

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY—TUESDAY, MAY 4, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

Senator Johnson offered the following prayer:

Father, we thank You for this day and the work we have to do. We pause to lift up the people affected by the tornadoes in Oklahoma and Kansas and pray that You give them comfort, security and safety. Help too with patience and wisdom as we continue our deliberations today. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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

Absent with leave—Senators—None

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 787, regarding the One Hundredth Anniversary of the Sullivan Chapter 105, Order of the Eastern

Star, which was adopted.

Senator Klarich offered Senate Resolution No. 788, regarding Brenda Joyce Snider, Pacific, which was adopted.

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

SENATE RESOLUTION NO. 789

WHEREAS, the members of the Missouri Senate hold tremendous respect for their esteemed colleagues from the judicial branch of the Show-Me State government; and

WHEREAS, born in Lebanon, Missouri, on August 31, 1924, Robert T. Donnelly spent his childhood in Tulsa, Oklahoma, entered military service in 1943 as a member of the 405th Infantry Regiment of the 102nd Division where he advanced to the rank of Field Staff Sergeant, and while engaging German forces on February 23rd, 1945, was wounded in action, he recuperated in a hospital in England and was honorably discharged from the military service in March of 1945; and

WHEREAS, in 1946 Robert Donnelly entered the University of Missouri Law School and then on November sixteenth he married the former Susie Lathan; and

WHEREAS, upon graduation from law school in the summer of 1949, Robert Donnelly practiced law in the town of Greenfield in Dade County until he moved to Lebanon to work in the office of his uncle, Phil Donnelly, while the latter served as Governor of Missouri; and

WHEREAS, Robert T. Donnelly was sworn in as a member of the Supreme Court on September 7, 1965, where he served as Chief Justice in 1973 and 1981, retiring from the bench on January 1, 1989; and

WHEREAS, Judge Donnelly has never been one to go quietly into the night when he believes there exists an ongoing federal judicial encroachment upon the rights and responsibilities of citizen and state alike; and

WHEREAS, Judge Donnelly, as a contributing writer to the book Derailing the Constitution, observed that: "(T)he essence of the relationship between the people and their government is that the people, not the Court, are sovereign"; and

WHEREAS, in 1998 Judge Donnelly published a book that he titled A Whistle in the Night, which is an autobiographical sketch of

Robert T. Donnelly the man, soldier, politician, husband, father, friend, writer, teacher, judge, and counsel to those who seek a greater knowledge and understanding of the Rule of Law; and

WHEREAS, his belief in and devotion to God, his wife Susie, sons Brian and Tom, and his duty to his country and the State of Missouri, such devotion having earned him respect of citizens from all walks of life:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to honor Judge Robert T. Donnelly for his many years of exemplary service to the people of this fine state as a member of the Supreme Court; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of retired Missouri Supreme Court Justice, Robert T. Donnelly.

Senator Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 790

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 1999, the American Legion Auxiliary, Department of Missouri, is conducting the fifty-eighth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol, where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the adult leaders and participants of the Fifty-eighth Session of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on Tuesday, June 22, 1999.

Senator Graves offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 791

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, First Regular Session hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirty-First Annual Missouri Jaycee Mock Legislature on November 6 and 7, 1999.

CONCURRENT RESOLUTIONS

Senator Goode moved that **SCR 2**, with **HCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **HCS** for **SCR 2** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Ehlmann—2
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Absent with leave—Senator Schneider—1

Senator Goode moved that **HCR 11** be taken up for adoption, which motion prevailed.

Senator Goode offered **SS** for **HCR 11**:

SENATE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which may create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy,

including electricity, natural gas and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied the above-mentioned issues during the tenure of the Eighty-ninth General Assembly and recommends that a similar study committee be established to such study during the tenure of the Ninetieth General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the House of Representatives, to be appointed by the Speaker of the House, and seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function throughout the Ninetieth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet Services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninetieth General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-First General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all

telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Goode moved that **SS for HCR 11** be adopted, which motion prevailed.

SS for HCR 11 was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Ehlmann—1

Absent with leave—Senator Schneider—1

RESOLUTIONS

Senator Flotron moved that **SR 595** be taken up for adoption, which motion prevailed.

Senator Flotron moved that the above resolution be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Goode moved that **HCR 28**, with **SCS**, be taken up for adoption, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Concurrent Resolution No. 28, as it appears in the Journal of the Senate, Thursday, April 22, 1999, Page 864, in the right hand column of said page, in the ninth paragraph of said resolution, by striking the words "and any other issues the

committee deems relevant" in said line.

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

Senator Goode moved that **SCS** for **HCR 28**, as amended, be adopted, which motion prevailed.

SCS for **HCR 28**, as amended, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators

Ehlmann	Quick—2
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Absent with leave—Senator Schneider—1

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

Senator Mathewson assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), was placed on the Informal Calendar.

HB 300, introduced by Representative Green, entitled:

An Act relating to automobile driver's licenses.

Was called from the Consent Calendar and

taken up by Senator Staples.

On motion of Senator Staples, **HB 300** 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	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Maxwell	Singleton—3
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Absent with leave—Senator Schneider—1

The President declared the bill passed.

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

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

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

HB 326, introduced by Representative Parker, entitled:

An Act to repeal section 41.160, RSMo 1994, relating to certain military forces, and to enact in lieu thereof one new section relating to the same subject.

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

On motion of Senator Stoll, **HB 326** was read the 3rd time and passed 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	Scott
Sims Staples	Steelman	Stoll	
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Banks Singleton—2

Absent with leave—Senator Schneider—1

The President declared the bill passed.

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

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

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

HB 415, with **SCA 1**, introduced by Representatives Vogel and Gratz, entitled:

An Act relating to employment and educational opportunities for selective service registrants.

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

SCA 1 was taken up.

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

On motion of Senator Maxwell, **HB 415**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Banks Ehlmann Kinder Singleton—4

Absent with leave—Senator Schneider—1

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 812, with **SCS**, introduced by Representative Berkowitz, et al, entitled:

An Act to repeal sections 205.200 and 206.060, RSMo 1994, relating to public hospitals, 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 Maxwell.

SCS for **HB 812**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 812

An Act to repeal sections 92.031, 205.200 and 206.060, RSMo 1994, relating to tax levies for local governments providing certain public services, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 812** be adopted.

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

HB 866, with **SCS**, introduced by Representative Treadway, entitled:

An Act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof six new sections relating to the same subject.

