

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—TUESDAY, MAY 11, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God: You are more than willing to provide what we need if we were willing to truly ask for what is needful. You continue to help us despite life's stressors, distressing heartbreaks and failure. So we ask, grant us this day a renewed determination and strength to accomplish what You have laid out before us. And help us to sense that whatever we accomplish here You will bring to victory through Your guidance. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

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

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators Maxwell and Johnson offered Senate Resolution No. 834, regarding the Missouri Air National Guard, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 835

WHEREAS, the members of the Missouri Senate are proud to recognize an outstanding Missouri citizen whose athletic efforts have served as a source of inspiration to all those who know and love him; and

WHEREAS, Jeffrey S. Ottenad, an esteemed resident of St. Louis, Missouri, was officially inducted into the Special Olympics Hall of Fame located in Springfield, Missouri, on March 5, 1999; and

WHEREAS, Jeffrey Ottenad has distinguished himself as an active participant in the Special Olympics for twenty years, during which time he has excelled in competition at the local, state, and international levels; and

WHEREAS, Jeffrey Ottenad is a tremendously gifted athlete who earned much well-deserved recognition for taking the Silver Medal in the 5,000-meter race at the 1995 International Special Olympic Games held in New Haven, Connecticut; and

WHEREAS, Jeffrey Ottenad has put forth an incredible degree of effort through the important role he has played as a runner in the Law Enforcement Torch Run with the St. Ann Police Department for three years in order to raise funds for the continued operation of the Missouri Special Olympics; and

WHEREAS, Jeffrey Ottenad has served as a role model and example to countless young athletes through his sheer will and determination to do his best and has demonstrated considerable skill and talent as a runner for many years; and

WHEREAS, Jeffrey Ottenad continues his quest for athletic excellence as he trains with his father, John, and volunteer, Merritt Mamroth, in the hopes of one day participating in a grueling and physically challenging 26.2-mile marathon:

NOW, THEREFORE, BE IT RESOLVED that we, the

members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Jeffrey Ottenad upon his most worthy induction into the Special Olympics Hall of Fame, and in wishing him the very best as he continues to maintain only the highest standards for achievement; and

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

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 836

WHEREAS, the members of the Missouri Senate are tremendously appreciative of those individuals who have dedicated their lives to the public safety of Show-Me State residents and the multitude of visitors to this diverse state; and

WHEREAS, Chief Daniel B. Linza of the Kirkwood Police Department began his law enforcement career as a patrol officer on April 23, 1955; and

WHEREAS, during the ensuing years Chief Linza has served with distinction and has steadily climbed through the ranks with promotion to Corporal on August 6, 1956, to Sergeant in April of 1957, to Lieutenant in 1968, and finally to Chief on December 1, 1969; and

WHEREAS, very progressive in his approach to policing, Chief Linza established Kirkwood's Neighborhood Watch, Community Oriented Neighborhood Policing, the DARE program, and other partnership police and community programs; and

WHEREAS, Chief Linza maintained high standards regarding performance of police personnel and established new hiring procedures, promotional processes, and the upgrading of officer physical fitness and safety training; and

WHEREAS, throughout his leadership tenure, Chief Linza was famous for his involvement with Kirkwood Rotary Club, Kirkwood Area Chamber of Commerce, the Pioneer Boosters, and the Leadership St. Louis Program, of which he is a graduate and member; and

WHEREAS, an exceptional leader with numerous policing professional organizations, Chief Linza proactively enacted innovations in law enforcement policies to match changes in society and the newest theory and practices taught at the FBI National Academy and the FBI Law Enforcement Executive Development Seminar:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to salute the life and work of Kirkwood Police Chief Daniel Linza and to congratulate him for the support and encouragement he has received from the congregation of his beloved Church of the Nazarene and his own family which consists of his wife of eight years, Sharon; children, Nancy, Michael, Donna, Christine, and Daniel, Jr.; and five grandsons; 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 Chief of Police Daniel B. Linza upon his retirement on

July 2, 1999.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 837

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Dominic L. Passantino, of Kansas City; and

WHEREAS, Dominic Passantino, a native of Kansas City was a graduate of Rockhurst High School where he was active in numerous sports activities, including the track team and was an All-Star starting defensive back for the Rockhurst High School Football team under the leadership of Coach Tony Severinio, who remembers him as the nicest young man he had ever been associated with; and

WHEREAS, Dominic Passantino, a popular and outgoing student with a winning smile and personality was a freshman at the University of Missouri-Columbia, and a member of Sigma Chi Fraternity, only 19 years old; and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, pause in their deliberation to salute the memory of an outstanding young man, Dominic L. Passantino, express their appreciation for his outstanding accomplishments in his young life and for his contributions to Rockhurst High School and the University of Missouri and extend to his parents, family and many friends, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly copies of this resolution for his father, Rocky Pasantino; his mother, Donna Passantino; his brother, L. Dante Passantino; his grandparents, Leonard and Maria Passantino; Doris and Lonnie Marshall and Jewell Blades; his great-grandmother, Katie Fontana; students of Rockhurst High School; Coach Tony Severino, Rockhurst High School; Sigma Chi Fraternity, University of Missouri; and the Passantino Funeral Home, Kansas City.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 838

WHEREAS, the members of the Missouri Senate were deeply saddened by the death of lifetime Kansas resident and medical professional Dr. Daniel D. Dreiling on Monday, April 26, 1999, at the age of ninety; and

WHEREAS, born on August 4, 1908, in Walker, Kansas, to Ildephonse and Mary Ann Zimmerman Dreiling, Daniel Dreiling married his beloved Felicitas Dreiling on August 22, 1935, and established their family residence in Junction City, Kansas, where he lived for the rest of his life except for a brief period of advanced medical study; and

WHEREAS, a graduate of Victoria High School in Kansas and Quincy College in Illinois, Daniel Dreiling earned a Doctor of Dental Surgery degree from Saint Louis University School of Dentistry in 1933 and established his highly regarded practice in Junction City; and

WHEREAS, after postgraduate work in orthodontics at the dental schools of Washington University and the University of

Kansas City, Dr. Dreiling limited his practice to the specialty of orthodontics beginning in 1954; and

WHEREAS, a member of Junction City's St. Xavier's Catholic Church, Dr. Dreiling was an active leadership component of numerous professional, service, civic, and church organizations including the International College of Dentists for which he was a Fellow, the Kansas Specialty Board of Orthodontics, the Kansas State Orthodontic Society, the Geary County Dental Society, Pierre Fauchard Academy, the Southwestern Society of Orthodontics, and the Monsignor James Bradley's 4th degree general assembly of Knights of Columbus; and

