

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY—WEDNESDAY, APRIL 28, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Heavenly Father: You have brought us to this time where deliberations must give way to decisions whether each bill presented is helpful in the furtherance of Your kingdom or not. So we pray that You will stir up Your Holy Spirit within us so that we may make such decisions, strengthened by Your presence, renewed in spirit and faithfulness, and empowered for service according to Your will for us. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press 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 Kenney offered Senate Resolution No. 738, regarding Nicholas Paul Castle, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 739, regarding Adam Jennings Castle, Blue Springs, which was adopted.

Senator Bland offered Senate Resolution No. 740, regarding the One Hundredth Birthday of Ms. Lulu B. Johnson Fielder, North Kansas City, which was adopted.

Senators Schneider and Bentley offered Senate Resolution No. 741, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orville Ables, Rogersville, which was adopted.

Senator Schneider offered Senate Resolution No. 742, regarding Laurie B. Donovan, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 743, regarding John and Betty Conley, Bellefontaine Neighbors, which was adopted.

Senator Schneider offered Senate Resolution No. 744, regarding Andrew Laws and his dog, Rainbow, which was adopted.

Senator Johnson assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 867, with **SCA 1**, introduced by Representative McKenna, entitled:

An Act to amend chapter 336, RSMo, relating to powers of the board of optometry by adding thereto one new section relating to the same subject.

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

SCA 1 was taken up.

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

On motion of Senator Scott, **HB 867**, as amended, was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senators

Bland Singleton—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

HB 979, introduced by Representative Auer, entitled:

An Act to repeal section 169.450, RSMo Supp. 1998, relating to the public school retirement systems in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

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

President Pro Tem Quick assumed the Chair.

On motion of Senator Scott, **HB 979** was read the 3rd time and passed by the following vote:

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

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

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

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

HB 775, with **SCS**, introduced by Representative Hosmer, entitled:

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, 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 Bentley.

SCS for **HB 775**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 775

An Act to repeal section 88.812, RSMo 1994, relating to assessments made by certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 775** be adopted.

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

HB 152, with **SCS**, introduced by Representative Leake, et al, entitled:

An Act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, 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 Maxwell.

Senator Johnson assumed the Chair.

SCS for **HB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 152

An Act to repeal section 261.105, RSMo Supp. 1998, relating to sustainable agricultural demonstration awards, and to enact in lieu thereof one new section relating to the same subject.

WAS TAKEN UP.

SENATOR MAXWELL MOVED THAT SCS FOR HB 152 BE ADOPTED, WHICH MOTION PREVAILED.

ON MOTION OF SENATOR MAXWELL, SCS FOR HB 152 WAS READ THE 3RD TIME AND PASSED BY THE FOLLOWING VOTE:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

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

The President declared the bill passed.

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

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

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

HB 327, introduced by Representative Parker, entitled:

An Act to repeal section 552.040, RSMo Supp. 1998, relating to criminal competency, and to enact in lieu thereof one new section relating to the same subject.

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

On motion of Senator Caskey, **HB 327** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Bland	Rohrbach—2
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Absent—Senators

Mathewson	Mueller	Quick	Singleton—4
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Absent with leave—Senators—None

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

HB 268, introduced by Representative Crawford, et al, entitled:

An Act to repeal section 190.307, RSMo 1994, relating to civil liability of certain emergency telephone service providers, 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 Caskey.

On motion of Senator Caskey, **HB 268** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

House	Howard	Mueller	Quick
Schneider	Singleton—6		

Absent with leave—Senators—None

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

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

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

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

On motion of Senator Caskey, **HS** for **HCS** for **HB 256** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Mueller	Singleton—2
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Absent with leave—Senators—None

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

HB 792, with **SCS**, introduced by Representatives Kissell and McKenna, entitled:

An Act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, 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 Mathewson.

SCS for **HB 792**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 792

An Act to repeal section 320.230, RSMo 1994, relating to certain state fire investigators, and to enact in lieu thereof one new section relating to the same subject.

WAS TAKEN UP.

SENATOR MATHEWSON MOVED THAT SCS FOR HB 792 BE ADOPTED, WHICH MOTION PRE

ON MOTION OF SENATOR MATHEWSON, SCS FOR HB 792 WAS READ THE 3RD TIME AND PASSED BY THE FOLLOWING VOTE:

YEAS—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	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 334** and request the House to recede from its position and take up and pass the bill and failing to do so, grant the Senate a conference thereon, which motion prevailed.

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

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 618**, with **SCS**, entitled:

An Act relating to the health care needs of the elderly.

Was taken up by Senator Maxwell.

SCS for **HS** for **HCS** for **HB 618**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 618

An Act relating to the health care needs of the elderly.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HCS** for **HB 618** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HCS** for **HB 618**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 618

An Act to repeal section 198.070, RSMo 1994,

relating to the health care needs of the elderly, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 618** be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 13, Section 7, Line 22, by deleting the word "four" and place in lieu thereof the word "six".

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

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 1, Section A, Line 3 of said section, by inserting immediately after said line the following:

"103.083. The board shall provide or contract, or both, on its own behalf, for medical benefits coverage and services for persons covered under sections 103.003 to 103.175 and enrolled in the plan; **provided however, that such provision or contract, or both shall be:**

(1) Made or renewed for a term no longer than twenty-four (24) months; and

(2) For medical benefits coverage and services of persons covered pursuant to sections 103.003 to 103.175, and enrolled in the plan, shall be based upon actuarial analysis and retrospective loss experience of the participating member agencies enrolled in the plan. The board may contract for medical benefits coverage with alternative delivery health care programs where available. Medical expenses shall also include expenses for comparable benefits for employees

who rely solely on spiritual means through prayer for healing.