~~WAS CALLED FROM THE CONSENT CALENDAR AND TAKEN UP BY SENATOR SCOTT.~~

SCS FOR **HB 866**, ENTITLED:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 866

~~AN ACT TO REPEAL SECTIONS 339.710, 339.720, 339.755, 339.780, 339.820 AND 339.830, RSMO SUPP. 1998, RELATING TO TRANSACTION BROKERS IN LIEU THEREOF SEVEN NEW SECTIONS RELATING TO THE SAME SUBJECT, WITH AN EFFECTIVE D~~

~~WAS TAKEN UP.~~

SENATOR SCOTT MOVED THAT SCS FOR HB 866 BE ADOPTED, WHICH MOTION PREVAILED on the Informal Calendar.

ON MOTION OF SENATOR SCOTT, SCS FOR HB 866 WAS READ THE 3RD TIME AND PASSED BY THE FOLLOWING VOTE:

YEAS—SENATORS

BENTLEY	BLAND	CASKEY	CHILDERS
DEPASCO	EHLMANN	FLOTRON	GOODE
GRAVES	HOUSE	HOWARD	JACOB
JOHNSON	KENNEY	KINDER	KLARICH
MATHEWSON	MAXWELL	QUICK	ROHRBACH
RUSSELL	SCOTT	SIMS	SINGLETON
STAPLES	STEELMAN	STOLL	WESTFALL
WIGGINS	YECKEL—30		

NAYS—SENATORS—NONE

ABSENT—SENATORS

BANKS CLAY MUELLER—3

ABSENT WITH LEAVE—SENATOR SCHNEIDER—1

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.

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Staples assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Scott assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2**

for **SCS, SA 15** and **SSA 1** for **SA 15** (pending),

HOUSE BILLS ON SECOND READING

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

HB 19—Appropriations.

Senator Quick moved that the appointment of Melissa C. Thomas-Hunt be returned to the Governor, pursuant to his request, which motion prevailed.

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 **HCS** for **SS No. 2** for **SB 288**, entitled:

An Act relating to the sole purpose of creating the Missouri tobacco settlement trust fund for certain anti-smoking education and health care services.

With House Amendment No. 1 and House Substitute Amendment No. 2 for House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1.3, Line 9, by inserting after the word "appropriation" the following language: "by the General Assembly."

HOUSE SUBSTITUTE AMENDMENT NO. 2
FOR HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 288, Page 1, Section 1, Line 8, by inserting before the words "health care" the following: "**For tobacco-related**"; and

Further amend the title and enacting clause accordingly.

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 SCS for SB 405, entitled:

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 3, Section 67.791, Line 39, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**"; and

Further amend said bill, Page 19, Section 67.799, Line 27, by deleting the following: "**144.807**" and inserting in lieu thereof the following: "**144.525**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 249, by inserting at the end of said line the following: "**In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in subdivision (3) of this subsection.**

(3) In each county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, a municipal grant commission shall be established for the purpose of awarding grant proceeds to municipalities for park and recreation purposes. The municipal grant commission shall establish rules and shall evaluate, approve and distribute grants and ensure the proper management of the municipal grant program described in subdivision (2) of this subsection. In making its grant distribution

decisions, the municipal grant commission shall consider such factors as the population of municipalities within a county, the level of intergovernmental cooperation on grant requests to the municipal grant commission, the amount of grant funds provided to specific municipalities in prior years and the park and recreation needs in the municipality requesting the grant. The municipal grant commission shall consist of one voting member from each county council district, none of whom shall be municipal officials. Members of the municipal grant commission shall be elected by the chief elected officials of the municipalities located predominately by population in such county council district. The municipal grant commission shall also have two nonvoting members. One of the nonvoting members shall be a full-time city administrator and the other shall be a full-time municipal parks and recreation employee. The municipal grant commission shall also establish a nine-member advisory committee. The nonvoting member of the municipal grant commission who is a full-time municipal parks and recreation employee shall serve as chair of such advisory committee."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 405, Page 9, Section 67.791, Line 244, by inserting immediately after the word "**district.**" the following: "**Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision.**"

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 adopt Conference Committee Report on HS for HCS for SB 291 and requests a further conference on HS for HCS for SB 291.

Also,

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 **HCS** for **SCS** for **SB 334** and has taken up and passed **HCS** for **SCS** for **SB 334**, as amended by the Conference Committee Report.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 May 4, 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:

James D. Johnson, Republican, 8750 Highway H, Southeast, Agency, Buchanan County, Missouri 64401, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, James F. Gibson, term expired.

Respectfully submitted,
 MEL CARNAHAN
 Governor

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

On motion of Senator DePasco, the Senate recessed until 1:00 p.m.

RECESS

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

PRIVILEGED MOTIONS

Senator Childers moved that the Senate conferees on **SCS** for **HB 789** be allowed to exceed the differences on technical language in the bill, which motion prevailed.

Senator Mathewson moved that **SCS** for **HB 792**, with **HPA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Goode	Howard	Maxwell
Singleton—5			

Absent with leave—Senator Schneider—1

On motion of Senator Mathewson, **SCS** for **HB 792**, as amended by **HPA 1**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley	Goode	Jacob	Maxwell
Singleton—5			

Absent with leave—Senator Schneider—1

The President Pro Tem 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.

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 **HCR 37**.

HOUSE CONCURRENT RESOLUTION NO. 37

WHEREAS, accessibility to offices, hearing rooms, and other facilities within the State Capitol continues to fall short of compliance with the Americans with Disabilities Act, thereby denying meaningful access by legislators, staff and visitors to these public spaces; and

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative business in the State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive State Office Space Study and Master Plan, after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, the Sverdrup study declared "The Capitol Building, with the exceptions of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding". And "Many spaces are poorly ventilated,[and] lighted.."; and

WHEREAS, existing conditions present urgent needs for mechanical, electrical and other infrastructure repairs and improvements to restore and renovate the State Capitol for its historic preservation for all citizens of this state;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that pursuant to the provisions of Section 8.460, RSMO, the board of public buildings be advised to reassign certain offices and other space within the State Capitol to provide accessible and adequate space for the members of and functions necessary for the Missouri General Assembly; and

BE IT FURTHER RESOLVED that certain rooms and space within the State Capitol, as listed below, some of which may now be occupied by others, be vacated by the current occupants and be reassigned or assigned as noted below, such assignments to be in addition to all other rooms and space presently occupied by the House of Representatives and the Senate; and

BE IT FURTHER RESOLVED that the terms and agreements of all previous Resolutions are vacated and that the following rooms on the first, second, third, fourth, and basement floors of the State Capitol be assigned as follows:

(1) To the House of Representatives:

Rooms as follows: B-16, B-20, B-20A, B-21, B-21A, B-22, B-25, B-25A, B-30, B-31, B-31A, B-32, B-32A, B-33, B-33A, B-33B, B-34,

B-35, B-36, B-37, B-37A, B-38, and House Hearing Rooms 1,2,3,4,5,6,7,8, and 9 and which may be designated by other numbers and all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 100, 101, 102, 102B, 103, 103B, 104, 105, 106, 107, 108, 109, 109A, 110, 110A, 110B, 111, 112, 113, 114 (A-C), 115, 116, 116A, 117 (A-E), 117H, 118C, 118G, 118H, 130D, 131, 132, 134, 135, 135A, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 200, 200A, 200B-C, 200C, 201(A, B, A-A, B-A, B-B), 202, 203, 204, 204B, 205 (A-B), 206, 207 (A-B), Vault-10, 233, 233A, 233B, 234, 235, 235B-A, 235B-B, , 235C, 236, 236A, 236B, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third and fourth floors of the Capitol currently occupied by the House; and the fifth floor SE alcove area directly above the third floor grand staircase alcove.

(2) To the Senate

Rooms as follows: B-8D, B-8E, B-8F, B-9, B-11, B-12, B-13, B-14A, B-14B, B-14C, B-14D, B-14E, B-15B, B-41, B-42, B-43A, B-43B, all rooms within these rooms where only a main corridor number is listed; and rooms on the first floor as follows: 118, 118A, 118B, 118E, 119, 119A, 119B, 135B and all rooms within these rooms where only a main corridor number is listed; and rooms on the second floor as follows: 227, 227A, 227B, 227C, V-11, and all rooms within these rooms where only a main corridor number is listed; and all rooms and areas on the third, fourth and fifth floors of the Capitol currently occupied by the Senate.

BE IT FURTHER RESOLVED, pursuant to sections 8.015 and 8.017, RSMo., that the Senate and House of Representatives retain control of all of the third and fourth floors as stated above; and

BE IT FURTHER RESOLVED that the House provide necessary space for members of the press on the House side of the Capitol who may be required to vacate space as a result of this resolution; and that the Senate provide necessary space for members of the press on the Senate side of the Capitol who may be required to vacate space as a result of this resolution; and

BE IT FURTHER RESOLVED that the rooms and areas be made available commencing May 17, 1999 and be totally delivered not later than June 10, 1999; and

BE IT FURTHER RESOLVED that rooms 127, 127A, 128, 129, 130, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and room 208, upon this area being vacated by the Secretary of State, and rooms 230, 231, 232, upon these rooms being vacated by the State Treasurer, shall come under the control of the House of Representatives; and

BE IT FURTHER RESOLVED that rooms 122, 123,124, upon these areas being vacated by the Office of Administration Division of Budget and Planning, and rooms 125 and 126, upon these area being vacated by the Commissioner of Administration of the Office of Administration, room 224 upon this room being vacated by the State Auditor, shall come under the control of the Senate; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House and the Administrator of the Senate shall mark the rooms assigned upon blueprints and shall submit the blueprints to the board of public buildings and the office of design and construction,

together with a vacating date and together with a properly inscribed copy of this resolution;

BE IT FURTHER RESOLVED that where room numbers and descriptions are not clear, that the blueprints shall control and that all rooms, existing or to be built, shall be renumbered in a logical and orderly manner so as to accurately reflect the intent of this resolution.

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 SCS for SBs 31 and 285, entitled:

An Act to repeal sections 105.473, 105.955, 105.963, 130.031, 130.036, 130.046, 130.050, 130.057 and 130.110, RSMo Supp. 1998, and both versions of section 130.041, as they appear in RSMo Supp. 1998, relating to certain procedures of public entities responsible for campaign finance administration, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 12, Section 105.964, Line 7, by deleting the word "**seven**" and inserting in lieu thereof the word "**eight**"; and

Further amend said bill, Page 24, Section 130.046, Line 3, by deleting the word "seventh" and inserting in lieu thereof the following: "[seventh] **eighth**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.057, Line 18, by deleting the word "shall" and inserting in lieu thereof the following: "[shall] **may**".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and

285, Page 1, In the Title, Line 2, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the following: "130.050," the following: "130.056,"; and

Further amend said bill, Page 29, Section 130.050, Line 53, by inserting after all of said line the following:

"130.056. 1. The executive director of the Missouri ethics commission shall:

(1) Take such steps as are necessary to disseminate among the general public such information as may serve to guide all persons who are or may become subject to the provisions of this chapter for the purpose of facilitating voluntary compliance with the purposes and provisions of this chapter;

(2) Be responsible for expediting the filing of all reports, statements and other information required to be filed pursuant to the provisions of this chapter and, in connection therewith, be responsible for developing procedures whereby all candidates shall be informed of the provisions of section 130.016 so as to assure the timely filing of statements which some candidates are eligible to file as provided in section 130.016;

(3) Develop and publish forms and printed instructional material and furnish such forms and instructions to persons required to file reports and statements pursuant to the provisions of this chapter, together with a summary of the provisions of chapter 115, RSMo, which apply to candidates and committees covered by this chapter, provided, however, such forms shall not seek information which is not specifically required by this chapter.

All forms furnished pursuant to this chapter shall clearly state in readable type on the face of the form the date on which the form became effective. The forms published by the executive director shall provide for compliance with reporting and other provisions of this chapter. Any report form published by the executive director for purposes of compliance with section 130.041 shall provide for reporting contributions from individuals, corporations, labor organizations and fictitious entities and contributions from committees on the same form. Contributions from committees shall be listed first on each report form. All expenditures shall also be reported on a single report form;

(4) Develop a filing, coding and cross-indexing system for reports and statements required to be filed with the Missouri ethics commission, and preserve such reports and statements for a period of not less than five years from date of receipt;

(5) Make the reports and statements filed with the Missouri ethics commission available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(6) Examine each report and statement filed with the Missouri ethics commission pursuant to the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;

(7) Notify a person required to file a report or statement pursuant to this chapter with the Missouri ethics commission immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;

(8) From reports filed with the Missouri ethics commission, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;

(9) Prepare and publish such other reports as the Missouri ethics commission deems appropriate;

(10) Disseminate statistics, summaries, and reports prepared under this chapter;

(11) Employ staff and retain such contract services, including legal services to represent the commission before any state agency or before the courts as the executive director deems necessary within the limits authorized by appropriation by the general assembly.