WHEREAS, the passing of Dr. Daniel Dreiling is mourned by friends, former colleagues, and his family which consists of sons William J. Dreiling, Dan Dreiling, Jr., Dr. Pat M. Dreiling, Michael P. Dreiling, and Thomas E. Dreiling; daughters Mary Rauh and Dianne Vader; brother Kilian Dreiling; sisters Ida Adamson, Bertha Bolling, and Sister Anna Bell Dreiling; twenty-three grandchildren; and fourteen great-grandchildren; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to express our sincerest condolences to the family, friends, and colleagues of Dr. Daniel Dreiling during this difficult time of bereavement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Dr. Daniel D. Dreiling of Junction City, Kansas.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 839

WHEREAS, the Missouri Senate is proud to honor those Show-Me State students who have achieved national recognition through their exemplary efforts as members of Missouri DECA; and

WHEREAS, James Rigdon of Neosho High School is one of sixteen Missouri high school marketing students to receive top honors at the fifty-third National DECA Career Development Conference which was held this year in Orlando, Florida; and

WHEREAS, the son of Jerry and Susan Rigdon of Neosho, James competed with 12,000 of the best and brightest high school marketing students from the United States and Canada and received national acclaim with a "Top 10 in Nation" placement in the Technical Marketing Representative Event; and

WHEREAS, in addition to his membership in the local, state, and national DECA, James is a National Qualifier in Speech and Debate who has attained distinction with Bright Flight Honors and a Crowder College Business Scholarship; and

WHEREAS, a national association of marketing students, DECA is a co-curricular program of activities for local high school marketing education programs across the country and in Canada, Guam, and Puerto Rico; and

WHEREAS, DECA's nationally recognized program of competitive events uses interviews, tests, role-plays, and written project reports to evaluate marketing and management skills identified by the nation's business community as essential for success in business today:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to congratulate James Rigdon for his stellar achievement at the 1999 National DECA Career Development Conference and his cordial invitation to attend a recognition reception at the Missouri Governor's Mansion on May 19, 1999; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for James Rigdon, DECA student at Neosho High School.

Senator Steelman offered the following resolution:

SENATE RESOLUTION NO. 840

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Sixteenth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 93 be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for [wives] spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

Senator Schneider offered the following resolution:

SENATE RESOLUTION NO. 841

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Fourteenth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, First Regular Session, that Senate Rule 64 be amended to read as follows:

"Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments[, except that it shall not be subject to amendment by a further floor substitute]. No further amendments or substitutes may be entertained after the senate adopts a substitute bill."

Senator Wiggins offered Senate Resolution

No. 842, regarding the death of Joan F. Bradley, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 843, regarding the death of Frank Stoehr, which was adopted.

Senator Wiggins offered Senate Resolution No. 844, regarding the death of Chuck Blocker, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 845, regarding the death of Mr. Abe Bain, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 846, regarding the death of Helen J. Harris, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 847, regarding the death of Dorothy Dobbin Davis, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 848, regarding the death of Thomas Wayne Thurber, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 849, regarding the death of Charles David Moss, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 850, regarding the death of Mabel Maxwell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 851, regarding the death of Virginia Dover, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 852, regarding the death of John Francis Huber, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 853, regarding the death of Berry E. Allen, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 854, regarding the death of Donald Lee Aggeler, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 855, regarding the death of Brent G. Moore, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 856, regarding the death of Kenneth S. Fuller, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 857, regarding the death of Homer F. Branson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 858, regarding the death of John Michael Mitchell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 859, regarding the death of Claude W. Vance, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 860, regarding the death of Ura Hollis, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 861, regarding the death of Ella Jean Estrada, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 862, regarding the death of Sara Ann (Wheeler) Hatton, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 863, regarding the death of Lannie Haynes Taylor, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 864, regarding the death of Thelma Siegel, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 865, regarding the death of Evelyn Mary Gibson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 866, regarding the death of Helen V. Gier, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 867, regarding the first Kansas City Chief of Police, Thomas M. Speers, which was adopted.

Senator Ehlmann offered Senate Resolution No. 868, regarding Paul Steffen, Wentzville, which was adopted.

Senator Rohrbach offered Senate Resolution No. 869, regarding Kimberly Higgins, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 870, regarding Lindsey Knipp, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution

No. 871, regarding Whitney Huhmann, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 872, regarding Katie Williams, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 873, regarding Jennifer Williams, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 874, regarding Ryan Lavery, Tipton, which was adopted.

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 adopted **SCS** for **HB 779** and has again taken up and passed **SCS** for **HB 779**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 196**, as amended, and request the Senate grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 343**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 852** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for

SCS for **HS** for **HB 450**, as amended: Representatives Relford, Wiggins, Days, Graham (106) and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 139**, as amended: Representatives Wiggins, Leake, Overschmidt, Long and Berkstresser.

Senator Johnson assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 988, introduced by Representative Backer, entitled:

An Act to repeal section 60.595, RSMo 1994, relating to the department of natural resources revolving services fund, and to enact in lieu thereof one new section relating to the same subject.

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

On motion of Senator Wiggins, **HB 988** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Johnson	Kenney	Kinder
Mathewson	Maxwell	Mueller	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel—24

NAYS—Senators

Graves	Howard	Klarich	Rohrbach
Westfall—5			

Absent—Senators

Bland	Clay	Jacob	Quick
Scott—5			

Absent with leave—Senators—None

The President 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.

HB 399, introduced by Representative Bray, entitled:

An Act to repeal section 144.655, RSMo Supp. 1998, relating to filing and payment of use taxes, 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.

On motion of Senator Wiggins, **HB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Clay	Quick—3
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Absent with leave—Senators—None

The President 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.

HB 472, introduced by Representative Nordwald, entitled:

An Act to repeal section 453.070, RSMo Supp. 1998, relating to investigation for adoption, 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 House.

On motion of Senator House, **HB 472** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Clay	Quick—3
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Absent with leave—Senators—None

The President 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.

PRIVILEGED MOTIONS

Senator Schneider moved that **SCS** for **SBs 295** and **46**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 295** and **46**, as amended, was again taken up.