103.130. Each participating member agency may elect by majority vote of its governing body, to join the plan and cover its employees, retirees, and their dependents under the plan as follows:

(1) The clerk or secretary of the participating member agency shall certify the election to the board within ten working days after the vote of the governing body;

(2) The board shall establish a procedure for considering the election of the agencies. Acceptance of the agency into the plan shall be by action of the board and shall be based upon an actuarial analysis [or any other determination that the board deems appropriate] **of the agency's experience, and the impact of such experience upon the health care plans providing coverage to the Missouri consolidated health care plan, if said agency is accepted into the plan;**

(3) The agency shall supply all available information requested by the board that is necessary to complete an actuarial analysis of the agency and make a determination of the fiscal impact that inclusion of the agency would have on the plan;

(4) The effective date of the participating member agency's coverage will be the first day [of the month so requested by the agency and approved by the board] **of the year following open enrollment and acceptance of the application of an agency pursuant to this section, to be accepted into the plan;**

(5) The participating member agency must offer coverage under the plan to all of its eligible employees, retirees, and dependents."; and

Further amend the title and enacting clause accordingly.

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

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House

Committee Substitute for House Bill No. 618, Page 6, Section 1, Lines 6-7, by striking all of said lines after the word "a", and inserting in lieu thereof the following: **"rate of reimbursement not less than the Medicare allowable rate pursuant to Medicare rules and regulations."**

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

Senator Wiggins assumed the Chair.

Senator Sims offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Pages 6 and 7, Section 2, Lines 23-25 of page 6 and lines 1-21 of page 7, by deleting all of Section 2; and further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 1, Section A, Line 3, by inserting after all of said line the following:

"197.715. 1. For the purposes of this section, "continuing care retirement community" means a facility that provides services, either at the same site or at another location including, but not limited to independent housing, day care, ambulatory care, and long-term health care to older persons not related by blood or marriage to the owner or operator of the facility under an agreement with the person effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services.

2. The provisions of sections 197.300 through 197.366 shall not apply to and a certificate of need shall not be required for any facility operating as a continuing care

retirement community within this state."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 5** is out of order in that the amendment exceeds the scope and purpose of the bill.

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

Senator Mathewson assumed the Chair.

SA 5 was again taken up.

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

Senator Jacob offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 618, Page 15, Section 7, Line 1, by inserting after all of said line the following:

"8. No Alzheimer's treatment facility shall be subject to the provisions of sections 197.300 to 197.365, RSMo, if that facility is:

(1) Classified, pursuant to section 89.020, RSMo, as a single family dwelling or residence in which eight or fewer unrelated mentally or physically disabled persons reside;

(2) Located within a county of the first classification having a charter form of government with a population of at least nine hundred thousand; and

(3) Whose occupants do not receive any form of Medicaid or Medicare funding."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 618**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee

on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HCS** for **SCS** for **SB 234**; and **HCS** for **SCS** for **SB 218**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 248** and has taken up and passed **CCS** for **SCS** for **HB 248**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 79** and has again taken up and passed **SCS** for **HB 79**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and for operating expenses of the Senate and the House of Representatives and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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

has taken up and passed **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1999 and ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 16**, entitled:

An Act to appropriate money for capital improvement and economic development projects for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 25**.

Bill ordered enrolled.

President Pro Tem Quick assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for SCS for SB 234**; and **HCS for SCS for SB 218**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the

President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for SCS for SB 234; and **HCS for SCS for SB 218**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to recede from its position on **SCS for HB 789** and grant the House a conference thereon, which motion prevailed.

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.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SCS for SB 436**, entitled:

An Act to repeal sections 190.307 and 320.320, RSMo 1994, and sections 67.582, 190.044, 190.060, 321.220, 321.242, 321.600 and 650.330, RSMo Supp. 1998, relating to certain emergency services, and to enact in lieu thereof fourteen new sections relating to the same subject.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 10, Section 190.044, Line 19 of said page, by deleting the words "**ambulance service**" and inserting in lieu thereof the words "**city or entity**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 334** and grants the Senate a conference thereon, and the conferees be allowed to exceed the differences in the bill, section 644.143, line 17 (5), by adding after the word "other" the word "scientific".

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 334**: Representatives Wiggins, May (108), Foley, Marble, Crawford.

Senator Clay assumed the Chair.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 436**, as amended, and request the House to recede from its position and take up and pass the bill and failing to do so grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Quick assumed the Chair.

Senator Caskey moved that **SB 276**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 276**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 276**

An Act to repeal sections 205.374 and 360.060, RSMo 1994, and sections 205.190, 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to health and educational facilities, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Caskey moved that **HCS** for **SB 276** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks	Bland	Goode	Schneider—4
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Absent with leave—Senators—None

On motion of Senator Caskey, **HCS** for **SB 276** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Johnson	Schneider	Singleton—4
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Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Howard Singleton—3

Absent with leave—Senators—None

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

Bill ordered enrolled.

