1995 times the difference of the district's equalized operating levy for school purposes for 1995 minus the district's equalized operating levy for school purposes for 1993;

(c) The product of the district's equalized assessed valuation for 1996 times the difference of the district's equalized operating levy for school purposes for 1996 minus the district's equalized operating levy for school purposes for 1993;

(d) The product of the district's equalized assessed valuation for 1997 times the difference of the district's equalized operating levy for school purposes for 1997 minus the district's equalized operating levy for school purposes for 1993; provided that the remaining balance in the incidental fund shall be no less than twelve percent of the total expenditures during that fiscal year from the incidental fund.

(4) A district which makes a transfer pursuant

to subdivision (3) of this subsection shall be subject to compliance with the requirements of section 165.016 for fiscal years 1999, 2000 and 2001, without the option to request a waiver or an adjustment of the base school year certificated salary percentage.

(5) Other provisions of section 165.016 to the contrary notwithstanding, the transfer of an amount of funds from either the teachers' or incidental funds to the capital projects fund pursuant to subdivision (3) of this subsection shall not be considered an expenditure from the teachers' or incidental fund for the purpose of determining compliance with the provisions of subsections 1 and 2 of section 165.016.

11. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend said bill, page 40, Section 170.059, line 3 of said page, by inserting immediately after said line the following:

"Section B. Because of the urgent need to revise state penalties for certain fund transfer violations, section 165.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, by inserting immediately before said line the following:

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district

superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, or suspended or expelled pursuant to this section or section 167.161 or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled **to a regular program of instruction** if:

(1) Such pupil has been convicted of; or

(2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

(a) First degree murder under section 565.020,

RSMo;

(b) Second degree murder under section 565.021, RSMo;

(c) First degree assault under section 565.050, RSMo;

(d) Forcible rape under section 566.030, RSMo;

(e) Forcible sodomy under section 566.060, RSMo;

(f) Robbery in the first degree under section 569.020, RSMo;

(g) Distribution of drugs to a minor under section 195.212, RSMo;

(h) Arson in the first degree under section 569.040, RSMo;

(i) Kidnapping, when classified as a class A felony under section 565.110, RSMo. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. **Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.**

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district

may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, 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 the title and enacting clause accordingly.

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

Senator Kenney offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 9, Section 160.518, Line 22, by inserting immediately after said line the following:

"5. The department of elementary and secondary education shall furnish sufficient copies of all assessments to each school district without charge, using funds appropriated for that purpose."

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

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 347, 40, 241 and 301, Page 29, Section 163.172, Line 19, 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 House moved that **SS for SCS for SBs 347, 40, 241 and 301**, as amended, be adopted, and requested a roll vote be taken. He was joined in his request by Senators Kenney, Bentley, Wiggins and Howard.

SS for SCS for SBs 347, 40, 241 and 301, as amended, was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Quick
Rohrbach	Russell	Schneider	Steelman
Stoll	Wiggins	Yeckel—23	

NAYS—Senators

Caskey	Maxwell	Sims	Westfall—4
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Absent—Senators

Banks	Kinder	Mueller	Scott
Singleton	Staples—6		

Absent with leave—Senator DePasco—1

On motion of Senator House, **SS for SCS for SBs 347, 40, 241 and 301**, as amended, was declared perfected and ordered printed.

Senator Howard moved that **SB 339**, with **SCS, SS for SCS, SA 1 and SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rohrbach, **SSA 1 for SA 1** was withdrawn.

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

At the request of Senator Howard, **SS for SCS for SB 339** was withdrawn.

Senator Howard offered **SS No. 2 for SCS for SB 339**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal sections 197.315, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.317, 198.067 and 198.427, RSMo Supp. 1998, relating to long-term care facilities, and to enact in lieu thereof nineteen new sections relating to the same subject.

Senator Howard moved that **SS No. 2 for SCS for SB 339** be adopted.

At the request of Senator Howard, **SB 339**, with **SCS and SS No. 2 for SCS** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 1, SB 92, SB 111, SB 129 and SB 222**, with **SCS and SS for SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 16, Section 452.552, Line 13 of said page, by inserting after all of said line the following:

"453.072. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to qualified relatives of a child who are granted legal guardianship of the child. As used in this section, "qualified relatives" means any grandparent, aunt, uncle or adult sibling of the child."; and

Further amend the title and enacting clause accordingly.