President Pro Tem Quick assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Schneider moved that **HS** for **HCS** for

SCS for **SBs 295** and **46**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bland	Clay	DePasco
Ehlmann	Goode	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Quick	Schneider
Scott	Staples	Steelman	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Bentley	Caskey	Childers	Graves
Kenney	Rohrbach	Russell	Sims
Singleton	Westfall—10		

Absent—Senators

Flotron	Mueller—2
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Absent with leave—Senators—None

On motion of Senator Schneider, **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Steelman	Stoll	Wiggins	Yeckel—24

NAYS—Senators

Bentley	Childers	Graves	Rohrbach
Russell	Sims	Singleton	Westfall—8

Absent—Senators

Flotron	Mueller—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Goode moved that **SB 326**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 326**, entitled:

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 326

An Act to repeal sections 197.310, 197.315, 197.325, 197.330, 197.335, 197.350, 197.360, 197.365, 198.015, 198.070 and 198.073, RSMo 1994, and sections 197.305, 197.313, 197.316, 197.317, 197.318, 197.320, 198.067 and 198.439, RSMo Supp. 1998, relating to nursing home reimbursement and regulation, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with an emergency clause for certain sections, expiration dates for certain sections and penalty provisions.

Was taken up.

Senator Goode moved that **HS** for **SB 326** be adopted.

Senator Goode offered a substitute motion that the Senate refuse to concur in **HS** for **SB 326** and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon and, further, that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Staples moved that **SB 294**, with **HAs 1, 2, 3, 4, 6** and **7**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

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

YEAS—Senators

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

NAYS—Senators

Kenney Rohrbach Singleton—3

Absent—Senators

Banks Flotron Yeckel—3

Absent with leave—Senators—None

HA 2 was taken up.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Banks Flotron Yeckel—3

Absent with leave—Senators—None

HA 3 was taken up.

Senator Staples moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Bentley	Childers	Clay	DePasco
Graves	Johnson	Maxwell	Quick
Rohrbach	Staples	Westfall—11	

NAYS—Senators

Bland	Caskey	Ehlmann	Goode
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Mueller
Russell	Schneider	Scott	Sims
Singleton	Stelman	Stoll	Wiggins
Yeckel—21			

Absent—Senators

Banks Flotron—2

Absent with leave—Senators—None

Having voted on the prevailing side, Senator Staples moved that the vote by which **HA 1** and

HA 2 to **SB 294** were adopted be reconsidered and requested unanimous consent of the Senate to reconsider both amendments with one vote, which request was granted.

HA 1 and **HA 2** were reconsidered by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Singleton—1

Absent—Senators

Banks Flotron Russell—3

Absent with leave—Senators—None

Senator Staples moved that the Senate refuse to concur in **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 6** and **HA 7** to **SB 294** and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 343**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 852** and grant the House a conference thereon, which motion prevailed.

Senator Howard moved that **SB 32**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 32**, entitled:

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 32

An Act to repeal sections 288.038, 288.040 and 288.126, RSMo Supp. 1998, relating to the rights and benefits of employees, and to enact in lieu thereof five new sections relating to the same

subject.

Was taken up.

Senator Howard moved that **HS** for **SB 32** be adopted.

Senator Kinder offered a substitute motion that the Senate refuse to concur in **HS** for **SB 32** and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion failed on a standing division vote.

Senator Howard moved that **HS** for **SB 32** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Schneider	Scott	Sims
Steelman	Stoll	Wiggins—19	

NAYS—Senators

Childers	Graves	Kenney	Kinder
Mueller	Russell	Singleton	Westfall
Yeckel—9			

Absent—Senators

Flotron	Goode	Klarich	Quick
Rohrbach	Staples—6		

Absent with leave—Senators—None

On motion of Senator Howard, **HS** for **SB 32** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Schneider	Scott	Sims
Steelman	Stoll	Wiggins	Yeckel—20

NAYS—Senators

Childers	Graves	Kenney	Kinder
Mueller	Russell	Singleton	Westfall—8

Absent—Senators

Flotron	Goode	Klarich	Quick
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Rohrbach Staples—6

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator 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 adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SB 291** and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SB 291**.

Emergency clause adopted.

Bill ordered enrolled.

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 **SB 219**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 219**.

Bill ordered enrolled.

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 No. 2 on **HCS** for **SCS** for **SBs 31** and **285** and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SBs 31** and **285**.

Emergency clause adopted.

Bill ordered enrolled.

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 **SS** for **SCS** for **HCS** for **HB 888**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 888**, as amended by the conference committee report.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 76**, as amended, and has taken up and passed **SB 76**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 261** and requests the Senate to recede from its position on **SA 1** to **HB 261** and take up and pass **HB 261**.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 875, regarding Emily Adkison, Gravois Mills, which was adopted.

Senator Rohrbach offered Senate Resolution No. 876, regarding Erik Morrison, Versailles, which was adopted.

Senator Rohrbach offered Senate Resolution No. 877, regarding Kyle Woods, Versailles, which was adopted.

Senator Graves offered Senate Resolution No. 878, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Judson Baugher, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 879, regarding Gaylon Witmer, Stewartsville, which was adopted.

On motion of Senator DePasco, the Senate recessed until 1:45 p.m.

RECESS

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

RESOLUTIONS

Senator House offered Senate Resolution No. 880, regarding Ken Hussey, Kirksville, which was adopted.

Senator House offered Senate Resolution No. 881, regarding Alan G. Jones, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 882, regarding the Marketing Education Program at the Rolla Technical Institute, which was adopted.

Senator Bentley offered Senate Resolution No. 883, regarding Lauren Hawkins, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 884, regarding Gene Waite, Springfield, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 852**: Senators Caskey, Banks, Scott, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 343**, as amended: Senators Caskey, Quick, DePasco, Westfall and Bentley.

REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HBs 718, 225, 876** and **838**, with **SCS**, to the Committee on State Budget Control.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator DePasco moved that the vote by which **HCS** for **SB 196**, as amended, failed of adoption be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Stelman	Stoll

Westfall Wiggins Yeckel—27

NAYS—Senators—None

Absent—Senators

Banks Bentley Bland Maxwell
 Mueller Singleton Staples—7

Absent with leave—Senators—None

At the request of Senator DePasco, the motion to adopt **HCS** for **SB 196**, as amended, was withdrawn.

Senator DePasco moved that the Senate refuse to concur in **HCS** for **SB 196**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 196**, as amended: Senators DePasco, Scott, Staples, Mueller and Singleton.

PRIVILEGED MOTIONS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 888**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 888

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 and Senate Substitute Amendment No. 1 for Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences

between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 1, Senate Amendment No. 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 7;

2. That the House recede from its position on Senate Amendment No. 2 and Senate Amendment No. 3 and on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888.

