

# Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 11, 2000

The Senate met pursuant to adjournment.

Vacancies—1

President Wilson in the Chair.

The Lieutenant Governor was present.

The Reverend Carl Gauck offered the following prayer:

Oliver Cromwell said: "The State in choosing men to faithfully serve it, takes no notice of their opinions. If they be willing to serve it, that satisfies." (7/2/1644)

Gracious God, sometimes we wonder how it is that we are so fortunate to have been called to serve You in this place at this time. But because we are here help us to make ourselves available to You to follow Your path of righteousness. And though we may differ from one another in how things are to be done, we seek to do what is best for the people of this State in accordance with Your Holy will. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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

Absent with leave—Senators—None

## RESOLUTIONS

Senator Staples offered Senate Resolution No. 1036, regarding the marriage of William Patrick McKenna and Debbie Bell, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1037

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

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chamber at our State Capitol:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on March 20, 2000.

Senator Russell offered Senate Resolution No. 1038, regarding Denette Roderick, Lebanon, which was adopted.

Senator Flotron offered Senate Resolution No.

1039, regarding Neil F. Kurlander, Maryland Heights, which was adopted.

Senator Stoll offered Senate Resolution No. 1040, regarding Ambrose Joseph Wingbermuehle, Imperial, which was adopted.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable William Ray Price, Jr., which motion prevailed.

**JOINT SESSION**

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present—Senators

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—32

Absent with leave—Senator Bentley—1

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Abel	Akin	Alter	Auer
Backer	Ballard	Barnett	Barry (100)
Bartelmeyer	Bartle	Bennett (15)	Berkowitz
Berkstresser	Black	Blunt	Boatright
Bonner	Boucher	Boykins	Bray (84)
Britt	Burton	Campbell	Carter
Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis (122)
Davis (63)	Days	Dolan	Dougherty
Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster
Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham(106)
Graham (24)	Gratz	Green	Griesheimer
Gunn	Hagan-Harrell	Hampton	Harlan

Hartzler (123)	Hartzler (124)	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton
Kelley (47)	Kelly (27)	Kennedy	King
Kissel	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Long
Loudon	Luetkemeyer	Luetkenhaus	Marble
May (108)	Mays (50)	McBride	McClelland
McKenna	Merideth	Miller	Monaco
Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	Ostmann	O'Toole
Overschmidt	Parker	Patek	Phillips
Pouche	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo
Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secret	Seigfreid
Selby	Shelton	Shields	Skaggs
Stokan	Summers	Surface	Thompson (72)
Townley	Treadway	Troupe	Tudor
VanZandt	Vogel	Wagner	Ward
Wiggins	Williams (121)	Williams (159)	Wilson (25)
Wilson (42)	Wright	Mr. Speaker—155	

Absent and Absent with Leave—Representatives

Gross	Hanaway	Kasten	Lograsso
McLuckie	Robirds	Smith	Thompson (37)—8

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, William Ray Price, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

**State of the Judiciary**  
**Chief Justice William Ray Price, Jr.**  
**January 11, 2000**

Mr. Speaker. Mr. President. Members of the General Assembly.

On behalf of the judges of the state of Missouri, it is a pleasure and an honor to deliver this 27th State of the Judiciary address. As we stand on the threshold of the twenty-first century, it is appropriate for us not only to speak of today's issues, but to consider our past and the future, as well.

We have come a long way from the time of pioneers in long boats and covered wagons. What was a wilderness purchased from France in 1803 is now the thriving heartland of America. What was a land of lawlessness is now a state in which the fair and equal

application of law prevails.

As a people seeking justice we have made great progress over the years. In 1820, when Missouri's first Supreme Court was established, slavery was legal and women were not allowed to vote. In the mid-1800's the state was divided by a civil war and fear for life and property was the rule not the exception. Today the full protection of the law extends to all people regardless of religion, race, or gender and our courts enjoy the service of increasing numbers of African-American, Hispanic, and women judges. Although we still have a long way to go, this is a tremendous accomplishment in which we can all share joy and pride.