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

Senator Johnson assumed the Chair.

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 30, Section 488.015, Line 8, by inserting immediately after said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

(1) Any person who is less than [twenty-one] **eighteen** years of age;

(2) Any person not a citizen of the United States;

(3) Any person not a resident of the county or city not within a county served by the court issuing the summons;

(4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;

(5) Any person unable to read, speak and understand the English language;

(6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the

governor;

(7) Any licensed attorney at law;

(8) Any judge of a court of record;

(9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 38, Section 536.053, Line 2, by inserting after all of said line the following:

"538.300. The provisions of sections 260.552, RSMo, 490.715, RSMo, 509.050, RSMo, 510.263, RSMo, 537.067, 537.068, 537.117, 537.675, and 537.760 to 537.765, RSMo, [and subsection 2 of section 408.040, RSMo,] shall not apply to actions under sections 538.205 to 538.230."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 3** is out of order in that it goes beyond the scope and content of the bill.

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

President Pro Tem Quick assumed the Chair.

Senator Steelman moved that **SA 3** be adopted, which motion failed.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92,

111, 129 and 222, Page 10, Section 211.477, Line 6 of said page, by inserting after all of 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 misdemeanor, as is provided in such order or regulation. The court entering any conviction for violations pursuant to this section or section 304.130 shall report the conviction to the department of revenue as otherwise provided by law.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 4** is out of order in that it goes beyond the scope and purpose of the bill.

Senator Mathewson assumed the Chair.

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

Senator Jacob moved that **SA 4** be adopted, which motion prevailed.

Senator Schneider moved that **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SCS** for **SBs 1, 92, 111, 129** and **222**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 201**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which

was referred **HB 352**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 352, Page 1, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. In addition to the admission fee provided for regular and special board meetings pursuant to section 321.190, RSMo, board members of a fire protection district serving municipalities in a county of the first classification having a charter form of government shall receive a fee, not to exceed one hundred dollars per meeting, for attending special meetings of the board relating primarily to issues of legal actions, leasing or purchasing real estate, leasing or purchasing equipment and personnel matters."

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 748**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 775**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 796**, begs leave to report that it has considered the same and recommends that the

bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 987**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 607**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 265**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 79**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 867**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 867, Page 1, Section 336.115, Line 10, by striking the words "substantial probability of".

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 979**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator 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 **HB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Ways and Means, to which was referred **SB 16**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 16, Page 1, Section 1, Line 5, by inserting immediately after "Code." the following: "**The credit allowed shall not exceed five thousand dollars for any eligible small business per taxable year.**"; and further amend line 10, by inserting immediately after "Code" the following: ", **but shall not include amounts paid or incurred for construction which is begun after January 1, 2000, which is not in compliance with the Americans with Disabilities Act of 1990**"; and

Further amend said bill and page, section A, line 2, by inserting immediately after "1999" the following: ", but before January 1, 2005".

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 52**, begs leave to report that it has considered the same and recommends that the bill do pass.

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
April 13, 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:

Beverly K. Woodhurst, 41748 Highway 154, Perry, Ralls County, Missouri 63462, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Kim Anderson, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 13, 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:

Wilson J. Winn, Republican, 3734 Birchwood Drive, Kansas City, Jackson County, Missouri 64137, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, Sam Maupin, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 13, 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:

Reginald L. Bassa, 7600 East 73rd Terrace, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2000, and

until his successor is duly appointed and qualified; vice, Paul Gray, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 13, 1999

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

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

William B. Siebenborn, Democrat, 661 Northeast 45th, Trenton, Grundy County, Missouri 64683, as a member of the State Milk Board, for a term ending September 28, 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
April 13, 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:

Gene R. Brown, 12046 Weshire Place, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 13, 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:

Paul W. Foster, 12517 Hillcrest Drive, Liberty, Clay County, Missouri 64068, as a public member of the Board of Geologist Registration, for a term ending April 11, 2002, and until his

successor is duly appointed and qualified; vice, Thomas Butler, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 13, 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:

Thomas I. Watkins, 1348 Overland Lane, Moberly, Randolph County, Missouri 65270, as a member of the Board of Geologist Registration, for a term ending April 11, 2002, and until his successor is duly appointed and qualified; vice, Larry Hendren, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 13, 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:

Homer W. Miller, 4509 South Johnson Drive, Joplin, Newton County, Missouri 64804, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending April 11, 2003, 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
April 13, 1999

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

The following addendum should be made to the appointment of Jeanette E. Griffin for the State Board of Barber Examiners, submitted to you on March 30, 1999. Line two should be amended to read:

Jeanette E. Griffin, 2138 Red Oak Lane, Liberty, Clay County, Missouri 64068, as a public member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Jeanette E. Griffin, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

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

RESOLUTIONS

Senator Sims offered Senate Resolution No. 559, regarding Jessica Barwinski, Maryland Heights, which was adopted.

Senator Childers offered Senate Resolution No. 560, regarding the Thirtieth Anniversary of the Forsyth Library, which was adopted.

Senator Jacob offered Senate Resolution No. 561, regarding the University of Missouri-Columbia Football Tigers, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, one hundred fourth grade students from Shenandoah Valley Elementary School, Chesterfield.

Senator Childers introduced to the Senate, members of the Howell County EXCEL Leadership Group: Donna Frey, Diann Pannek, Heather Wakefield, Mike Slider, Jim Ronald, Lyle Wright, Russell Jackson, Willis Mushrush and Brenda Bell.

Senator Rohrbach introduced to the Senate, Alex Golubev and Julia B. Nagorniak, Ukraine; and Alex and Julia were made honorary pages.

Senator Steelman introduced to the Senate, her son, Joe and eighteen fourth grade students from St. Patrick's Catholic School, Rolla; and Joe, Jacob Drallmeier, Elise Friede and Hannah Mugel were made honorary pages.

Senator Stoll introduced to the Senate, Jim and Mary Cook, Roy and Lucie Wagner, Cletus and Arlene Cox and Dorothy Hughes, Jefferson County.

Senator Quick introduced to the Senate, Cindy Hadley and members of the Gladstone Chamber of

Commerce Leadership Development Class.

Senator Rohrbach introduced to the Senate, Crystal Gammon, Osage Beach; Amanda Heckman, Tuscumbia; Jennifer Long, St. Elizabeth; and Kelly Procter and Faye Mooney, Eldon.

Senator Kinder introduced to the Senate, thirty-five fourth grade students from Trinity Lutheran School, Cape Girardeau; and Cody Gaither, Ben Bostic, Rachel Hengst and Jessie Essner were made honorary pages.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., and his wife, Wilma, Potosi.

Senator Westfall introduced to the Senate, Lorraine Richardson, Mary Wilson, Betty Ann Pritchard, Jimmie Rice and Marissa Rainey, Nevada; Scotty McPeak, Sheldon; and Lisa Lafavre, Bronaugh; and Lisa, Scotty and Marissa were made honorary pages.

Senator Caskey introduced to the Senate, former State Representative Gene Olson, Harrisonville.

Senator Caskey introduced to the Senate, Angela Nitchals, Rich Hill; Erin Barnes, Adrian; and James Friederich, Betty Robey and Pat

Laughlin, Butler; and Angela, Erin and James were made honorary pages.

Senator Caskey introduced to the Senate, Michael Mohr and Andrea Lynn Manning, Bates County; and Michael and Andrea were made honorary pages.

Senator Mathewson introduced to the Senate, his wife, Doris, and members of the First Christian Church, Sedalia.

Senator Russell introduced to the Senate, Erin Harrington, Niangua; and Marlea Fanning, Marcia Machie and Lola Belle Underwood, Marshfield; and Erin and Marlea were made honorary pages.

Senator Bentley introduced to the Senate, Jennifer McClure and Lauren Hawkins, Springfield.

Senator Bentley introduced to the Senate, Marcia Brown, Faun Aleen Tranberger, Nick Kasporek, Parker Christopher McKenna, Katti Lyn Yeakey, Brian Muegge, Melissa Mayus, Ericka Harwood and Rhiannon Rognstad, Springfield.

Senator Kinder introduced to the Senate, twenty-five seventh grade students from St. Paul's Lutheran School, Jackson.