3. That additional Conference Committee Amendment Nos. 1 and 2 be adopted.

4. That Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, as amended by Senate Amendment No. 2, Senate Amendment No. 3, Conference Committee Amendment No. 1 and Conference Committee Amendment No. 2, be adopted and truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson	/s/ Sam Leake
/s/ Sidney Johnson	/s/ David Klindt
/s/ Harold Caskey	/s/ Marilyn Williams
/s/ Morris Westfall	/s/ Daniel J. Hegeman
/s/ Sam Graves	/s/ Gary Wiggins

CONFERENCE COMMITTEE AMENDMENT NO. 1 (CORRECTED)

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.407, Lines 25 to 26 of said page, by deleting "**equity investments**"; and

Further amend said bill, Page 4, Section 348.407, Lines 2 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the word "community."; and

Further amend said bill, Page 4, Section 348.407, Lines 23 to 24 of said page, by deleting the following: "**equity investments**".

CONFERENCE COMMITTEE

AMENDMENT NO. 2
(CORRECTED)

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 8 to 11 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

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

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

NAYS—Senators—None

Absent—Senator Banks—1

Absent with leave—Senators—None

On motion of Senator Mathewson, **SS** for **SCS**

for **HCS** for **HB 888**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

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

NAYS—Senators	
Flotron	Rohrbach—2

Absent—Senator Banks—1

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted 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	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators	
Rohrbach	Sims—2

Absent—Senator Banks—1

Absent with leave—Senators—None

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.

HOUSE BILLS ON THIRD READING

Senator Sims moved that **HCS** for **HB 490** and **HCS** for **HB 308**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 19, Section 2, Lines 13 and 14 of said page, by deleting lines 13 and 14 on said page.

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

Senator Rohrbach offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17, of said page, by inserting immediately after all of said line the following:

"Section 16. Any applicant for a grant or contract who offers early childhood development, education or care programs and who receives funds derived from an appropriation to the department of elementary and secondary education pursuant to paragraph (d) of subdivision (3) of section 313.835, RSMo, shall be licensed by the department of health pursuant to sections 210.201 to 210.259, RSMo, prior to opening of the facility. The provisions of this section shall not apply to any grant or contract awarded to a request for proposal issued prior to August 28, 1999."; and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 15, Section 210.485, Line 2-12 of said page, by striking all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page by inserting immediately after said line the following:

"Section 16. To ensure safe medical transportation for the elderly the department of health shall promulgate rules and regulations relating to the transportation of any natural living person being transported laying down or reclining by any person or entity unless such person or entity is licensed pursuant to section 190.109, RSMo, and unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported by a person licensed pursuant to section 190.109, RSMo. Such rules and regulations shall include at a minimum:

(1) Staffing requirements which at a minimum require that the person being transported is attended to by a licensed EMT-P;

(2) Insurance requirements;

(3) Equipment standards;

(4) Vehicle design and construction standards;

(5) Medical oversight.";

 and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Kenney raised the point of order that SA 7 is out of order as the amendment goes beyond the scope of the subject matter of the bill.

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

SA 7 was again taken up.

Senator Flotron moved that the above amendment be adopted.

Senator Childers offered SSA 1 for SA 7:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 490 and House Committee Substitute for House Bill No. 308, Page 30, Section 15, Line 17 of said page by inserting immediately after said line the following:

"Section 16. Except in counties of the second or third classification, to ensure safe medical transportation for the elderly the department of health shall promulgate rules and regulations relating to the transportation of any natural living person being transported laying down or reclining by any person or entity unless such person or entity is licensed pursuant to section 190.109, RSMo, and unless such person or entity is employed by a licensed ambulance service. Notwithstanding any law to the contrary, all patients as defined in chapter 190, RSMo, being transported laying down or reclining shall be transported by a person licensed pursuant to section 190.109, RSMo. Such rules and regulations shall include at a minimum:

(1) Staffing requirements which at a minimum require that the person being transported is attended to by a licensed EMT-P;

(2) Insurance requirements;

(3) Equipment standards;

(4) Vehicle design and construction standards;

(5) Medical oversight."; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Sims moved that SS for SCS for HCS for HB 490 and HCS for HB 308, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, SS for SCS for HCS for HB 490 and HCS for HB 308, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Schneider	Scott
Sims	Staples	Steelman	Stoll
Wiggins	Yeckel—26		

NAYS—Senators

Caskey	Graves	Rohrbach	Russell
Singleton	Westfall—6		

Absent—Senators

Clay	Quick—2
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Klarich	Mathewson	Maxwell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel—24

NAYS—Senators

Caskey	Kenney	Kinder	Mueller
Rohrbach	Russell	Singleton	Westfall—8

Absent—Senators

Clay Quick—2

Absent with leave—Senators—None

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

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

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

HB 368, with **SCS**, introduced by Representatives Murray and Franklin, entitled:

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to salaries of certain state employees, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Goode.

SCS for **HB 368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 368

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and sections 21.145, 30.953, 217.665, 286.005 and 476.380, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **HB 368** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill 368, Pages 1-4, Section 30.953, Lines 1-83, by striking all of said section from the bill; and

Further amend said bill, page 8, Section 476.380, lines 3 to 6, by striking all of said lines and inserting in lieu thereof the following: "four times each year, shall receive his actual [expenses of travel and his necessary expense for subsistence not to exceed eighty percent of the federal per diem

established by the Internal Revenue Service for the city hosting such conference or council meeting] **and necessary expenses**, to be paid from the state treasury on order of the".

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

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 368, Page 1, Section Title, Line 4, by striking the word "state" and inserting in lieu thereof the word "public"; and

Further amend said bill, page 8, section 476.380, line 7, by inserting immediately after said line the following:

"Section 1. In any city not within a county, funding for clerical staff of such city shall be provided through a fee determined by the governing body, which may be a percentage of the public assistance secured by the public administrator for use by a care facility or a percentage of the fiduciary bonds written in such city not within a county, or both."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 2** is out of order as the amendment goes beyond the purpose of the bill.

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

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 368, Page 5, Section 105.006, Line 4, by inserting immediately after said line the following:

"105.267. 1. Except as otherwise provided in this subsection, any employee of an agency of the state of Missouri, who has been certified by the American Red Cross as a disaster service volunteer, may be granted leave from work with

pay to participate in specialized disaster relief services for the American Red Cross, not to exceed a total of twenty-five full-time equivalent state employees for a total of fifteen calendar days in any fiscal year for each full-time equivalent employee. The employee shall be released from work to participate in specialized disaster relief services upon request from an authorized representative of the American Red Cross for such employee and upon the approval of such employee's appointing authority. The appointing authority shall compensate an employee granted leave pursuant to this section at the employee's regular rate of pay for regular work hours during which the employee is absent from the employee's regular place of employment for the state of Missouri. Any leave granted pursuant to this section shall not affect the employee's leave status.