2. Each appropriate officer other than the executive director of the Missouri ethics commission shall:

(1) Assist the executive director in furnishing forms and printed instructional material to persons required to file reports and statements pursuant to the provisions of this chapter;

(2) Accept reports and statements required to be filed with the person's office;

(3) Develop for the officer's constituency a filing, coding, and cross-indexing system consonant with the purposes of this chapter;

(4) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(5) Preserve such reports and statements for a period of not less than five years from the date of receipt;

(6) Examine each report and statement filed with the person's office pursuant to the requirements of this chapter to determine if the reports and statements appear to be complete and filed within the required time;

(7) Notify a person required to file a report or statement pursuant to this chapter immediately if, upon examination of the circumstances surrounding any election, it appears that the person has failed to

file a report or statement as required by law;

(8) Notify the Missouri ethics commission if the person has reasonable cause to believe that a violation of this chapter has occurred;

(9) **Assess every candidate for state or local office failing to file with a local election authority pursuant to section 130.026, a campaign disclosure report as required by chapter 130, RSMo, other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day such report is due to the election authority. The local election authority shall mail a notice, by registered mail, to any candidate and candidate committee treasurer and deputy treasurer who fails to file such report informing such person of such failure and the fees provided by this subdivision. If the candidate persists in such failure for a period in excess of thirty days beyond the receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three thousand dollars.**

3. Any person receiving from an appropriate officer a copy of, or who is permitted to inspect or make a copy of, any report or statement filed pursuant to the requirements of this chapter shall sign a statement that the person will not utilize the reports or statements or any information thereon for any commercial use, except for public news reporting, whatsoever and will not transfer the information obtained to any other persons for such purposes. It shall be the responsibility of each appropriate officer to instruct any person making a request to inspect, copy or receive a copy of any report or statement or any portion of a report or statement filed pursuant to this chapter that the utilization of any information obtained from such reports for any commercial purpose is a violation of this chapter."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and

285, Page 31, Section 1, Line 4, by inserting immediately after said line the following:

"Section 2. There is hereby created the position of director of electronic information systems within the Missouri ethics commission. The director of electronic information systems shall, at a minimum, have a baccalaureate degree from an accredited institution of higher education with a major in computer science, computer engineering or computer programing. In addition to the baccalaureate degree, the director shall have appropriate work experience in the field of computer science, computer engineering or computer programming. The director shall be employed pursuant to subsection 11 of section 105.955, RSMo. The director shall administer and be responsible for the establishment, implementation and maintenance of computer systems, electronic reporting and other electronic information and communication systems as may be required pursuant to the authority and requirements of the Missouri ethics commission."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 31, Section 105.966, Line 4, by deleting the words "**three months**" and inserting in lieu thereof the words "**ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 5, by deleting the words "**be granted an additional three months**" and inserting in lieu thereof the words "**file a petition in the Cole County circuit court to request an additional ninety days**"; and

Further amend said bill, Page 31, Section 105.966, Line 6, by inserting at the end of said line the following: "**Upon filing the petition, the ninety day period shall be tolled until the court determines whether additional time is needed.**"; and

Further amend said bill, Page 31, Section 105.966, Line 11, by inserting after the word

"upon" the following: **"by the ethics commission"**.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.057, Line 26, by deleting the word "shall" and in lieu thereof the following: "[shall]" **"may."**

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 25, Section 130.046, Line 50, by inserting after the following: "September." the following: **"No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election."**

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 16, Section 130.031, Line 132, by adding after "information." the following:

"It shall also be a violation if the information contained in any printed or broadcast material is false and if done in conjunction and participation with any candidate, the candidate shall be held equally liable."

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 31 and 285, Page 29, Section 130.050, Line 44, by deleting all of said line and inserting in lieu thereof the following:

"Section 130.032] **two hundred fifty dollars** by a candidate committee supporting a candidate for".

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate

Committee Substitute for Senate Bills Nos. 31 and 285, Page 9, Section 16, Line 186, by inserting after said line the following:

"Such advisory opinions shall be issued no later than ninety (90) days from date of receipt by the commission."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 548, with **SCS**, introduced by Representative Kennedy, entitled:

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, 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 Wiggins.

SCS for **HB 548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 548

An Act to repeal sections 135.550, 135.600 and 144.014, RSMo Supp. 1998, relating to taxation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 548** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 548** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators
Bentley Goode Maxwell—3

Absent with leave—Senator Schneider—1

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.

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 15** was again taken up.

Senator Johnson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Banks offered **SA 1** to **SSA 1** for **SA 15**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 15

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 15 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404, Page 1, Lines 2-7, by deleting all of said lines in the amendment and inserting in lieu thereof the following: "or protect her health."

Senator Banks moved that the above amendment be adopted.

Senator DePasco requested a quorum be established by roll call.

On roll call the following Senators were present:

Present—Senators
Bentley Bland Caskey Childers
Clay DePasco Ehlmann Flotron
Graves House Howard Jacob

Johnson Kenney Kinder Klarich
Mathewson Maxwell Mueller Quick
Rohrbach Russell Schneider Scott
Sims Staples Steelman Stoll
Westfall Wiggins Yeckel—31

Absent—Senators
Banks Goode Singleton—3

Absent with leave—Senators—None

PRIVILEGED MOTIONS

Senator DePasco submitted the following motion:

The undersigned, as a result of the absence of the Senator from the 5th, hereby submit the following motion on the question of passage of SA 1 to SSA 1 for SA 15 to SS No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 427, 40, 196 and 404.

SHALL THIS QUESTION BE NOW PUT?

/s/ Ronnie DePasco /s/ Steve Ehlmann
/s/ John E. Scott /s/ Jim Mathewson
/s/ Harry Wiggins /s/ Franc Flotron
/s/ John T. Russell /s/ John D. Schneider

Senator Caskey raised the point of order that the motion offered by Senator DePasco to move the previous question on **SA 1** to **SSA 1** for **SA 15** is out of order because the sponsor of the amendment is not present.

Senator Wiggins assumed the Chair.

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

Senator Jacob raised the point of order that the motion is not timely because the Senate is on another order of business.

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

The motion to move the previous question on **SA 1** to **SSA 1** for **SA 15** was adopted by the following vote:

YEAS—Senators
Bentley Childers DePasco Ehlmann

Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators

Bland	Caskey	Clay	Goode
Howard	Jacob	Maxwell—7	

Absent—Senator Banks—1

Absent with leave—Senators—None

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 1 to SSA 1 for SA 15** and was joined in his request by Senators Jacob, Mathewson, Russell and House.