Senator Mathewson moved that the conferees on HCS for SCS for SB 334 be allowed to exceed the differences by adding the word "scientific", which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on HCS for SCS for SB 334: Senators Mathewson, Howard, Johnson, Kenney and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on SCS for HB 789: Senators Mathewson, Stoll, Howard, Childers and Flotron.

PRIVILEGED MOTIONS

Senator Wiggins moved that SB 348, with HA 1, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1, as amended, was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

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—33

NAYS—Senators—None

Absent—Senator Banks—1

Absent with leave—Senators—None

On motion of Senator Wiggins, SB 348, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks Bentley Bland Caskey
Childers Clay DePasco Ehlmann
Flotron Goode Graves House
Howard Jacob Johnson Kenney
Kinder Klarich Mathewson Maxwell
Mueller Quick Russell Schneider
Scott Sims Singleton Staples
Steelman Stoll Westfall Wiggins
Yeckel—33

NAYS—Senators—None

Absent—Senator Rohrbach—1

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

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

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

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

Bill ordered enrolled.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 745, regarding the fourth grade students of Forsyth School, St. Louis, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 746

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Evelyn R. Gabhart, of Kansas City; and

WHEREAS, Mrs. Gabhart, a native of Kimeo, Washington County, Kansas, lived in Kansas City for over seventy years; and

WHEREAS, Mrs. Gabhart was married in 1935 to Francis M. Gabhart and they were the proud parents of four daughters and two sons; and

WHEREAS, Mrs. Gabhart was exceptionally close to members of the legal profession, having served as a legal secretary for the firm of Swanson, Midgley for 33 years prior to her retirement in 1987; and

WHEREAS, Mrs. Gabhart was extremely proud of her Irish heritage, was a longtime faithful member of Christ the King Catholic Church and formerly of St. Theresa the Little Flower Catholic Church, was a member of Our Lady's Flame of Love Prayer Group and the Fatima Rosary Group, and gave great living public testimony to her faith by her pilgrimages to Medjugorje and Rome; and

WHEREAS, Mrs. Gabhart was most of all a kind and loving wife, mother, grandmother, and great grandmother in whose heart and love her family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberations to salute the memory of Mrs. Evelyn R. Gabhart, express their appreciation for her lifetime of good citizenship and her contributions to Kansas City and to Missouri, and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for her daughters, Charlene Klebenstone, Jane Blando, Diane Morris, and Mary Patricia Biondo; her sons, Michael T. Gabhart, and Gerald L. Gabhart and the Swanson, Midgley Law Firm.

HOUSE BILLS ON THIRD READING

Senator Banks requested unanimous consent of the Senate to take **HS for HB 454**, with **SCS**, up for 3rd reading and final passage out of order, which request was granted.

HS for HB 454, with **SCS**, introduced by Representative Carter, entitled:

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

Was taken up by Senator Banks.

SCS for HS for HB 454, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

**HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 454**

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

Was taken up.

Senator Banks moved that **SCS for HS for HB 454** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS for HS for HB 454** was read the 3rd time and passed by the following vote:

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

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

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

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

At the request of Senator Mathewson, **HCS for HB 888**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 349, with **SCS**, entitled:

An Act relating to the family development account program.

Was taken up by Senator Clay.

SCS for **HCS** for **HB 349**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 349

An Act relating to the family development
account program.

Was taken up.

Senator Clay moved that **SCS** for **HCS** for
HB 349 be adopted.

Senators Schneider and Ehlmann offered **SS** for
SCS for **HCS** for **HB 349**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 349

An Act to amend chapter 620, RSMo, by
adding thereto six new sections relating to taxation.

Senator Schneider moved that **SS** for **SCS** for
HCS for **HB 349** be adopted.

At the request of Senator Clay, **HCS** for
HB 349, with **SCS** and **SS** for **SCS** (pending), was
placed on the Informal Calendar.

HJR 5, with **SCA 1**, introduced by Representa-
tive Barry, et al, entitled:

Joint Resolution submitting to the qualified
voters of Missouri, an amendment repealing section
26(b) of article VI of the Constitution of Missouri,
relating to school district bond elections and
adopting one new section in lieu thereof relating to
the same subject.

WAS TAKEN UP BY SENATOR STOLL.

SCA 1 WAS TAKEN UP.

**SENATOR STOLL MOVED THAT THE ABOVE
AMENDMENT BE ADOPTED.**

**SENATOR STOLL OFFERED SSA1 FOR SCA1,
WHICH WAS READ:**

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE COMMITTEE AMENDMENT NO. 1**

**AMEND HOUSE JOINT RESOLUTION NO. 5, PAGE 2,
SECTION 26(B), LINE 9, BY STRIKING THE WORDS FOR
ALL ELECTION DAYS AND INSERTING IN LIEU THEREOF
THE FOLLOWING: AT THE GENERAL**

**MUNICIPAL ELECTION DAY, PRIMARY
OR GENERAL ELECTIONS .**

Senator Stoll moved that the above
amendment be adopted.

At the request of Senator Stoll, **HJR 5**, with
SCA 1 and **SSA 1** for **SCA 1** (pending), was placed
on the Informal Calendar.

HS for **HB 450**, with **SCS**, was placed on the
Informal Calendar.

HB 468, with **SCS**, introduced by Representa-
tive Koller, entitled:

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

Was taken up by Senator Staples.