2. Before any payment of salary is made covering the period of the leave, the authorized representative of the American Red Cross shall file with the appointing authority or supervising agency evidence that such employee participated in specialized disaster relief services during the time such leave pay is granted.

3. No certified disaster service volunteer shall be discharged from employment because of such person's status as a certified disaster service volunteer nor shall such employee be discriminated against or dissuaded from volunteering or continuing such service as a certified disaster relief volunteer. For the purposes of this section, the term "certified disaster volunteer" means a person who has completed the necessary training for, and has been certified as, a disaster service specialist by the American Red Cross.

4. Upon written order of the governor, additional employees, not to exceed twenty-five full-time equivalent state employees, may be granted leave pursuant to this section to participate in specialized disaster relief services for disasters occurring within this state.;" and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 368, Page 8, Section 476.380, Line 7, by adding the following new section:

"Section 1. Any judge who has become eligible to receive retirement compensation pursuant to section 476.520 and who has elected not to retire and has continued to serve as a judge after August 28, 1995, shall have added to the retirement compensation when the judge retires or dies an amount equal to the total of all annual cost-of-living increases that retired judges received between the time the judge first became eligible to retire and the year the judge actually retires or dies. In no event shall the total increase in compensation granted pursuant to this section and section 476.601 exceed sixty-five percent of the judge's retirement compensation calculated at the time of retirement or death.

2. Any judge who was eligible to retire on August 28, 1995, and elected to continue to serve as a judge after such date, but who retired before August 28, 1996, shall, upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the retirement benefit recalculated from the date of the retirement, pursuant to the provisions of subsection 1 of this section.

3. Any judge who retired prior to August 28, 1995, and who is receiving judicial retirement compensation on September 1, 1999, shall upon application to the board of trustees of the Missouri state employees' retirement system, be made, constituted and appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the judge's

life. Upon request of the board or the court from which the judge retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such request. As compensation for such services, the consultant shall have the consultant's retirement benefit recalculated as if subsection 1 of this section was in effect on the consultant's date of retirement. Any monthly benefit increases payable pursuant to this subsection shall become effective September 1, 1999. In no event shall the system make any retroactive compensation payments under this subsection."; and amend the title and enacting clause accordingly.

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

Senator Ehlmann offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 368, Page 2, Section 30.953, Line 36, by adding the following:

"Any law to the contrary notwithstanding, the Treasurer's signature on all refund checks in 1999 or 2000 shall not be any larger than his signature on refund checks for any of the previous three years."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 5** was withdrawn.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 368, Page 8, Section 476.380, Line 7, by adding at the end of said line the following:

"Section 1. Transportation shall be by car, train or bus unless the State Treasurer notifies the House Budget Chair and the Senate Appropriations Chair of the necessity of providing air transport"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Klarich offered **SA 1 to SA 6**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Committee Substitute for House Bill No. 368, Page 1, Line 1, by adding after the word "car" on said line, the following: "boat (motorized, paddle, oar, sail, steam, turbine, diesel, nuclear, electric or gambling)".

Senator Klarich moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 6** and **SA 1 to SA 6** are out of order as the amendments go beyond the scope and purpose of the bill.

At the request of Senator Klarich, **SA 1 to SA 6** was withdrawn.

At the request of Senator Rohrbach, **SA 6** was withdrawn, rendering the point of order moot.

Senator Ehlmann offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 368, Page 1, Section 21.145, Line 9, by adding the following: "Any law to the contrary notwithstanding, the Treasurer's signature on all refund checks in 1999 or 2000 shall not be any larger than his signature on refund checks for any of the previous three years."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 7** was withdrawn.

Senator Goode moved that **SCS** for **HB 368**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 368**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Klarich Steelman—2

Absent—Senators

Bentley Bland—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Mathewson assumed the Chair.

HCS for HB 889, entitled:

An Act to repeal section 162.975, RSMo Supp. 1998, and to enact in lieu thereof six new sections for the sole purpose of increasing the reading levels of younger children.

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

Senator Stoll offered **SS for HCS for HB 889**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 889

An Act to repeal sections 160.051, 160.053, 160.054, 160.055 and 162.975, RSMo Supp. 1998, relating to remediation of student academic deficiencies, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Stoll moved that **SS for HCS for HB 889** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill 889, Page 1, In the Title, Line 3-4, by striking the words "remediation of student academic deficiencies" and inserting in lieu thereof the words "school districts"; and

Further amend Line 5 by inserting after the word "subject" the following: ", with an emergency clause for a certain section"; and

Further amend said bill, Page 11, Section 162.975, Line 11, by inserting immediately after said line the following:

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

of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from

the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund. A school district may borrow from one of the following funds: teachers' fund, incidental fund or capital projects fund, as necessary to meet obligations in another of those funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

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

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

multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

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

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

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

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

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

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

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

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

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

than two times the amount of such first-year payment;

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

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

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

(1) Prior to August 28, 1993:

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

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

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

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

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital

outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

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

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

(2) On or before September first of the second school year following the school year of the unlawful transfer, the district shall approve an increase to the district's operating levy for school purposes to the greater of: two dollars and seventy-five cents per one hundred dollars assessed valuation or the levy which produces an increase in total state and local revenues, as determined by the department, in comparison to the first school year following the school year of the unlawful transfer which is equal to or greater than the amount of state aid to be

deducted pursuant to this subsection each school year for such unlawful transfer, provided that increases required pursuant to this subdivision for subsequent unlawful transfers shall be made in comparison to the latter tax rate described in this subdivision;

(3) During each school year after the school year in which the operating levy is increased pursuant to subdivision (2) of this subsection and in which state aid is deducted pursuant to subdivisions (1) to (4) of this subsection, the district shall maintain an operating levy for school purposes which produces total state and local revenues for the district which are no less than the total state and local revenues produced by the levy required pursuant to subdivision (2) of this subsection;

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

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

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

10. (1) Other provisions of law to the contrary notwithstanding, a school district which satisfies all

conditions specified in subdivision (2) of this subsection may make the transfer allowed in subdivision (3) of this subsection.