SA 1 to SSA 1 for SA 15 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Clay	Goode
Graves	Howard	Jacob	Maxwell
Quick	Sims	Staples—11	

NAYS—Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—22		

Absent—Senator Banks—1

Absent with leave—Senators—None

SSA 1 for SA 15 was again taken up.

Senator Johnson assumed the Chair.

At the request of Senator House, **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1 for SA 15** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on

Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 15**, 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 House Bill No. 15, Page 22, Section 15.156, Line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 22, section 15.158, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.162, line 7, by deleting the words "From State Highways and Transportation Department Fund" and inserting in lieu thereof the words "From General Revenue"; and

Further amend said bill, page 23, section 15.166, lines 1-8, by deleting all of said lines; and

Further amend said bill, page 23, section 15.168, lines 1-10, by deleting all of said lines.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 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 House Bill No. 16, Page 6, Section 16.029, Line 3, by deleting the word "gas" on said line and inserting in lieu thereof the word "grants".

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 HCS for **HB 348** and has taken up and passed CCS for SCS for HCS for **HB 348**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 76**.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 76, Page 3, Section 141.830, Line 21, by inserting after all of said line the following:

"Section 1. No person or entity seeking a state contract shall be eligible for any such contract if such person or entity is delinquent in state, federal or local taxes of any kind. This section shall not apply to persons or entities contesting any such delinquency, either in a court of law or through the administrative procedures of the governmental agency responsible for collecting such tax."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 76, Page 3, Section 141.830, Line 21 by inserting after said line the following:

"Section 1. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this

section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated pursuant to any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state without approval of the entity."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 76, Page 2, Section 92.715, Line 10, by inserting after the number "2000" the phrase "**on owner-occupied residential**

property"; and

Further amend said bill, Page 2, Section 140.100, Line 7, by inserting after the number "2000" the phrase "**on owner-occupied residential property**"; and

Further amend said bill, Page 3, Section 141.830, Line 11, by inserting after the number "2000" the phrase "**on owner-occupied residential property**".

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 76, Page 2, Section 140.100, Line 9, by adding after the words "**Federal Reserve System.**" the following: "**The longer tax rates as stated in this subsection shall apply to all counties operating under Chapter 140.**".

In which the concurrence of the Senate was 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 196**, entitled:

An Act to repeal sections 86.450, 86.457 and 105.691, RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 196, Page 1, In the Title, Line 2, by deleting the following: "sections 86.450, 86.457" and inserting in lieu thereof the following: "section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "Sections 86.450, 86.457" and inserting in lieu thereof the following: "Section 86.254, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280,

86.283, 86.287, 86.450, 86.457, 86.810"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "twelve new sections enacted in lieu thereof, to be known as sections 86.251, 86.253, 86.254, 86.256, 86.260, 86.280, 86.283, 86.287, 86.450, 86.457, 86.810 and 105.691"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"86.251. 1. The board of trustees may develop and establish a deferred retirement option plan (DROP) in which members eligible for retirement may participate. The DROP shall be designed to allow members with at least twenty years of service or who have attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a service retirement allowance and other benefits to continue active employment and accumulate a deferred receipt of the service retirement allowance. No one shall participate in the DROP for a period exceeding five years.

2. Any member who has at least twenty years of service or has attained the age of fifty-five may elect in writing before retirement to participate in the DROP. A member electing to participate in the DROP shall continue in active employment and shall not receive any direct retirement allowance payments or benefits during the period of participation.

3. Upon the start of the participation in the DROP, the member shall cease to make any contributions to the system. No contribution shall be required by the city into the DROP account. During the period of participation in the DROP, the amount that the member would have received as a service retirement allowance if the member had retired shall be deposited monthly in the member's DROP account which shall be established in the member's name by the board of trustees. The member's service retirement allowance shall not be adjusted for any cost-of-living increases for any period prior to the member's retirement. Cost-of-living increases, if any, for any period following the member's retirement shall be applied

only to monthly service retirement payments made following retirement. Service earned during the period of participation in the DROP shall not be creditable service and shall not be counted in determination of any service retirement allowance or widow's or dependents' benefits.

4. The member's return of contributions to the retirement system shall continue to be paid to the member or the member's widow pursuant to sections 86.253 and 86.288, within sixty days after the member's date of retirement and not the date of the conclusion of the member's participation in the DROP, unless such dates are the same.

5. A member shall cease participation in the DROP upon the earlier of the termination of the member's employment as a police officer or at the end of the five-year period commencing on the first day of the participation in the DROP. The member shall, upon the member's termination of employment, elect to receive the amount in the member's DROP account, including any accrued interest, in one of the following forms of payment:

(a) A lump sum payment; or

(b) Equal monthly installments over a ten-year period. Any interest earned pursuant to this section during the installment period shall be paid as soon as reasonably possible after the final monthly installment. Either form of payment should begin within thirty days after the member's notice to the board of trustees that the member has selected a particular option.

6. A member who has elected to participate in the DROP may not reenter the system in any fashion. At the conclusion of the member's participation in the DROP by reason of the expiration of the five-year period, if the member does not terminate the member's employment as a police officer in the city for which the retirement system was established pursuant to sections 86.200 to 86.363, the member shall continue not to have any percentage of the member's salary deducted for a contribution nor shall any of the member's employment period count as creditable service.

7. If a member dies prior to termination of employment while participating in the DROP or before the member has received full withdrawal of

the amount in the member's DROP account under the installment optional payment form, the funds in the member's DROP account, including any accumulated interest, shall be payable to the member's widow; or, if the member is then unmarried, to the member's dependent children in equal shares; or, if none, to the member's dependent mother or father; or, if none, to the member's designated beneficiary or, if no such beneficiary is then living, the member's estate. Payment shall be made within sixty days after the retirement system is notified of the member's death.

8. If a member has elected to participate in the DROP and during such participation period applies for and receives benefits for an accidental disability retirement allowance [under] **pursuant to** the provisions of section 86.263, the member shall forfeit all rights, claims or interest in the member's DROP account and the member's benefits shall be calculated as if the member has continued in employment and had not elected to participate in the DROP. Any funds in a DROP account which have been forfeited as provided in this subsection shall become funds of the system.

9. A member's DROP account shall earn interest equal to the rate of return earned by the system's investment portfolio on a market value basis, including realized and unrealized gains and losses, net of investment expense, as certified by the system's actuary. As of the first day of each year, beginning with the second fiscal year of participation, the member's DROP account balance, determined as of the first day of such year, shall be credited with interest at the investment rate earned by the fund for the prior year. If distribution of the member's DROP account balance is completed during the year, interest shall be credited, based on the beginning balance for the year, in proportion to the part of the year preceding the date of final distribution. No interest shall be credited on amounts, if any, added to the member's DROP account during the year in which the distribution of the account is completed.