SCS for **HB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 468

An Act to repeal sections 8.843, 104.160,
104.180, 226.060, 226.100 and 301.273, RSMo
1994, and section 226.445, RSMo Supp. 1998,
relating to the department of transportation, and to
enact in lieu thereof eight new sections relating to
the same subject, with an expiration date for a
certain section.

Was taken up.

Senator Staples moved that **SCS** for **HB 468**
be adopted.

At the request of Senator Staples, **HB 468**,
with **SCS** (pending), was placed on the Informal
Calendar.

HS for **HB 162**, introduced by Representative
Luetkenhaus, entitled:

An Act to repeal sections 288.038, 288.040
and 288.126, RSMo Supp. 1998, relating to
unemployment insurance, and to enact in lieu
thereof three new sections relating to the same
subject.

Was taken up by Senator House.

At the request of Senator House, **HS** for **HB 162** was placed on the Informal Calendar.

At the request of Senator Scott, **HB 65**, with **SCS**, was placed on the Informal Calendar.

HB 779, with **SCS**, was placed on the Informal Calendar.

Senator DePasco requested unanimous consent of the Senate to have the following proclamation read and printed in the Journal, which request was granted.

Office of the Governor
State of Missouri
Proclamation

WHEREAS, each year thousands of American workers are killed by workplace injuries and occupational disease; and

WHEREAS, during Fiscal Year 1998, 139 Missouri workers were killed and 139,024 more were injured in the workplace; and

WHEREAS, the AFL-CIO has chosen April 28, 1999, to be "Workers Memorial Day" in remembrance of the victims of workplace injuries and disease; and

WHEREAS, in support of Workers Memorial Day, the State of Missouri will rededicate itself to improving safety and health in every workplace through stronger safety and health protections, better standards and enforcement, and fair and just compensation:

NOW, THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, do hereby proclaim April 28, 1999, to be

WORKERS MEMORIAL DAY

in Missouri and urge the citizens of our state to join in the observance by recognizing workers who have been killed, injured and disabled on the job.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 26th day of February, 1999.

/s/ Mel Carnahan

Governor

(Seal)

Attest:

/s/ Rebecca McDowell Cook

Secretary of State

The Senate stood for a moment of silent prayer.

HS for **HCS** for **HBs 427, 40, 196** and **404**, with **SCS**, entitled:

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a

penalty provision.

Was taken up by Senator House.

SCS for **HS** for **HCS** for **HBs 427, 40, 196** and **404**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 427, 40, 196 and 404

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly referred to as "partial birth abortion", with penalty provisions.

Was taken up.

Senator House moved that **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be adopted.

Senator Mathewson assumed the Chair.

Senator House offered **SS** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 427, 40, 196 and 404

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

Senator House moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196** and **404** be adopted.

President Pro Tem Quick assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Section 565.300, Page 1, Line 8, by deleting the words ", **irrespective of the duration of pregnancy,**"; and add: "**of an infant after viability has been achieved,**"; and

Further amend said bill, page 2, Section

565.300, line 4, by striking the words "**irrespective of the duration of pregnancy,**" and add "**of an infant after viability has been achieved,**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 310**, entitled:

An Act to repeal sections 142.029, 267.610 and 311.190, RSMo 1994, and sections 261.105 and 276.401, RSMo Supp. 1998, and section 267.610, as it appeared in RSMo 1986, relating to the department of agriculture, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word and number "and 11" and inserting in lieu thereof the following: ", 11, 12, 13, 14 and 15"; and

Further amend said bill, Page 21, Section 11, Line 2 of said page, by inserting after all of said line the following:

"Section 12. As used in sections 12 to 15 of this act, the following terms mean:

(1) **"Alternative fuel"**, the same meaning as in section 414.400, RSMo;

(2) **"Division"**, the division of energy of the department of natural resources;

(3) **"Fueling station"**, the equipment and property directly related to dispensing of an alternative fuel into the fuel tank of a vehicle propelled by such fuel, including the compression equipment and storage vessels for such fuel at the location where such fuel is dispensed;

(4) **"Fund"**, the Missouri alternative fuel vehicle loan fund;

(5) **"Incremental cost"**, the difference in cost between a vehicle that operates on conventional fuel and the cost of the same model vehicle equipped to operate on an alternative fuel;

(6) **"Political subdivision"**, any county, township, municipal corporation, school district or other governmental unit in this state, but not including any state agency as such term is defined in section 536.010, RSMo; and

(7) **"Vehicle fleet"**, any fleet owned and operated by a political subdivision and comprised of ten or more motor vehicles with a manufacturer's gross vehicle weight rating of not more than eight thousand five hundred pounds registered for operation on the highways of this state pursuant to chapter 301, RSMo.

Section 13. 1. On or before July 1, 2000, the division shall have developed an administrative plan for implementing a program that provides financial assistance to political subdivisions for establishing the capability of using alternative fuels in their vehicle fleets.

2. The program shall accept applications for loans from political subdivisions with vehicle fleets for the:

(1) **Purchase of new motor vehicles capable of using alternative fuels;**

(2) **Conversion of motor vehicles which operate on gasoline to enable such vehicles to operate on an alternative fuel; and**

(3) Construction of fueling stations capable of dispensing alternative fuels.

3. The division shall evaluate plans developed by applicants for converting their vehicle fleets to operate on alternative fuels, and shall give preference in making loans to those applicants who are prepared to make substantial investments of their own funds in converting their vehicle fleets and who will work cooperatively with the state, other political subdivisions, and private entities in developing a fueling infrastructure capable of dispensing alternative fuels in this state.