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

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

(b) Have passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, RSMo, or approved an increase to the district's tax rate ceiling on or after June 1, 1994; and

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

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

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

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

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

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

operating levy for school purposes for 1993;

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

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

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

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

Further amend said bill, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section B. Because of the urgent need to revise state penalties for certain fund transfer

violations, section 165.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting after all of said line the following:

"Section 6. 1. The state of Missouri in an effort to improve elementary reading skills and basic student achievement in english and foreign languages, remedial reading, science and math hereby establishes the "Missouri Teacher Corps" program to improve student achievement. The department of elementary and secondary education and the department of higher education shall work together to provide staff and facilities to establish the corps and promote its success.

2. The corps shall recruit fifty college seniors of graduates each year to contract to teach in designated schools for a two-year period. No recruit shall have majored in education. Each recruit shall have a bachelor's degree upon entering the corps in english, foreign language, mathematics, science, social studies or history.

3. The corps shall:

(1) Provide dedicated, talented teachers for school districts where an inadequate supply of teachers exists and has a need for student reading improvement;

(2) Afford a structured entry into the teaching profession for outstanding liberal arts graduates who may have never taught;

(3) Identify and nurture educational leaders

for the twenty-first century.

4. The corps shall provide, with the assistance of the state colleges and universities, an eight-week intensive training institute for the recruits to provide skills needed to assist them in teaching. Upon successful completion of certification requirements, recruits shall be assigned by the corps to public school districts on the basis of local need.

5. The corps shall provided members with tuition and book allowances and housing allowance for the member's pursuance of a master of arts degree in curriculum and instruction in an evenings and weekends and summer schedule for the first two years.

6. Corps members shall be compensated as are other teachers.

7. The department of elementary and secondary education may adopt rules to implement the provisions of this section.

8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo"; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Schneider offered SA 1 to SA 2:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 889, Page 2, Section 6, Lines 13-15, by striking all of said lines and inserting in lieu thereof the following:

"8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,

RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

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

SA 2, as amended, was again taken up.

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

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 6, Section 160.055, Line 2, by inserting immediately before all of said line the following:

"[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]"; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 3** is out of order because it goes beyond the scope and purpose of the bill.

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

SA 3 was again taken up.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Maxwell, Graves, Childers and Ehlmann.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bland	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Scott
Singleton	Stelman	Westfall	Yeckel—16

NAYS—Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Howard	Jacob
Johnson	Mathewson	Maxwell	Quick
Sims	Staples	Stoll	Wiggins—16

Absent—Senators

Goode	Schneider—2
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Absent with leave—Senators—None

Senator Johnson assumed the Chair.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section 6. In any school district to which any provisions of sections 1 to 3 of this act apply and in which district charter schools may be established pursuant to section 160.400, RSMo, the mayor of any city not within a county containing all or a part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be

established to emphasize remediation of reading deficiencies."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Kinder offered **SSA 1 for SA 4:**

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4**

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 19, Section 5, Line 10, by inserting immediately after said line the following:

"Section 6. In any school district to which any provisions of sections 1 to 3 of this act apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 6, Section 160.055, Line 2 of said page, by inserting after all of said line the following:

"160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names,

addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following receipt of any such funds.

(5) The per pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the

same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter." and

Further amend the title and enacting clause accordingly.

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

Senator House offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 889, Page 11, Section 162.975, Line 10 of said page, by inserting after all of said line the following:

"162.1120. No state agency, board or commission shall establish any policy or rule which requires any person to obtain any state certificate pursuant to a public school program linking education and careers, including any school-to-work program, as a condition of

employment, nor shall any state agency establish any policy or rule requiring any employer to require such state certificate as a condition of employment. Nothing in this section shall be construed to affect or limit any state agency's authority regarding professional registration, licensing or issuance of professional certificates, nor shall this section be construed to limit or affect the authority of the state board of education to examine applicants and issue high school equivalency certificates."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1 to SA 6**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Committee Substitute for House Bill No. 889, Page 1, Section 162.1120, Line 14, by adding the following after the word "certificates":

", except that the school board of each school district shall establish a written policy on student participation in statewide assessments. The policy shall be provided to each student and the parent, guardian or other person responsible for every student under eighteen years of age at the beginning of each school year and a copy of the policy shall be maintained in the district office and shall be available for viewing by the public during business hours of the district office. The policy may establish a system of rewards and punishments designed to encourage students to give their best efforts on each portion of any statewide assessment established pursuant to section 160.518, RSMo.

In no case shall the state board of education or any other state agency establish any single test or group of tests as a condition or requirement for high school graduation or as a requirement for a state approved diploma."

Senator Ehlmann moved that the above amendment be adopted.

Senator Klarich requested a division of the question on **SA 1 to SA 6** asking that a vote first be taken on the portion of the amendment dealing with lines 2-9 and that a second vote be taken on the portion of the amendment dealing with lines 10-12, which request was granted.

Part 1 of **SA 1 to SA 6** was taken up.

Senator Ehlmann moved that Part 1 be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Part 2 of **SA 1 to SA 6** was taken up.

Senator Ehlmann moved that Part 2 be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

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

At the request of Senator Stoll, **HCS** for **HB 889**, with **SS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404** and has again taken up and passed **SS No. 3** for **SCS** for **HS** for **HCS** for **HBs 427, 40, 196 and 404**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 343**, as amended: Representatives Treadway, Foley, O'Connor, Hegeman and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 852**: Representatives

Hosmer, Gaw, Smith, Gibbons and Dolan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 401** and has again taken up and passed **SCS** for **HB 401**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCS** for **SCR 15**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the elk industry is a nine million dollar business in Missouri and the state has more than one hundred elk farms with over one thousand elk; and

WHEREAS, over a third of Missouri's counties have domestic elk herds and Missouri has the honor of being the site of the international headquarters of the North American Elk Breeders Association, as well as, the North American Elk Research Council, Inc.; and

WHEREAS, Missouri is the Midwest's top elk trading state and according to Missouri law, elk are classified as livestock which enables elk farming without a special permit; and

WHEREAS, the Department of Conservation has indicated it may support the reestablishment of wild elk herds in Missouri; and

WHEREAS, the unregulated breeding and gathering of wild elk herds in Missouri could be a safety risk since there is no natural food chain for elk in Missouri and there are no natural predators to control wild elk; and

WHEREAS, wild elk herds carry various diseases common to wild animals which can harm domestic elk livestock and such wild elk can cause damage to fences and crops; and

WHEREAS, since the elk is the largest member of the cervidae (deer) family, the presence of wild elk herds may present a hazard to motorists:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby ask the Conservation Commission and the Department of Conservation to carefully study and consider any action toward establishing wild elk herds in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Conservation Commission and the Director of the Department of Conservation.