Another significant accomplishment for Missouri over the past century was the adoption in 1940 of the Missouri Plan for the appointment of judges. The Plan minimizes the harmful influence of partisan politics on judges while still holding judges accountable to the people. The wisdom of this plan is attested to by thirty-six states and the District of Columbia which have modeled their own plans after it. Missouri was the leader of our nation in this important step.

In just this past decade, our courts have continued to strive for improvement. As judges, we imposed time standards on ourselves and participated in a program of judicial transfers to more promptly resolve our cases. The courts were opened to electronic media. Family and drug courts were established. We began the statewide automation of our courts. The first woman and the first African-American were appointed to the Missouri Supreme Court. But, throughout all of this change, our focus has remained steadfast upon resolving the disputes of our citizens. Justice is our first priority. The delivery of justice in a timely and efficient manner.

It is difficult to measure the quality of justice. Often that measurement is shaped by the eye of the beholder, relative to his or her particular interest. But, I can tell you without hesitation that we are resolving the cases that come to us as promptly and efficiently as possible.

Unlike other states, we have no great delays in providing court dates for trials. This past year 962,986 cases were filed in our circuit courts. That is up from the year before and an increase of almost 20% from 1993. Our caseload is steadily increasing. But, the vast majority of cases in Missouri are resolved in less than two years and many within one year. Here are the hard numbers:

- 80% of circuit court civil cases are disposed within 18 months
- 90% of domestic relations cases are disposed within 1 year
- 97% of associate civil cases are complete in 1 year, and 89% are complete within 6 months
- 87% of circuit court felony cases are completed within 8 months.

Two key factors helped us achieve these results. First, in 1993, we adopted "time standards" to provide guidelines within which litigants could expect to have their cases heard. These standards encourage judges to keep track of how long a case has been pending and to resolve cases promptly.

Second, we pursued a more aggressive program of judicial

transfers. We asked sitting judges and senior judges to increase their assistance to circuits with heavy dockets. Since 1994, judges have worked over 40,200 days and handled over 10,700 cases on judicial transfer.

Although both of these programs were controversial at first, they worked. Again the numbers tell the story.

- In 1993, the first year time standards took effect, more cases were disposed of than were filed, something that had not happened in recent history prior to that time.
- Since 1993 although case filings have increased by nearly 20%, the number of pending cases increased only 12.2%.
- Since 1997, in each and every one of the five case categories, the time necessary to process cases has decreased.

Of course, none of this could have happened without the hard work and dedication of the men and women who are judges in Missouri. And, it could not have happened without your support and cooperation in providing necessary funding. We recognize that you have provided us with scarce resources and we are proud that despite an increasing workload our portion of the state's budget is less than 1% of total state expenditures.

As you begin this legislative session, there are a number of issues that are important to the judiciary: the proper role for judicial commissioners, the method of appointment of circuit court clerks, increased compensation for jurors, family court enhancements and criminal justice reforms. All received considerable attention last year and all will be debated again this year. I do not have time during these remarks to address each of those issues because there are two other issues I need to discuss in detail.

The first is our joint effort to create a statewide system of court automation. This has been an ambitious and difficult undertaking, but it is absolutely necessary if we are to provide timely and efficient service in the years to come. Our court system must keep up with the rest of Missouri.

When we began this project five years ago many county courts had no automation. Courts in our larger counties that had automated systems could not be linked to the rest of the state and some suffered potentially fatal Y2K problems. With your assistance, a committee was formed and began to design a single integrated system that would meet the needs of all of the courts of this state. The goals for the new computer system were increased efficiency, improved public access, and better management.

Implementing this new technology, as might be expected, has not been cheap or easy, but we have made significant progress. Today we have an information system that allows communication among all of the judicial circuits in the state. One hundred percent of appellate and circuit court judges, as well as nearly ninety percent of associate circuit judges and circuit clerks have access to the system. Case management software is working in divisions of the Barton, Boone, Cole, Franklin, Jackson, Montgomery, Platte, St. Charles, Taney and Warren county courts as well as in all three districts of the Court of Appeals and in the Supreme Court. At the end of Fiscal year 2000, 31% of the state's caseload will be

managed by this software, serving 41% of the state's population. We particularly thank the court staffs, lawyers and citizens of Montgomery and Jackson counties for serving as pilot sites. They suffered the inevitable wrinkles that needed to be discovered before they could be ironed out.