4. The division may promulgate any rules necessary to carry out the provisions of sections 12 to 15 of this act. No rule or portion of a rule promulgated pursuant to sections 12 to 15 of this act shall take effect unless it has been promulgated pursuant to chapter 536, RSMo.

Section 14. 1. Using the fund created in section 15 of this act, the division shall provide loans of:

(1) A maximum of two thousand dollars for the incremental cost of purchasing a new vehicle capable of operating on an alternative fuel;

(2) A maximum of two thousand dollars for the conversion of a new or existing vehicle designed to operate on gasoline to enable such vehicle to operate on an alternative fuel; and

(3) A maximum of one hundred thousand dollars for the construction of a fueling station capable of dispensing an alternative fuel.

2. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the purchase or conversion of alternative fuel vehicles in any one year.

3. No political subdivision shall receive in aggregate more than one hundred thousand dollars in loans for the construction of fueling stations in any one year.

4. The division shall establish the interest rate and terms of repayment for each loan agreement established pursuant to sections 12 to 15 of this act. In establishing the repayment schedule, the division shall consider the

projected savings to the political subdivision resulting from use of an alternative fuel, but such repayment schedule shall be for a maximum repayment period of four years and shall include provisions for payments to be made on a monthly basis.

5. Any political subdivision that receives a loan pursuant to sections 12 to 15 of this act shall:

(1) Remit payments on the repayment schedule established by the division;

(2) Agree to use the alternative fuel for which vehicles purchased with the aid of such loans were designed;

(3) Provide reasonable data requested by the division on the use and performance of vehicles purchased with the aid of such loans;

(4) Allow for reasonable inspections by the division of vehicles purchased and fueling stations constructed with the aid of such loans; and

(5) Make fueling stations constructed with the aid of such loans available for use at reasonable cost by the vehicle fleets of other political subdivisions and, with consideration of the capacity of such fueling stations, by the general public.

Section 15. 1. There is hereby created in the state treasury the "Missouri Alternative Fuel Vehicle Loan Fund". The fund may receive moneys from appropriations by the general assembly, repayments by political subdivisions of loans made pursuant to sections 12 to 15 of this act including interest on such loans, and gifts, bequests, donations or any other payments made by any public or private entity for use in carrying out the provisions of sections 12 to 15 of this act.

2. The state treasurer shall deposit all of the moneys in the fund into any of the qualified depositories of this state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided by law relative to state deposits. Interest accrued by the fund shall

be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

3. The fund shall be used solely for the purposes of sections 12 to 15 of this act and for no other purpose."

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 7 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting the word "sixteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 310, Page 15, Section 1, Line 24 of said page, by inserting immediately after the word "agency" the following: ", **any cattle buyer who purchases twenty or fewer cattle per day or one hundred or fewer cattle per week, any hog buyer who purchases fifty or fewer hogs per day or two hundred fifty or fewer hogs per week, or any sheep buyer who purchases fifty or fewer sheep per day or two hundred fifty or fewer sheep per week**"; and

Further amend said bill, Page 17, Section 6, Line 22 of said page, by deleting the word "twenty" and inserting in lieu thereof the word "fourteen".

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

"6. In the event a federal law regarding

livestock price reporting becomes effective, the department of agriculture shall immediately adopt such rules as are necessary to permit Missouri producers and packers to remain economically competitive with producers and packers in other states."

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Bill No. 310, Page 18, Section 6, Line 11 of said page, by inserting after all of said line the following:

"6. Sections 1 to 6 of this act shall expire December 31, 2002."

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 310, Page 16, Section 2, Line 3 of said page, by inserting immediately after the word "livestock." the following:

"The provisions of this section shall not be construed to mean that a price or payment method must remain fixed throughout any marketing period."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Bill No. 310, Page 1, In the Title, Line 2 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting immediately after the number "267.610" the following: ", 292.606"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by inserting immediately after the number "276.401," the number "292.606,"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "9, 10 and 11" and inserting in lieu thereof the following: "9 and 10"; and

Further amend said bill, Page 13, Section 276.401, Line 20 of said page, by inserting after all of said line the following:

"292.606. 1. Fees shall be collected for a period of ten years from August 28, 1992. The commission shall review the adequacy of the fees

imposed in this section and shall present its assessment to affected departments and the respective committees of jurisdiction of the house and senate before December 1, 1994.

2. (1) Any employer required to report [under] **pursuant to** subsection 1 of section 292.605, except local governments and family-owned farm operations shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, RSMo, if such person, firm or corporation is paying fees [under] **pursuant to** the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state [under] **pursuant to** the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed [under] **pursuant to** this subsection, such employer shall not be liable for state fees [under] **pursuant to** this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected [under] **pursuant to** this subdivision shall be for

each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Except moneys acquired through litigation shall not apply to this cap;

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected [under] **pursuant to** this section and natural resources damages made available pursuant to section 640.235, RSMo, exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained [herein] **pursuant to this subsection** shall be reviewed by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Local emergency planning committees receiving funds [under] **pursuant to** section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds [under] **pursuant to** section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section 640.235, RSMo, shall provide to the commission an annual report of expenditures and activities.