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 adopted **SCR 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 20**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 326** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HAs 1, 2, 3, 4, 6 and 7** to **SB 294** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 196**, as amended: Representatives Rizzo, Scheve, Foley, Ross and Vogel.

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 **SS** for **SCS** for **HB 65**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 65**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 60**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 60**, as amended.

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 SS No. 2 for SB 163**, entitled:

An Act to repeal section 170.011, RSMo 1994, relating to public schools instruction in the social sciences, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS for HCS for SB 20**, as amended: Senators Goode, Bentley, Flotron, Maxwell and Schneider.

President Pro Tem Quick appointed Senator Scott to replace Senator Quick on the conference committee appointed to act with a like committee from the House on **SCS for HCS for HB 343**, as amended.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SB 294**, as amended: Senators Staples, Quick, DePasco, Steelman and Graves.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS for SB 326**: Senators Goode, Howard, Kenney, Mathewson and Sims.

HOUSE BILLS ON THIRD READING

Senator Jacob moved that **HS for HB 516**, with **SCS** and **SS for SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HS for HB 516, as amended, was again taken up.

Senator Childers offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 7, Section 147.010, Line 9, by adding the following:

"Section 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability in an amount not to exceed one hundred fifty dollars for taxes paid on residential property owned and occupied by that taxpayer during the calendar year for which the income tax return is being filed. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Any credit claimed pursuant to this section shall be in lieu of, and not in addition to, any credit which the taxpayer may otherwise be eligible to claim, for the same taxable year, pursuant to section 135.020, RSMo."

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

President Pro Tem Quick assumed the Chair.

Senator Steelman offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 2, Section 143.111, Line 2, by deleting the word "and" and adding after "143.113", line 4, the following: "; and

(6) The deduction for elementary and secondary school tuition, attendance fees, school supplies, and transportation costs provided in section 143.122.

143.122. For all taxable years beginning on or after January 1, 2000, in addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve, for tuition, attendance fees, school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a

maximum of two thousand five hundred dollars for each dependent."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that above amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SA 33** and was joined in his request by Senators Bentley, Childers, House and Steelman.

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
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent—Senators

Banks	Klarich	Scott—3
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Absent with leave—Senators—None

Senator Ehlmann offered **SA 1** to **SA 33**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 33**

Amend Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, Section 143.122, Line 8, by adding the following: "No resident taxpayer may take advantage of the provisions of this section unless the members of the school board of the school their child attends have all attended the school board training required by law.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 1** to **SA 33** was withdrawn.

SA 33 was again taken up.

Senator Mathewson assumed the Chair.

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

Senator Schneider offered **SA 2** to **SA 33**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 33**

Amend Senate Amendment No. 33 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 516, Page 1, insert at the end of the last printed line: "The provisions of this section is severable if a court finds this provision unenforceable for any reason.".

Senator Schneider moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Jacob, **HS** for **HB 516**, with **SCS**, **SS** for **SCS**, **SA 33** and **SA 2** to **SA 33** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 20**, as amended: Representatives Schilling, Riback Wilson, Hosmer, Ostmann and Myers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 294**, as amended: Representatives Koller, Leake, Parker, Patek and Lograsso.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 326**: Representatives Harlan, Troupe, Stokan, Richardson and Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 368**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HB 368**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 65**, as amended, submitted the following conference committee report:

**CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 65**

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Bill No. 65, with Senate Amendments Nos. 1, 2, 3 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on

Senate Substitute for Senate Committee Substitute for House Bill No. 65, as amended;

2. That the House recede from its position on House Bill No. 65; and

3. The attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 65 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

- | | |
|-------------------|------------------------|
| /s/ John E. Scott | /s/ Jim O'Toole |
| /s/ Jim Mathewson | /s/ Bill Skaggs |
| /s/ Danny Staples | /s/ Mary Hagan-Harrell |
| /s/ Walt Mueller | /s/ T. Mark Elliott |
| /s/ Betty Sims | /s/ Ken Legan |

Senator Scott moved that the above conference committee report be adopted.

Senator Steelman offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SCS** for **HB 65**, as amended, and request the House to grant a further conference and that the Senate conferees be bound to remove the section on legislative pension increase, which motion failed.

Senator Scott moved that the conference committee report on **SS** for **SCS** for **HB 65**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

- | | | | |
|-----------|---------|-----------|-----------|
| Banks | Bland | Caskey | Childers |
| Clay | DePasco | Goode | House |
| Howard | Jacob | Johnson | Mathewson |
| Mueller | Quick | Schneider | Scott |
| Sims | Staples | Stoll | Wiggins |
| Yeckel—21 | | | |

NAYS—Senators

- | | | | |
|-------------|---------|-----------|---------|
| Bentley | Ehlmann | Flotron | Graves |
| Kenney | Kinder | Klarich | Maxwell |
| Rohrbach | Russell | Singleton | Stelman |
| Westfall—13 | | | |

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Scott, **CCS** for **SS** for

SCS for HB 65, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 65

An Act to repeal sections 50.1030, 50.1060, 50.1070, 50.1120, 50.1150, 50.1160, 50.1170, 70.697, 86.254, 104.040, 104.344, 104.370, 104.380 and 104.610, RSMo 1994, sections 50.1000, 50.1020, 50.1040, 50.1090, 50.1100, 50.1110, 50.1140, 50.1180, 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.810, 87.371, 104.010, 104.395, 104.401, 104.410, 104.415, 104.420, 104.517, 104.612, 104.620, 104.800, 169.010, 169.060, 169.070, 169.075, 169.560, 169.655, 287.815 and 476.520, RSMo Supp. 1998, and both versions of section 169.670 as they appear in RSMo Supp. 1998, relating to certain retirement systems, and to enact in lieu thereof ninety new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Schneider
Scott	Sims	Staples	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Maxwell	Rohrbach
Russell	Singleton	Steelman	Westfall—12

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Rohrbach—1

Absent—Senator Singleton—1

Absent with leave—Senators—None

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 Sims moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 490** and **HCS** for **HB 308**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 885, regarding Joy Marie Wenger, Kirksville, which was adopted.

Senator Quick offered Senate Resolution No. 886, regarding Joseph Larry "Joe" Ragsdale, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 887, regarding Daniel Joseph "Danny" Ingels, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 888, regarding the Lee's Summit High School Marketing Education Program, which was adopted.

Senator Schneider offered Senate Resolution No. 889, regarding Kelly Yates, Columbia, which was adopted.

Senator Quick offered Senate Resolution No. 890, regarding Ryan Barth, Kearney, which was adopted.