10. The board of trustees shall not incur any liability individually or on behalf of other individuals for any act or omission, made in good faith in relation to the DROP or funds of the

DROP.

11. The DROP established by this section is subject to approval by the Internal Revenue Service. The provisions of the Internal Revenue Code and regulations promulgated thereunder shall supersede any DROP provision if there is any inconsistency with the Internal Revenue Code or regulation.

12. Upon the receipt by the board of trustees of evidence and proof that the death of a member resulted from an event occurring while the member was in the actual performance of duty, and if the member is participating in the DROP, the member's widow or, if the member is then unmarried, the member's unmarried dependent children, may elect within thirty days after the member's death to have the amount in the member's DROP account paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin within sixty days after the election is received. Payment to the member's widow shall continue until the widow's death; payment to the member's unmarried dependent children shall be made while any child qualifies as an unmarried dependent child pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the member's DROP account as of the date payment begins. In no event shall the total amount paid pursuant to this subsection be less than the member's DROP account balance as of the date payment begins.

86.253. 1. Upon retirement for service, a member shall receive a service retirement allowance which shall be equal to a fraction of the member's average final compensation multiplied by the number of years of the member's creditable service, which fraction for the year of retirement is one-fiftieth plus an amount equal to four percent of the average final compensation for each additional year of service after twenty-five years; **plus an additional five percent for service after thirty years**; but no service retirement allowance shall exceed an amount equal to [seventy] **seventy-five** percent of the average final compensation or the amount already accrued by the member as of August 1, 1979, whichever is greater.

2. If, at any time since first becoming a member of the retirement system, the member has served in the armed forces of the United States, in any war or period of armed hostilities between the armed forces of the United States and those of a foreign power, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the armed forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence.

3. The service retirement allowance of each present and future retired member who retired from service after attaining age fifty-five or after completing twenty years of service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or widow of a deceased member for services as a special consultant under subsection 5 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines that the index has decreased

for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit. Any annuity or retirement allowance paid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

4. In addition to any other annuity or retirement allowance payable under this section and section 86.250, a member, upon retirement, shall be repaid the total amount of the member's contribution to the retirement system, without interest. The board shall pay the retired member such total amount of the member's contribution to the retirement system within sixty days after such retired member's date of retirement. Any annuity or retirement allowance repaid to a member under this subsection shall be withdrawn from the police retirement system and no moneys shall be withdrawn from the general revenue fund of any city governed by sections 86.200 to 86.363.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life, and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services he or she shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, shall, unless the provisions of subsection 6 of this section apply, total [five] **six** hundred fifty dollars a month[, effective August 28, 1993]; except that a surviving spouse of a deceased member who is employed as a special consultant shall, unless the provisions of subsection 6 of this section apply, receive compensation for the person's services as a special consultant of not less than [five] **six** hundred fifty dollars a month[,

effective August 28, 1993]. This compensation shall be paid by the retirement system from funds of the retirement system, and this employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

6. The compensation granted retirees and surviving spouses of deceased members under subsection 5 of this section shall be decreased by one hundred fifty dollars per month upon the issuance of an opinion by the Missouri supreme court which would result in the state of Missouri being obligated or required to pay such additional one hundred fifty dollars per month even though such additional compensation is formally approved or authorized by the appropriate body of any city governed by sections 86.200 to 86.363.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.363, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of [his] **the retired member's** life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any widow pursuant to sections 86.200 to 86.363, each present and future widow of a member after attaining the age of sixty years shall upon

application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the widow's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each widow of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the widow is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

86.256. 1. In no event shall a member's annual benefit paid under the plan established pursuant to sections 86.200 to 86.363, exceed the [lesser of:

(1) The] amount specified in section 415(b) of the Internal Revenue Code, as adjusted for any applicable increases in the cost of living, as in effect on the last day of the plan year, including any increases after the member's termination of employment[; or

(2) One hundred percent of the average taxable compensation of the member for the member's high three consecutive calendar years as provided in section 415(b) of the Internal Revenue Code, including any cost-of-living increases after the member's termination of employment].

2. In no event shall the annual additions to the plan established pursuant to sections 86.200 to 86.363, on behalf of the member, including the member's own contributions, exceed the lesser of:

(1) Twenty-five percent of the member's compensation, as defined for purposes of section 415(c) of the Internal Revenue Code; or

(2) Thirty thousand dollars, as adjusted for increases in the cost of living.

3. Effective for limitation years beginning prior to January 1, 2000, in no event shall the combined plan limitation of section 415(e) of the Internal Revenue Code be exceeded; provided that, if necessary to avoid exceeding such limitation, the

member's annual benefit under the plan established pursuant to sections 86.200 to 86.363, shall be reduced to the extent necessary to satisfy such limitations.

4. For purposes of this section, section 415 of the Internal Revenue Code, including the special rules under section 415(b) applicable to governmental plans and qualified participants in police and fire department plans, is incorporated in this section by reference.

86.260. 1. Upon retirement for ordinary disability a member shall receive a service retirement allowance if the member has attained the age of fifty-five or completed twenty years of service; otherwise the member shall receive an ordinary disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's service to the age set out in section 86.250.

2. **Effective October 1, 1999**, the ordinary disability retirement allowance will be increased by [ten] **fifteen** percent of the member's average final compensation for each unmarried dependent child of the disabled member who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children; provided, however, that the combined benefit shall not exceed [fifty-five] **seventy** percent of such average final compensation.

3. Any member receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the member is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such

requests as may be required. Beginning October 1, 1999, for such services as may be required, there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children.

4. Any benefit payable to or for the benefit of a child or children under the age of eighteen years [under] pursuant to the provisions of [subsection 2] subsections 2 and 3 of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.280. Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself, but not in excess of a total of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems**

of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the widow shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of section 86.283, to the benefit the widow was receiving prior to October 1, 1999;

(3) If no widow benefits are payable [under subdivision (1)] pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid [under subdivision (1)] pursuant to subdivisions (1) and (2) of this section had there been a widow shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or dependent children, the return of accumulated contributions to the designated beneficiary;

[(4)] (5) No benefits [under] pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a

public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] **(6)** Wherever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] **(7)** Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable, there shall be paid the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [twenty-five] **forty** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children; [provided, however, that a widow of a member who retired prior to October 13, 1967, fixing the twenty-five percent benefit shall receive a fifteen percent benefit in lieu thereof;]

(2) **Any widow or unmarried dependent**

child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the widow's total monthly payment pursuant to this section to forty percent of the deceased member's final average compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children. The additional monthly compensation payable to a widow pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the widow was receiving prior to October 1, 1999;

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow, **determined without regard to any increase which would have applied to the widow's benefits pursuant to subdivision (8) of this section**, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided

equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefits shall be paid for one child;

[(3) In the event of a member's retirement from service prior to age fifty-five or prior to completion of twenty years of service, the only benefit in addition to the member's service allowance shall be a pension to the member's widow of thirty percent of such deceased retired member's retirement benefit which the member was receiving or which the member would have received on attaining age fifty-five and which such widow shall receive until such person's death or remarriage;]

(4) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's widow during the person's widowhood shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains

membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable [under] **pursuant to** this section to the widow of a retired member who received or was entitled to receive a service retirement allowance **or the widow of a member who died in service after attaining the age of fifty-five or completing twenty years of service** shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member.