4. Fees collected by the department and all funds provided to local emergency planning

committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds [under] **pursuant to** this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

5. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

6. **For the purposes of this section, "family-owned farm operations" includes a family farm corporation as defined in section 350.010, RSMo, with a gross income not to exceed one million dollars per year."**

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Bill No. 310, by inserting on page 19 on line 20 after the words, Section 10, the following:

"No fresh, frozen, processed or canned meat produced in any foreign country may be sold in retail or wholesale trade or in any way distributed in Missouri, unless said meat products have been certified free of pesticides by country of origin to the satisfaction of the department and processed in packing plants approved by USDA.

Section 11".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 33**, entitled:

An Act to repeal section 144.517, RSMo Supp. 1998, relating to sales and use taxation on college textbook sales, and to enact in lieu thereof one new section relating to the same subject.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 33, Page 1, Section 144.517, Line 7, by inserting the following: "[, provided that the institution shall issue a list of approved required textbooks for the student to provide to said bookstore as proof that such book is considered a textbook by that institution]; and

Further amend said bill, page 1, section 144.517, line 7, by inserting after the word "field" the following: ", **provided that the books which are exempt from state sales tax are those required or recommended for class, upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks."**

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and 3rd read **HCR 35**.

HOUSE CONCURRENT RESOLUTION NO. 35

Relating to naming the Kansas City State Office Building the Fletcher Daniels Missouri State Office Building.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, March 26, 1999, the date of Fletcher Daniels' death, marked the end of a career which exemplified the ideals of a truly dedicated public servant; and

WHEREAS, Fletcher Daniels began his career as a public servant in 1946, when he joined the United States Postal Service where he worked until his retirement after thirty years of faithful public service; and

WHEREAS, Fletcher Daniels' outstanding leadership abilities

became evident when in 1950 he was elected president of Local 906 of the National Alliance of Postal and Federal Employees and continued to serve in that post for ten years; and

WHEREAS, dedicated to his community, Representative Daniels served with distinction as Dean of the Kansas City School Board, Vice President of the Kansas City NAACP, advisory board member of the Kansas City Chapter of the Urban League, and as Executive Director of the Kansas Metropolitan Senior Citizens Center; and

WHEREAS, Fletcher Daniels was elected to the Missouri House of Representatives in 1984 in a special election which marked the beginning of a brilliant political career that spanned the course of fifteen years representing the Forty-first Legislative District in Kansas City; and

WHEREAS, throughout his illustrious tenure as a state legislator, Representative Daniels fought for causes in which he so ardently believed and earned the respect of many for his deep commitment as a true warrior and tireless advocate for the working people and the poor; and

WHEREAS, the members of the Missouri House of Representatives recognized Fletcher Daniels for his dedication to public service and his leadership abilities by being the first black legislator to be elected to the prestigious and powerful post of Speaker Pro Tem:

NOW, THEREFORE, BE IT RESOLVED that in tribute and respect for Fletcher Daniels' long tenure of public service, the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, hereby declare that the Kansas City State Office Building, 615 E. 13th Street, Kansas City, Missouri, shall hereinafter be known as the Fletcher Daniels Missouri State Office Building; and

BE IT FURTHER RESOLVED that the Office of Administration shall be instructed to make appropriate changes to all printed materials and signs to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Office of Administration and Mrs. Sybil Daniels.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SB 219**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Mueller offered Senate Resolution No.

747, regarding retired Missouri Supreme Court Justice, Robert T. Donnelly, which was adopted.

Senators Ehlmann, House and Klarich offered Senate Resolution No. 748, regarding the Crider Center for Mental Health, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 749, regarding Dr. Donald L. Jones, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Sam Yancey, Wayne Morrill and delegates of the American Legion Student Government Day from Johnson County; and Erin Riggs, Megan Whitney, Melissa Pennington, Andrew Kiely and Courtney Weigand were made honorary pages.

On behalf of Senator Staples and himself, Senator Stoll introduced to the Senate, ten delegates of the American Legion Student Government Day from Jefferson County.

Senator Childers introduced to the Senate, delegates of the American Legion Student Government Day: Ashley Mueller, Mica Sorensen, Jami Walters, Colt Straub, Amanda Jansen; and teachers: Mary Arnold and Jerry Martin, Branson.

Senator Mueller introduced to the Senate, David Martens and Steve Hemmann, St. Louis; and David and Steve were made honorary pages.

Senator Mathewson introduced to the Senate, A.J. Phipps, Patricia Richardson and delegates of the American Legion Student Government Day from A.L. Griffith Post 237, Richmond; and Corey Nees, Nathan Bundy, Becky Bryan and Charlie Creamer were made honorary pages.

Senator Graves introduced to the Senate, Daisy Workman, Angie Dailey, Allen Staley, Nick Helzer, Daniel Yates, Beth Wimes, Christopher Miller, Becky Miller and delegates of the American Legion Student Government Day from Nodaway County.

Senator Kenney introduced to the Senate, Candy, Corbett and Austin Roberts, Michelle and Robert Case, Tommy Franklin, John Constance and Kyle Lee, Independence; and Corbett, Austin,

Robert, Tommy, John and Kyle were made honorary pages.

Senator Graves introduced to the Senate, Bette Williams, Tim Calkin, Justin Wilson, Jesse Stricker, Holly Long, Brad Fulk and delegates of the American Legion Student Government Day from Holt County.