At this time forty-two courts are requesting implementation of the case management system. The speed with which we will be able to grant these requests and time within which we will be able to complete our state wide objectives will depend upon the amount of funding you provide.

Last year you provided \$6.1 million of funding. With this money case management software has been installed in seven courts with Y2K problems and in seven additional courts as well. By the end of the year we hope to complete installation of case management software in twenty-three courts.

This session we are requesting funds to install the case management software in another twenty to forty courts and to continue development of the system. We understand that this will be a tight budget year and additional resources for any project will be limited. We want you to understand that we are thankful for the support you have given us for this project. We will do the best we can to continue this vital work throughout the state as quickly as funding allows.

Drug courts are another priority of the judiciary. Seven years ago the first drug court was established in Jackson County. Two years ago a task force of the judicial conference recommended and you passed a bill authorizing drug courts statewide. Today twenty-two drug courts are in operation in Missouri with another seventeen in planning stages.

The benefits of drug courts are clear. Instead of sending a non-violent drug offender to prison, he or she is provided treatment under judicial supervision. Cost savings are substantial and the likelihood of rehabilitation is greatly increased. Statewide we have had 869 individuals graduate from drug court with only 34 being rearrested or convicted for new crimes. This represents roughly a 4% recidivism rate compared with a rate of 45% , or greater, for drug offenders who have not graduated from drug court. Drug courts are the right and the efficient thing to do.

Drug courts also have a place outside of the adult criminal system. Jackson and Newton counties are initiating family drug courts. Juvenile drug courts have been established in Newton and Scott counties and Saint Louis City. A number of other counties are planning for juvenile and family drug courts as well.

The primary cost of drug courts is providing treatment and supervision to the participating individuals. Presently, the funding for this treatment is spread among a number of state agencies and is not formally coordinated. Most of the treatment money is channeled through the Department of Corrections and can only be used for adult felony offenders. This money is not available for family drug courts or the treatment of juveniles. We should have a system that is more flexible to the needs of Missouri. A mother struggling to keep, or regain, custody of her children or a troubled juvenile trying to stay in school needs and deserves treatment just as much as an

adult charged with a felony.

To solve this problem the Judicial Conference is asking that you establish a drug court commission to coordinate and to administer all moneys allocated to drug courts. The commission would include members of the various state agencies involved in drug treatment issues, the Department of Corrections, the Department of Social Services, the Department of Public Safety, the Department of Mental Health, and the courts. The commission would coordinate all state funding for drug courts, whether adult, family, or juvenile. This will allow for the full utilization of treatment moneys where they are most needed and establish a central source for evaluation and management of drug court programs state wide. I urge you to seriously consider this proposal.

Finally, just a brief thought about the future. If we have learned anything from the past, it is that the foundation for the future is change. Change in technology, change in issues and interests, change in leaders. To serve the people of Missouri well, we in state government will have to identify and resolve the changing problems of each new day under ever-increasing public pressure and with ever increasing speed. But if we are to serve the people of Missouri well, we will also have to resolve the problems of each new day in accordance with the virtues of our past. Between 1922 and 1924, 14 of those virtues were carved into the walls of this very chamber; knowledge, liberty, equality, law, justice, fraternity, education, progress, honor, truth, virtue, temperance, enterprise, and charity. If we remain true to these virtues, regardless of what problems lay ahead, the state of Missouri can look forward to a future even greater than its past.

Thank You.

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Wilson.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

**SB 801**—By Mathewson.

An Act to repeal section 260.285, RSMo Supp. 1999, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

**SB 802**—By Goode, Ehlmann, Flotron and Schneider.

An Act to repeal section 99.805, RSMo Supp. 1999, relating to tax increment financing, and to enact in lieu thereof four new sections relating to

the same subject.

**SB 803**—By Goode, Schneider, Kinder, Mathewson, Childers and Maxwell.

An Act to repeal sections 138.420 and 153.030, RSMo 1994, and sections 393.298, 393.299 and 393.302, RSMo Supp. 1999, relating to taxation and fees for energy services, and to enact in lieu thereof thirty-one new sections relating to the same subject, with a contingent effective date for certain sections and a contingent termination date for certain sections.

