

# Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 12, 2000

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Reverend Carl Gauck offered the following prayer:

Proverbs 4:27 “Keep your heart with all diligence; for out of it are the issues of life.”

Gracious and Heavenly Father, keep our hearts firmly rooted in Your promises, girded by faith in Your word so that we may face any difficulties that come our way to help others going through tough times in their lives. Help us to pray so that we are anchored in living life fully and effectively as You direct our path so as we can help others live life more victoriously also. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Vacancies—1

## RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1041, regarding Mary Ann Schiller, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1042, regarding Joe Weinmann, Affton, which was adopted.

Senator House offered Senate Resolution No. 1043, regarding Anthony Michael Davis, St. Charles, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1044

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Frank Joseph Wirken of Kansas City; and

WHEREAS, Mr. Wirken, a native of Moline, Illinois, settled in Kansas City in 1950 after graduating from the University of Illinois, at which time he was associated with Interstate Bakeries; and

WHEREAS, Mr. Wirken, thereafter became an insurance and unemployment cost control consultant, owning and operating his own consulting company business through the early 1990's; and

WHEREAS, Mr. Wirken, was a prolific inventor who developed many products including items for bridge and kitchenware and in particular the Jack Poker playing cards, a five suited deck and multiple games that utilized his unique deck of

cards; and

WHEREAS, Mr. Wirken was a uniquely talented individual who was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Frank Joseph Wirken, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and extend to his 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 a properly inscribed copy of this resolution for the Wirken family.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1045

WHEREAS, the members of the Missouri Senate have learned with regret that Sister Anne Shepherd, O.S.B., will leave her position as Superintendent of Schools for the Diocese of Kansas City-St. Joseph, in March, 2000; and

WHEREAS, Sister Anne Shepherd will be sadly missed in a position she has held since 1994, with such honor and distinction that she is virtually irreplaceable; and

WHEREAS, Sister Anne Shepherd, a native of New York City, was raised in Washington D.C., the fourth oldest of eight children, attended Blessed Sacrament Grade School, Washington D.C., Holy Trinity High School in Washington, and Mount St. Scholastica College, Atchison, Kansas, before entering the Benedictine Convent in Atchison in 1965, graduating from Mount St. Scholastic College in 1970 with Degrees in Mathematics and French; and

WHEREAS, Sister Anne Shepherd served as Principal of the Academy at Mount St. Scholastic, from 1976-1979, and Director of Campus Ministries at Bishop Miege High School, Kansas City, from 1979 to 1984, taught religion and mathematics in St. Theresa's Academy, Kansas City, from 1984 to 1986, and from 1990 to 1994 was Associate Superintendent of Schools for the Diocese of Kansas City-St. Joseph, and since 1994 has been the distinguished Superintendent of Schools;

NOW THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service of Sister Anne Shepherd, O.S.B., express their appreciation for her leadership in so many areas of education and particularly as Superintendent of Schools for the Diocese of Kansas City-St. Joseph, and extend to Sister Anne Shepherd very best wishes for many long years continued success, good health and happiness.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Sister Anne Shepherd, O.S.B. and the Diocese of Kansas City/St. Joseph.

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

SENATE RESOLUTION NO. 1046

WHEREAS, it has come to the attention of the members of the Missouri Senate that Sunday, January 30, 2000, through Friday, February 4, 2000, will be observed as Catholic Schools Week in Missouri; and

WHEREAS, Catholic Schools throughout the State of Missouri, support the family which has always been the foundation of society; and

WHEREAS, Catholic Schools have a long, successful history throughout this State, predating Missouri's admission into the Union of the United States, having produced thousands of graduates who successfully spent their lifetime in pursuit of a better Missouri for all people; and

WHEREAS, Catholic Schools throughout the State have educated millions of students, who have received an education strong in academics and mindful values; and

WHEREAS, the 307 Catholic Schools in the State of Missouri deserve special recognition for providing guidance and vision while educating over 85,084 valuable natural resources, our youth; and

WHEREAS, the administrators and faculties of Catholic Schools are dedicated to promoting excellence in education in an environment of Judea - Christian concerns;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service of the Catholic Schools of Missouri on the occasion of Catholic Schools Week, 2000, express appreciation for their outstanding educational service to the people of Missouri for almost 200 years, and extend to the administrators, faculties, parents and students of all Catholic Schools very best wishes for many long years continued success, good health and happiness;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Most Rev. Raymond Boland, Bishop of Kansas City-St. Joseph, Most Rev. John R. Gaydos, Bishop of Jefferson City, Most Rev. John Leibrecht, Bishop of Springfield-Cape Girardeau, and Most Rev. Justin Rigali, Archbishop of St. Louis.