On behalf of Senator Johnson, the President introduced to the Senate, Oneida Gillispie and delegates of the American Legion Student Government Day from Andrew County; and Sheena Lance and Matthew Smith were made honorary pages.

Senator Maxwell introduced to the Senate, Ronnie, Beverly, Keith, Darcy, Tanner, Evan and Dorothy Woodhurst, Perry; Beth Clarkson, New London; Shirley Benn, Center; and Kim Gray, Quincy, Illinois.

Senator Kinder introduced to the Senate, fifteen students from Deer Creek Academy, Cape Girardeau; and Casey Cuba, Christina Perry, Elizabeth LaFoe, Murielle Wyman, Cole Buerkle, Will LaFoe and Mallory McCluskey were made honorary pages.

Senator Rohrbach introduced to the Senate, Pat Reed, Jean Vanderfeltz and eighth grade students from St. Andrew's School, Tipton.

Senator Mathewson introduced to the Senate, Paul Bennett and delegates of the American Legion Student Government Day from Pettis County; and Mandy Robb, Emily Mefford and Mike McCurdy were made honorary pages.

Senator Graves introduced to the Senate, Ken Stull, Gary Tuck, Terry Coult, Rachel Clemens, Brad Beetsma and delegates of the American Legion Student Government Day from Chillicothe.

Senator Bentley introduced to the Senate, Craig Halsey and Wesley Wilson, Springfield.

On behalf of Senator Staples and himself, Senator Stoll introduced to the Senate, Mrs. Deanna Marsh, Mr. Alvin Riney, Mrs. Bel Greenfield, Mrs. Jacqui Wills and thirty-five eighth grade students from Crystal City.

Senator Rohrbach introduced to the Senate,

eleven fourth grade students from Pilot Grove School, Pilot Grove.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Anthony Guarino, M.D., Chesterfield.

Senator Bland introduced to the Senate, a delegation from Swope Parkway Mental Health Center, Kansas City.

Senator Bland introduced to the Senate, members of the NAMI Group, Kansas City.

Senator Maxwell introduced to the Senate, Yvonne Allison-Mitchell, Becky Coil, Deanna St. Cin, Jackie Applebee and members of Options Unlimited Group from Fulton and Mexico.

On behalf of Senator House, Senator Flotron and himself, Senator Ehlmann introduced to the Senate, members of St. Charles Citizens Against Aircraft Noise.

Senator Goode introduced to the Senate, Joe and Joyce Hengst, and their children, Jennifer and David, Homeschoolers from St. Louis County; and Jennifer and David were made honorary pages.

Senator Singleton introduced to the Senate, members of the Joplin Chamber of Commerce.

Senator Caskey introduced to the Senate, Sandy Hutchinson, Jamie Arwood, Jennifer Dromey and nine seventh and eighth grade students from Shawnee R-3 School, Chilhowee; and Amanda Brown, Ashley Clifton, Christopher Arwood, Alisha Curry, Cody Dunning, Amanda Helmig, Josh Himes, Cole Witherspoon and Joey Boyle were made honorary pages.

Senator Goode introduced to the Senate, Edna Thomas and students from Keeven Elementary School, St. Louis County; and Gabriel Gonzales, Jeana Walton-Day, Kiawana Newman and Alvin Morrow were made honorary pages.

Senator Steelman introduced to the Senate, Bob Hogan, Mack Means, Emmy Potter, Erica Hogan, Ike Williams and Jessie Davis, Fulton; and Erica, Ike and Jessie were made honorary pages.

Senator Westfall introduced to the Senate, Mrs. Webb, Mrs. Bond, Mrs. Regers, Mrs. Houdeshell, Julie Scotten and one hundred fourth

grade students from Truman Elementary School, Nevada; and Korbin Johnson, Matthew Steward, Drew Weatherly and Josh Underwood were made honorary pages.

Senator Westfall introduced to the Senate, Kathy Houck, Janet Eck, Brenda Kennedy, Janice

Rosebrough, Mary Abramovite, Mary Pierce, Angela Supplee, Cindy Witt, Joni Fenske and fourteen seventh and eighth grade students from St. Mary's School, Pierce City.

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

SENATE CALENDAR

SIXTY-SECOND DAY-THURSDAY, APRIL 29, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 18
HB 15-Franklin

HB 16-Franklin

THIRD READING OF SENATE BILLS

SB 472-House
(In Budget Control)
SCS for SB 440-Schneider
(In Budget Control)

SS for SCS for SBs 347,
40, 241 & 301-House
(In Budget Control)
SS for SCS for SBs 75,
381 & 204-Wiggins
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 274-House, et al,
with SCS
2. SBs 18, 49 & 167-
Goode, et al, with SCS
3. SBs 398 & 376-Maxwell,
with SCS
4. SB 507-Childers
5. SB 413-Johnson, et al
6. SJR 16-Schneider,
with SCS

7. SB 98-Kenney
8. SJR 29-Caskey
9. SB 16-Mathewson,
et al, with SCA 1
10. SB 52-Klarich and
Flotron
11. SB 236-Stoll
12. SB 447-Stoll