86.287. Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of all other benefits the following benefits:

(1) **Effective October 1, 1999**, a pension to the widow during the person's widowhood of [fifty] **seventy-five** percent of the deceased member's average final compensation plus [ten] **fifteen** percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself, but not in excess of three children;

(2) **Any widow or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the widow or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a widow shall receive additional monthly compensation equal to the amount which when**

added to the benefits the widow was receiving pursuant to this section prior to October 1, 1999, will increase the widow's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member, but not in excess of a total of three children;

(3) If no widow benefits are payable [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section, such total pension as would have been paid [under subdivision (1)] **pursuant to subdivisions (1) and (2)** of this section had there been a widow, shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the widow's benefit shall be paid for one child;

[(3)] (4) If there is no widow or unmarried dependent children of either class mentioned in subdivision [(2)] (3) of this section, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

[(4)] (5) No benefits [under] **pursuant to** this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

[(5)] (6) Wherever any dependent child designated by the board of trustees to receive benefits [under] **pursuant to** this section is in the care of the widow of the deceased member, such benefits may be paid to such widow for the child;

[(6)] (7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years [under] **pursuant to** subdivisions (1) [and (2)] **to (3)** of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university."; and

Further amend said bill, Page 3, Section 86.457, Line 30, by inserting after all of said line the following:

"86.810. The provisions of any other law notwithstanding, the board of trustees of any retirement system, the provisions of which are governed by this chapter, or any political subdivision which funds such retirement system, shall have standing to seek a declaratory judgment concerning the application of article X, section 21 of the Missouri Constitution to the provisions of this [act] **chapter**. In the event a final judgment is rendered by a court which judgment determines that any provision of this [act] **chapter** constitutes a new activity or service or increase in the level of an activity or service beyond that required by existing law under article X, section 21 of the Missouri Constitution, or any successor to that section, that provision of this [act] **chapter** shall be void ab initio and any new benefit or feature required by such provision of this [act] **chapter** shall be deemed not to have accrued and shall not be payable to members."

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator House moved that **HS** for **HCS** for **HBs 427, 40, 196 and 404**, with **SCS, SS No. 2** for **SCS, SA 15** and **SSA 1** for **SA 15** (pending), be called from the Informal Calendar and again taken

up for 3rd reading and final passage, which motion prevailed.

SSA 1 for SA 15 was again taken up.

Senator Mathewson assumed the Chair.

Senator DePasco requested that a quorum be established by roll call.

On roll call the following Senators were present:

Present—Senators

Bentley	Bland	Caskey	Childers
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—32

Absent—Senators

Banks	Clay—2
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Absent with leave—Senators—None

Senator Flotron moved that the back gallery be considered a part of the Senate Chamber for the next 30 minutes for purposes of establishing a quorum, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Goode requested unanimous consent of the Senate to allow the Appropriations Committee to meet in the Senate Lounge while the Senate is in session, which request was granted.

President Pro Tem Quick assumed the Chair.

Senator Maxwell requested a quorum be established by roll call.

On roll call the following Senators were present:

Present—Senators

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—32
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Absent—Senators

Banks	Rohrbach—2
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Absent with leave—Senators—None

SSA 1 for SA 15 was again taken up.

Senator Mathewson assumed the Chair.

Senator Scott assumed the Chair.

Senator Jacob requested a quorum be established by roll call.

On roll call the following Senators were present:

Present—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	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

Absent—Senators

Banks	Staples—2
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Absent with leave—Senators—None

Senator Klarich raised the point of order that a Senator loses the floor if he is not present when a quorum is established.

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

President Pro Tem Quick assumed the Chair.

Senator Jacob moved that **SSA 1 for SA 15** be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SSA 1 for SA 15** and was joined in his request by Senators Kinder, Klarich, Sims and Staples.

SSA 1 for SA 15 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Clay	Goode
Howard	Jacob	Mathewson	Maxwell
Quick	Sims	Staples—11	

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

NAYS—Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—22		

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 No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Klarich, Wiggins and Kinder.

Absent—Senator Banks—1

Absent with leave—Senators—None

SA 15 was again taken up.

Senator Clay moved that the above amendment be adopted.

Senator Klarich requested that a roll call vote be taken on the adoption of **SA 15** and was joined in his request by Senators Childers, Kenney, Kinder and Sims.

SA 15 failed of adoption by the following vote:

SS No. 3 for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

YEAS—Senators

Bland	Caskey	Clay	Goode
Howard	Jacob	Maxwell	Quick
Staples—9			

NAYS—Senators

Bland	Clay	Goode	Jacob
Maxwell	Quick—6		

NAYS—Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

Absent—Senator Banks—1

Absent with leave—Senators—None

On motion of Senator House, **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** was read the 3rd time and passed by the following vote:

Absent—Senator Banks—1

Absent with leave—Senators—None

At the request of Senator House, **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, as amended, was withdrawn.

Senator House offered **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**, entitled:

YEAS—Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

SENATE SUBSTITUTE NO. 3 FOR

NAYS—Senators

Bland Clay Goode Jacob
Maxwell Quick—6

Absent—Senator Banks—1

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

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

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

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

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Andy Rice, Patty Buckmaster and Jeff Whitesell, Springfield; and Andy was made an honorary page.

Senator Flotron introduced to the Senate, fifty-eight fourth grade students from Kirk of the Hills Day School, St. Louis.

Senator Mueller introduced to the Senate, members of the Kirkwood Chamber of Commerce.

Senator House introduced to the Senate, twenty seventh grade students from Holy Rosary School, Warrenton.

Senator Ehlmann introduced to the Senate, St. Charles County Executive Joe Ortwerth, St. Charles.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

Senator Steelman introduced to the Senate, first and second grade students from St. George School, Linn.