Senator Caskey offered Senate Resolution No. 1047, regarding Irvin Hershberger, Harrisonville, which was adopted.

Senator Caskey offered Senate Resolution No. 1048, regarding Elma L. Taylor, Amoret, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 809**—By Schneider.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for certain charitable contributions.

**SB 810**—By Goode.

An Act to repeal section 208.480, RSMo Supp. 1999, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

**SB 811**—By Singleton.

An Act to repeal section 537.045, RSMo 1994, and section 211.185, RSMo Supp. 1999, relating to victims of certain offenses, and to enact in lieu thereof two new sections relating to the same subject.

**SB 812**—By Westfall.

An Act to repeal section 278.130, RSMo 1994, relating to soil and water districts, and to enact in lieu thereof two new sections relating to the same subject.

**SB 813**—By House.

An Act to repeal section 85.011, RSMo 1994, relating to discipline of law enforcement officers, and to enact in lieu thereof five new sections relating to the same subject.

**SB 814**—By House.

An Act to repeal section 307.178, RSMo Supp. 1999, relating to seat belt enforcement, and to enact in lieu thereof one new section relating to the same subject.

**SB 815**—By Flotron, Schneider, Steelman, Staples and Ehlmann.

An Act to repeal section 332.261, RSMo 1994, and sections 332.021 and 332.031, RSMo Supp. 1999, relating to dental hygienists, and to enact in lieu thereof four new sections relating to the same subject.

**SB 816**—By Stoll.

An Act to repeal section 169.070, RSMo Supp. 1999, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

**SB 817**—By Stoll.

An Act to repeal sections 169.600, 169.620 and 169.670, RSMo Supp. 1999, relating to certain school employee retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

**SB 818**—By Maxwell and Kinder.

An Act to repeal section 217.560, RSMo 1994, relating to the vocational enterprises program, and to enact in lieu thereof one new section relating to the same subject.

**SB 819**—By Maxwell.

An Act to repeal sections 394.020, 394.080, 394.130, 394.200, 394.312 and 394.315, RSMo 1994, and section 394.120, RSMo Supp. 1999, relating to retail choice in electric service, and to enact in lieu thereof twenty-one new sections relating to the same subject.

**SB 820**—By Maxwell and Clay.

An Act to repeal sections 376.421, 376.424, 376.773, 376.775, 376.960, 376.961, 376.966, 376.986, 379.930, 379.938, 379.940, 379.943 and 379.952, RSMo 1994, relating to health insurance, and to enact in lieu thereof nineteen new sections relating to the same subject, with an effective date for certain sections.

**MESSAGES FROM THE GOVERNOR**

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Linda G. Arnold, Republican, 502 Johnson, Columbia, Boone County, Missouri 65010, as a member of the Missouri Women's Council, for a term ending December 6, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

M. Jenise Comer, LCSW, 7416 Richmond Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the State Committee for Social Workers, for a term ending December 11, 2003, and until her successor is duly appointed and qualified; vice, Susan DiTirro, deceased.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Janice S. Ellis, Ph.D., 808 West Meyer Boulevard, Kansas City, Jackson County, Missouri 64113, as a public member of the Missouri State Board of Accountancy, for a term ending August 15, 2002, and until her successor is duly appointed and qualified; vice, Dr. Cecil G. Wood, resigned.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Cathy L. Frier, O.D., Route 4, El Dorado Springs, Cedar County, Missouri 64744, as a member of the State Board of Optometry, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, Diana Scoggin, O.D., term expired.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Teresa R. "Terri" Gray, Democrat, 4104 White Pine Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Patricia A. Garney, resigned.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Jane B. Klieve, Republican, 12500 Darien Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Willa M. McCullough, 1225 Old Highway CC, Festus, Jefferson County, Missouri 63028, as a public member of the State Committee of Psychologists, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Helen P. Gab, resigned.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Palmer R. "Nick" Nichols, II, 1418 Springdale, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending January 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
January 11, 2000

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

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

Susan Wilson Solovic, Democrat, 37 Portland Place, St. Louis City, Missouri 63108, as a member of the Missouri Women's Council, for a term ending December 6, 2000, and until her successor is duly appointed and qualified; vice, Deborah Borchers-Ausmus, resigned.