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 676, with
SCS (Stoll)
(In Budget Control) | 11. HCS for HB 60, with SCS |
| 2. HS for HB 516-Gaw,
with SCS (Jacob)
(In Budget Control) | 12. HCS for HBs 316, 660
& 203, with SCS
(Howard)
(In Budget Control) |
| 3. HCS for HB 139, with
SCS (Russell) | 13. HS for HCS for HBs 246 &
405-Bray, with SCS (Clay)
(In Budget Control) |
| 4. HB 401-Barry, et al,
with SCS (Caskey)
(In Budget Control) | 14. HB 541-Kreider, et al
(Mathewson) |
| 5. HCS for HB 490 & HCS
for HB 308, with SCS (Sims)
(In Budget Control) | 15. HCS for HB 889
(In Budget Control) |
| 6. HB 542-Barry, with
SCS (House) | 16. HCS for HBs 603, 722
& 783, with SCS (Goode)
(In Budget Control) |
| 7. HB 191-Dougherty,
et al, with SCS
(Maxwell)
(In Budget Control) | 17. HCS for HB 780, with
SCS (Stoll) |
| 8. HCS for HB 267, with
SCS (Scott)
(In Budget Control) | 18. HS for HCS for HB 793-
Treadway, with SCS
(Mathewson)
(In Budget Control) |
| 9. HS for HCS for HB 852-
Hosmer, with SCS
(Caskey)
(In Budget Control) | 19. HB 368-Murray and Franklin,
with SCS (Goode) |
| 10. HS for HCS for HB 701-
Rizzo, with SCS
(Mathewson)
(In Budget Control) | 20. HB 64-Long (Russell) |
| | 21. HS for HCS for HB 822-
Liese, with SCS (Clay)
(In Budget Control) |
| | 22. HCS for HBs 321 & 493,
with SCAs 1 & 2 (Jacob) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

SB 5-Wiggins, with SS,
SA 2 & point of order
(pending)

SB 30-Howard, with SCS
(pending)

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 SS#2
(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)

SBs 429, 430 & 407-Jacob,
with SCS & SA 2
(pending)

HOUSE BILLS ON THIRD READING

HB 65-O'Toole and May
(108th), with SCS (Scott)

HS for HB 162-Luetkenhaus
(House)

HCS for HB 343, with SCS
(pending) (Caskey)

HCS for HB 349, with SCS
& SS for SCS (pending)
(Clay)

HS for HCS for HBs 427,
40, 196 & 404-
Luetkenhaus, with SCS,
SS for SCS & SA 1
(pending) (House)

HS for HB 450-Relford,
with SCS (Maxwell)

HB 468-Koller, with SCS
(pending) (Staples)

HS for HCS for HB 618-Harlan,
with SCS, SS for SCS &
SA 6 (pending) (Maxwell)

HB 779-Skaggs, with SCS
(Quick)

HCS for HB 888, with SCS
(Mathewson)

HJR 5-Barry, et al, with
SCA 1 & SSA 1 for
SCA 1 (pending) (Stoll)

CONSENT CALENDAR

House Bills

Reported 4/13

HB 775-Hosmer, with SCS (Bentley)

Reported 4/14

HB 261-Auer, with SCA 1
(Scott)HB 346-Thompson (37th)
(Wiggins)

HB 300-Green (Staples)

HB 452-Boatright, et al
(Mathewson)HB 680-Leake, et al, with
SCA 1 (Stoll)

HB 903-Auer (Jacob)

HB 926-Liese and Ward
(Jacob)

Reported 4/15

HB 326-Parker (Stoll)

HB 415-Vogel and Gratz,
with SCA 1 (Maxwell)HB 812-Berkowitz, et al,
with SCS (Maxwell)HB 866-Treadway, with SCS
(Scott)HB 548-Kennedy, with SCS
(Wiggins)

HB 988-Backer (Wiggins)

HB 399-Bray (Wiggins)

HB 472-Nordwald (House)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 33-Johnson, with HCS,
as amended

SB 115-Russell, with HCA 1

SB 310-Maxwell, with HS,
as amendedSS for SCS for SB 467-
Caskey, with HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 291-Caskey, with HS
for HCS, as amended

SCS for SB 334-Mathewson,
with HCS

HCS for HB 2, with SCS
(Goode)

HCS for HB 3, with SCS
(Goode)

HCS for HB 4, with SCS,
as amended (Goode)

HCS for HB 5, with SCS,
as amended (Goode)

HCS for HB 6, with SCS,
as amended (Goode)

HCS for HB 7, with SCS
(Goode)

HCS for HB 8, with SCS
(Goode)

HCS for HB 9, with SCS
(Goode)

HCS for HB 10, with SCS,
as amended (Goode)

HCS for HB 11, with SCS,
as amended (Goode)

HCS for HB 12, with SCS
(Goode)

HB 248-Kissell, with SCS
(Westfall) (House adopted CCR
and passed CCS)

HCS for HB 348, with SCS
(Caskey)

HB 789-Berkstresser and
Bartelsmeyer, with SCS
(Childers)

Requests to Recede or Grant Conference

SB 219-Caskey, with HCS,
as amended
(Senate requests House
recede or grant conference)

SCS for SB 436-Quick, with
HS for HCS, as amended
(Senate requests House
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

To be Referred

HCR 35-Gaw, et al

Reported from Committee

HCR 11-Mays (Goode)

HCR 9-Bonner (DePasco)

SR 595-Flotron

HCR 28-Ransdall, with SCS

(Goode)

HCR 21-Kissell & Kelly

(27th), with SCS

HCS for HCR 19, with SCS

(Caskey)

HCS for HCR 3, with SCS

(Childers)

HCR 17-Barnett (Graves)

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