**SB 804**—By Yeckel.

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same subject.

**SB 805**—By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to medical savings accounts.

**SB 806**—By Jacob.

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994,

relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

**SB 807**—By Jacob.

An Act to repeal section 148.400, RSMo 1994, relating to insurance premium taxes, and to enact in lieu thereof one new section relating to the same subject.

**SB 808**—By Jacob.

An Act relating to valuation of life insurance policies with an effective date.

**INTRODUCTIONS OF GUESTS**

Senator Sims introduced to the Senate, her intern, Barth Holohan, III, St. Louis County.

Senator Stoll introduced to the Senate, former President Pro Tem, Senator William P. McKenna, Crystal City.

Senator Bland introduced to the Senate, Cheryl Dozier, Jefferson City.

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

SENATE CALENDAR



FIFTH DAY—WEDNESDAY, JANUARY 12, 2000



FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 532-Wiggins and Clay
- SB 700-Caskey
- SB 701-Wiggins
- SB 703-Steelman
- SB 704-Kinder
- SB 705-Maxwell

- SB 706-Schneider
- SB 707-Singleton
- SB 708-DePasco
- SB 709-DePasco
- SB 710-DePasco
- SB 711-DePasco

SB 712-DePasco  
SB 713-Schneider  
SB 714-Schneider  
SB 715-Schneider  
SB 716-Bentley  
SB 717-Schneider and  
Flotron  
SB 718-Schneider, et al  
SB 719-Wiggins, et al  
SB 720-Caskey  
SB 721-Caskey  
SB 722-Caskey  
SB 723-Goode  
SB 724-Rohrbach  
SB 725-Graves  
SB 727-Goode and Bentley  
SB 728-Flotron and  
Klarich  
SB 729-House  
SB 730-Graves  
SB 731-Bentley  
SB 732-Schneider  
SB 733-Maxwell  
SB 734-Stoll  
SB 735-Singleton and  
Westfall  
SB 736-Sims and Ehlmann  
SB 737-House  
SB 738-Maxwell and Kinder  
SB 739-Maxwell  
SB 740-Wiggins  
SB 741-Maxwell  
SB 742-Klarich and Goode  
SB 743-Klarich  
SB 744-Klarich  
SB 745-Goode  
SB 746-Johnson  
SB 747-Singleton  
SB 748-Johnson  
SB 749-Rohrbach  
SB 750-Rohrbach  
SB 751-Clay  
SB 752-Clay  
SB 753-DePasco  
SB 754-Graves  
SB 755-Stoll  
SB 756-Caskey  
SB 757-Maxwell  
SB 758-Maxwell  
SB 759-Klarich  
SB 760-Klarich  
SB 761-Schneider  
SB 762-Russell  
SB 763-Howard  
SB 764-Kenney, et al  
SB 765-Kenney  
SB 766-Sims  
SB 767-Scott  
SB 768-Stoll  
SB 769-DePasco and  
Wiggins  
SB 770-DePasco  
SB 771-DePasco  
SB 772-Goode  
SB 773-Caskey  
SB 774-Caskey  
SB 775-Mueller  
SB 776-Mueller  
SB 777-Steelman  
SB 778-Staples  
SB 779-Mathewson and  
Johnson  
SB 780-Mathewson  
SB 781-Goode  
SB 782-Westfall  
SB 783-Sims  
SB 784-Sims  
SB 785-Stoll and Maxwell  
SB 786-Clay  
SB 787-Childers, et al  
SB 788-Johnson  
SB 789-Mathewson  
SB 790-Caskey  
SB 791-Goode  
SB 792-Sims  
SB 793-Staples  
SB 794-Singleton  
SB 795-Singleton

SB 796-Jacob  
SB 797-Ehlmann  
SB 798-Ehlmann  
SB 799-Ehlmann  
SB 800-Ehlmann  
SB 801-Mathewson  
SB 802-Goode, et al

SB 803-Goode, et al  
SB 804-Yeckel  
SB 805-Yeckel  
SB 806-Jacob  
SB 807-Jacob  
SB 808-Jacob  
SJR 46-Goode, et al

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