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

SENATE CALENDAR

FIFTY-THIRD DAY—WEDNESDAY, APRIL 14, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 492-Hosmer

THIRD READING OF SENATE BILLS

1. SCS for SB 233-Sims

2. SB 215-Mathewson

3. SS for SB 373-DePasco
4. SJR 17-Mueller
(In Budget Control)
5. SCS for SBs 387, 206
& 131-Clay
6. SB 359-Mueller, et al
7. SCS for SB 351-
Johnson and Russell
8. SB 472-House
(In Budget Control)

9. SCS for SB 440-
Schneider
(In Budget Control)
10. SCS for SB 377-Howard
(In Budget Control)
11. SB 371-Flotron, et al
12. SB 125-Childers
13. SB 29-Mueller
14. SB 495-Goode

Unofficial
SENATE BILLS FOR PERFECTION

1. SB 248-Maxwell, with SCS
2. SBs 429, 430 & 407-
Jacob, with SCS
3. SB 525-Rohrbach, with SCS
4. SB 374-Mathewson,
with SCS
5. SB 274-House, et al,
with SCS
6. SBs 18, 49 & 167-
Goode, et al, with SCS

7. SBs 398 & 376-Maxwell,
with SCS
8. SB 507-Childers
9. SB 413-Johnson, et al
10. SJR 16-Schneider, with SCS
11. SB 98-Kenney
12. SJR 29-Caskey
13. SB 16-Mathewson, et al,
with SCA 1
14. SB 52-Klarich and Flotron

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INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

Copy

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

SB 5-Wiggins
SB 30-Howard, with SCS (pending)
SB 70-Schneider, with
SS#2 (pending)
SBs 75, 381 & 204-Wiggins,
with SCS
SB 78-Russell, with SA 4

(pending)
SB 97-Maxwell and Sims
SB 179-Goode, with SA 3 &
SSA 1 for SA 3 (pending)
SB 203-Wiggins
SB 208-House, with SCS &
SS for SCS (pending)

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

SB 316-Schneider and Ehlmann

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

SB 336-Caskey, with SA 3
(pending)

SB 339-Howard and Sims,
with SCS & SS#2 for SCS
(pending)

SB 345-Johnson, with SS
(pending)

SB 397-Maxwell, with SCS

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

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CONSENT CALENDAR

House Bills

Reported 4/6

HB 895-Crump (Caskey)

HB 76-Smith (Caskey)

HCS for HB 348, with SCS
(Caskey)

HB 359-Hosmer (Caskey)

HB 248-Kissell, with SCS
(Westfall)

HB 661-Crump (Caskey)

HB 165-May (108th)
(DePasco)

HB 242-May (108th)
(Caskey)

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)

Reported 4/12

HB 570-Rizzo (DePasco)	HB 185-Lakin, with SCA 1 (Sims)
HB 476-Hegeman, with SCS (Johnson)	HB 290-Champion (Bentley)
HB 528-Chrismer (Ehlmann)	HB 517-Backer, et al (Staples)
HB 789-Berkstresser and Bartelsmeyer, with SCS (Childers)	HB 646-Hampton, et al (Staples)
HB 930-Ward, et al	HB 678-Leake and Koller (Mathewson)
HB 271-Clayton (Maxwell)	HB 34-Auer, with SCA 1 (Mueller)
HB 721-Barry, with SCS (Howard)	HB 915-Mays (50th) and Legan (Maxwell)
HB 893-Murray, et al, with SCA 1 (Maxwell)	HB 145-Wiggins (Maxwell)
HB 94-Clayton (Wiggins)	HB 216-Parker
HB 358-Hosmer (Singleton)	

Reported 4/13

HB 328-Parker	HB 748-O'Toole and May (108th)
HB 136-Smith (Caskey)	HB 775-Hosmer, with SCS
HB 39-Dougherty, with SCS	HB 796-Smith
HB 929-Griesheimer	HB 987-Backer
HB 453-Gross	HB 607-Wilson, et al
HB 568-May (108th)	HB 265-Smith
HB 861-Griesheimer and Murray	HB 79-Ransdall and Gaw, with SCS
HB 965-Wilson	HB 867-McKenna, with SCA 1
HB 201-Boucher	HB 979-Auer
HB 352-Foley, et al, with SCA 1	HB 152-Leake, et al, with SCS
HB 402-Relford, et al	

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

HCR 4-Seigfreid
(Mathewson)

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