Senator Mathewson introduced to the Senate, Ellen L. Hughes-Cromwick, Ph.D., Dearborn, Michigan.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 5, 1999.

SENATE CALENDAR

SIXTY-SIXTH DAY—WEDNESDAY, MAY 5, 1999

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

SS for SCS for SBs 347,
40, 241 & 301-House
SS for SCS for SBs 75,
381 & 204-Wiggins

SENATE BILLS FOR PERFECTION

1. SB 274-House, et al,
with SCS

2. SBs 18, 49 & 167-
Goode, et al, with SCS

- | | |
|--|--|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. HCS for HB 676, with
SCS (Stoll)
(In Budget Control) 2. HS for HB 516-Gaw,
with SCS (Jacob) 3. HCS for HB 139, with
SCS (Russell) 4. HB 401-Barry, et al,
with SCS (Caskey) 5. HCS for HB 490 & HCS
for HB 308, with SCS (Sims) 6. HB 542-Barry, with
SCS (House) 7. HB 191-Dougherty, et al,
with SCS (Maxwell) 8. HCS for HB 267, with
SCS (Scott)
(In Budget Control) 9. HS for HCS for HB 852-
Hosmer, with SCS
(Caskey)
(In Budget Control) 10. HS for HCS for HB 701-
Rizzo, with SCS
(Mathewson) 11. HCS for HB 60, with
SCS (Staples) 12. HCS for HBs 316, 660
& 203, with SCS
(Howard) | <ul style="list-style-type: none"> 13. HS for HCS for HBs 246 &
405-Bray, with SCS (Clay)
(In Budget Control) 14. HB 541-Kreider, et al
(Mathewson) 15. HCS for HB 889
(In Budget Control) 16. HCS for HBs 603, 722
& 783, with SCS (Goode)
(In Budget Control) 17. HCS for HB 780, with
SCS (Stoll) 18. HS for HCS for HB 793-
Treadway, with SCS
(Mathewson) 19. HB 368-Murray and Franklin,
with SCS (Goode) 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) 23. HCS for HB 13, with
SCS (Goode) 24. HB 15-Franklin, with
SCA 1 (Goode) 25. HB 16-Franklin, with
SCA 1 (Goode) |
|---|--|

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 318-Jacob, et al, with SCS & SS for SCS (pending)
SB 30-Howard, with SCS (pending)	SB 336-Caskey, with SS#2 (pending)
SB 78-Russell, with SA 4 (pending)	SB 339-Howard and Sims, with SCS & SS#2 for SCS (pending)
SB 97-Maxwell and Sims	SB 345-Johnson, with SS (pending)
SB 179-Goode, with SA 3 & SSA 1 for SA 3 (pending)	SB 397-Maxwell, with SCS
SB 203-Wiggins	SB 417-Quick, with SS#2 & SA 1 (pending)
SB 208-House, with SCS & SS for SCS (pending)	SBs 429, 430 & 407-Jacob, with SCS & SA 2 (pending)
SB 235-Stoll, with SS & SA 2 (pending)	
SB 316-Schneider and Ehlmann	

HOUSE BILLS ON THIRD READING

HB 65-O'Toole and May (108th), with SCS (Scott)	HS for HCS for HB 618- Harlan, with SCS, SS for SCS & SA 6 (pending) (Maxwell)
HS for HB 162-Luetkenhaus (House)	HB 779-Skaggs, with SCS (Quick)
HCS for HB 343, with SCS (pending) (Caskey)	HCS for HB 888, with SCS (Mathewson)
HCS for HB 349, with SCS & SS for SCS (pending) (Clay)	HJR 5-Barry, et al, with SCA 1 & SSA 1 for SCA 1 (pending) (Stoll)
HS for HB 450-Relford, with SCS (Maxwell)	
HB 468-Koller, with SCS (pending) (Staples)	

CONSENT CALENDAR

House Bills

Reported 4/13

HB 775-Hosmer, with SCS
(Bentley)

Reported 4/14

HB 680-Leake, et al, with
SCA 1 (Stoll)
HB 903-Auer (Jacob)

HB 926-Liese and Ward
(Jacob)

Reported 4/15

HB 812-Berkowitz, et al,
with SCS (Maxwell)
HB 988-Backer (Wiggins)

HB 399-Bray (Wiggins)
HB 472-Nordwald (House)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 8 & 173-Banks,
with HS for HCS, as amended
SCS for SBs 31 & 285-Howard,
with HCS, as amended
SB 33-Johnson, with HCS,
as amended
SB 76-Banks, with HA 1,
HA 2, HA 3 & HA 4
SB 115-Russell, with HCA 1
SB 196-DePasco, with HCS,
as amended

SS#2 for SB 288-Quick,
with HCS, as amended
SB 294-Staples, with HA 1,
HA 2, HA 3, HA 4,
HA 6 & HA 7
SB 310-Maxwell, with HS,
as amended
SCS for SB 405-Scott, et al,
with HCS, as amended
SS for SCS for SB 467-
Caskey, with HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 219-Caskey, with HCS, as amended	HCS for HB 7, with SCS (Goode)
SB 291-Caskey, with HS for HCS, as amended (House requests further conference)	HCS for HB 8, with SCS (Goode)
SCS for SB 436-Quick, with HS for HCS, as amended	HCS for HB 9, with SCS (Goode)
HCS for HB 2, with SCS (Goode)	HCS for HB 10, with SCS, as amended (Goode)
HCS for HB 3, with SCS (Goode)	HCS for HB 11, with SCS, as amended (Goode)
HCS for HB 4, with SCS, as amended (Goode)	HCS for HB 12, with SCS (Goode)
HCS for HB 5, with SCS, as amended (Goode)	HCS for HB 348, with SCS (Caskey)
HCS for HB 6, with SCS, as amended (Goode)	(House adopted CCR and passed CCS)
	HB 789-Berkstresser and Bartelsmeyer, with SCS (Childers)

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 5-Caskey, with HCS, as amended
SCR 9-Mueller	SCR 1-Clay, with HA 1
SCR 14-Quick, with HCA 1	
SCR 13-Stoll, with HA 1	

To be Referred

HCR 37-Skaggs

Reported from Committee

HCR 21-Kissell & Kelly
(27th), with SCS (DePasco)

HCR 17-Barnett (Graves)

HCR 16-Leake, with SCS
(Johnson)

HCS for HCR 29, with SCS
(Howard)

HCR 30-Clayton, with SCS
(Wiggins)

HCS for HCRs 24 & 15,
with SCS

SR 588-Sims

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