Senator Quick offered Senate Resolution No. 891, regarding Seth Brackman, Kearney, which

was adopted.

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 11, 1999

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

Herewith I return to you Senate Bill No. 443 entitled:
AN ACT

To repeal section 173.820, RSMo Supp. 1998, relating to Missouri college guarantee program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 11, 1999, I approved said Senate Bill No. 443.

Respectfully submitted,
MEL CARNAHAN
Governor

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

Senator Sims introduced to the Senate, Sam Beaver, Henry Brown, Carl Bruce, Andrew Cohen, Claire Colvin, Paul Cooper, Zane Donaho, Elizabeth Eby, Sarah Garvin, Molly Goldstein, Tyler Hall, Turner Holthaus, Peri Jones, Graham Kalish, Erin Kinsella, Sasha Kopp, David LeResche, Sean Lesser, Sara Meyer, Michael Murayama, Nicole Queathem, Jaci Rifkin, Sophie Sans and Alan Thomasson, fourth grade students from Wilson School, Clayton.

Senator Kenney introduced to the Senate, students from Cordell Mason Elementary School, Blue Springs; and Anthony Hopkins was made an honorary page.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Wednesday, May 12, 1999.

SENATE CALENDAR

SEVENTY-FIRST DAY—WEDNESDAY, MAY 12, 1999

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 440-Schneider
(In Budget Control)

SENATE BILLS FOR PERFECTION

- 1. SB 274-House, et al,
with SCS
- 2. SBs 18, 49 & 167-

- Goode, et al, with SCS
- 3. SBs 398 & 376-Maxwell,
with SCS

- | | |
|----------------------------------|--|
| 4. SB 507-Childers | 8. SJR 29-Caskey |
| 5. SB 413-Johnson, et al | 9. SB 16-Mathewson,
et al, with SCA 1 |
| 6. SJR 16-Schneider,
with SCS | 10. SB 52-Klarich and
Flotron |
| 7. SB 98-Kenney | 11. SB 236-Stoll |
| | 12. SB 447-Stoll |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HCS for HB 267, with
SCS (Scott)
(In Budget Control) | 9. HCS for HB 599, with
SCS (Jacob) |
| 2. HS for HCS for HBs 246 &
405-Bray, with SCS (Clay)
(In Budget Control) | 10. HCS for HBs 430 & 648,
with SCS (Quick) |
| 3. HCS for HBs 603, 722
& 783, with SCS (Goode)
(In Budget Control) | 11. HS for HCS for HBs 283,
286, 325, 370, 551, 36, 42,
73, 111, 341, 619, 62
& 579-Hosmer, with
SCS (Caskey)
(In Budget Control) |
| 4. HB 64-Long (Russell) | 12. HS for HCS for HB 826-
Harlan, with SCS (Howard)
(In Budget Control) |
| 5. HS for HCS for HB 822-
Liese, with SCS (Clay) | 13. HCS for HJR 26, with
SCS (Staples) |
| 6. HCS for HBs 321 & 493,
with SCAs 1 & 2
(House) | 14. HS for HCS for HBs 718,
225, 876 & 838-Harlan, with
SCS (Maxwell)
(In Budget Control) |
| 7. HCS for HBs 192 & 945,
with SCS (Maxwell) | |
| 8. HCS for HB 389, with
SCS (Klarich) | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- | | |
|--|--------------------------------|
| SS for SCS for SBs 75,
381 & 204-Wiggins | SCS for SB 425-Stoll,
et al |
| SS for SCS for SBs 347,
40, 241 & 301-House | SB 472-House |

SENATE BILLS FOR PERFECTION

SB 5-Wiggins, with SS, SA 2 & point of order (pending)	SB 316-Schneider and Ehlmann
SB 30-Howard, with SCS (pending)	SB 318-Jacob, et al, with SCS & SS for SCS (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)	

HOUSE BILLS ON THIRD READING

HB 191-Dougherty, et al, with SCS (Maxwell)	HCS for HB 676, with SCS, SS for SCS & SA 11 (pending) (Stoll)
HCS for HBs 316, 660 & 203, with SCS (Howard)	HS for HCS for HB 701- Rizzo, with SCS & SS for SCS (pending) (Mathewson)
HCS for HB 349, with SCS & SS for SCS (pending) (Clay)	HCS for HB 780, with SCS (Stoll)
HB 468-Koller, with SCS, SA 1, SSA 1 for SA 1 & point of order (pending) (Staples)	HS for HCS for HB 793- Treadway, with SCS (Mathewson)
HS for HB 516-Gaw, with SCS, SS for SCS, SA 33 & SA 2 to SA 33 (pending) (Jacob)	HCS for HB 889, with SS (pending) (Stoll)
HB 542-Barry, with SCS (House)	HJR 5-Barry, et al, with SA 2 & point of order (pending) (Stoll)
HS for HCS for HB 618- Harlan, with SCS, SS#2 for SCS & SA 1 (pending) (Maxwell)	

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)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 115-Russell, with
HCA 1
SS#2 for SB 163-House,
with HCS

SCS for SBs 308 & 314-
Scott and Russell,
with HS for HCS, as
amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SBs 8 & 173-Banks,
with HS for HCS, as amended
SB 20-Goode, et al, with
HS for HCS, as amended
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 326-Goode, with HS
SS for SCS for SB 338-
Howard and Sims, with
HS for HCS, as amended
SCS for SB 436-Quick,
with HS for HCS, as
amended
HCS for HB 139, with SCS,
as amended (Russell)
HCS for HB 343, with SCS,
as amended (Caskey)

HB 368-Murray and Franklin,
with SCS, as amended (Goode)
HS for HB 450-Relford,
with SS for SCS, as
amended (Maxwell)
HCS for HB 490 & HCS for
HB 308, with SS for
SCS, as amended (Sims)
HS for HCS for HB 852-
Hosmer, with SCS
(Caskey)

Requests to Recede or Grant Conference

HB 261-Auer, with SA 1
(Scott)
(House requests Senate
recede and pass the bill)

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

RESOLUTIONS

SR 359-Ehlmann
SCR 9-Mueller
SCR 13-Stoll, with HA 1
SR 840-Steelman

SR 841-Schneider
SCS for SCR 15-Maxwell,
with HCS

Reported from Committee

HCR 17-Barnett (Graves)
HCS for HCR 29, with SCS
(Howard)
HCR 30-Clayton, with SCS
(Wiggins)

HCS for HCRs 24 & 15,
with SCS (Clay)
SR 588-Sims
HCR 35-Thompson (37th),
et al (Bland)

✓