Respectfully submitted,  
MEL CARNAHAN  
Governor

President Pro Tem Quick referred the above appointments to the Committee on gubernatorial appointments.

**COMMUNICATIONS**

President Pro Tem Quick submitted the following:

January 11, 2000

Senator William L. "Lacy" Clay  
State Capitol, Room 221  
Jefferson City, MO 65101

Dear Senator Clay:

It is my pleasure to hereby appoint you to serve as a member of the gubernatorial appointments committee to fill the vacancy created by the resignation of Senator J.B. "Jet" Banks.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick  
Edward E. Quick  
President Pro Tem

**INTRODUCTIONS OF GUESTS**

Senator Sims introduced to the Senate, Dorothy Burlin, St. Louis.

Senator Singleton introduced to the Senate, Darren Gallup, Greg Dagnan and Glenda Conduct, Joplin.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. A.J. Campbell, Sedalia.

Senator Bentley introduced to the Senate, Lorene and Bill Van Dam and Dr. Clifford Whipple, Springfield.

Senator Westfall introduced to the Senate, the Aurora High School 1999 Class 3A State Champion Football Team.

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

## SENATE CALENDAR

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 SIXTH DAY—THURSDAY, JANUARY 13, 2000
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 532-Wiggins and Clay	SB 733-Maxwell
SB 700-Caskey	SB 734-Stoll
SB 701-Wiggins	SB 735-Singleton and
SB 703-Steelman	Westfall
SB 704-Kinder	SB 736-Sims and Ehlmann
SB 705-Maxwell	SB 737-House
SB 706-Schneider	SB 738-Maxwell and Kinder
SB 707-Singleton	SB 739-Maxwell
SB 708-DePasco	SB 740-Wiggins
SB 709-DePasco	SB 741-Maxwell
SB 710-DePasco	SB 742-Klarich and Goode
SB 711-DePasco	SB 743-Klarich
SB 712-DePasco	SB 744-Klarich
SB 713-Schneider	SB 745-Goode
SB 714-Schneider	SB 746-Johnson
SB 715-Schneider	SB 747-Singleton
SB 716-Bentley	SB 748-Johnson
SB 717-Schneider and	SB 749-Rohrbach
Flotron	SB 750-Rohrbach
SB 718-Schneider, et al	SB 751-Clay
SB 719-Wiggins, et al	SB 752-Clay
SB 720-Caskey	SB 753-DePasco
SB 721-Caskey	SB 754-Graves
SB 722-Caskey	SB 755-Stoll
SB 723-Goode	SB 756-Caskey
SB 724-Rohrbach	SB 757-Maxwell
SB 725-Graves	SB 758-Maxwell
SB 727-Goode and Bentley	SB 759-Klarich
SB 728-Flotron and	SB 760-Klarich
Klarich	SB 761-Schneider
SB 729-House	SB 762-Russell
SB 730-Graves	SB 763-Howard
SB 731-Bentley	SB 764-Kenney, et al
SB 732-Schneider	SB 765-Kenney

SB 766-Sims	SB 793-Staples
SB 767-Scott	SB 794-Singleton
SB 768-Stoll	SB 795-Singleton
SB 769-DePasco and Wiggins	SB 796-Jacob
SB 770-DePasco	SB 797-Ehlmann
SB 771-DePasco	SB 798-Ehlmann
SB 772-Goode	SB 799-Ehlmann
SB 773-Caskey	SB 800-Ehlmann
SB 774-Caskey	SB 801-Mathewson
SB 775-Mueller	SB 802-Goode, et al
SB 776-Mueller	SB 803-Goode, et al
SB 777-Steelman	SB 804-Yeckel
SB 778-Staples	SB 805-Yeckel
SB 779-Mathewson and Johnson	SB 806-Jacob
SB 780-Mathewson	SB 807-Jacob
SB 781-Goode	SB 808-Jacob
SB 782-Westfall	SB 809-Schneider
SB 783-Sims	SB 810-Goode
SB 784-Sims	SB 811-Singleton
SB 785-Stoll and Maxwell	SB 812-Westfall
SB 786-Clay	SB 813-House
SB 787-Childers, et al	SB 814-House
SB 788-Johnson	SB 815-Flotron, et al
SB 789-Mathewson	SB 816-Stoll
SB 790-Caskey	SB 817-Stoll
SB 791-Goode	SB 818-Maxwell and Kinder
SB 792-Sims	SB 819-Maxwell
	SB 820-Maxwell and Clay
	SJR 46-Goode, et al

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