

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY—THURSDAY, JANUARY 20, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 119:48,50 "I will meditate on Your statutes...for Your Word quickens me."

Gracious and Heavenly Father, we yearn to hear Your word, to experience Your spiritual refreshment and the encouragement to follow Your way. As we discern the resolutions we present keep us mindful that Your law is written so that we may live in a proper relationship with You and live in harmony with one another; may the laws we pass help improve the daily interactions among the people of this state. And may we this weekend find time for refreshment in Your Word in the activities we share with our families. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Associated Press and the 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

Steelman

Yeckel—33

Sims

Stoll

Singleton

Westfall

Staples

Wiggins

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1078, regarding Ruth Holloway, Poplar Bluff, which was adopted.

Senator Bentley offered Senate Resolution No. 1079, regarding KOZK, Ozarks Public Television, Channel 21, Springfield, which was adopted.

Senator Singleton offered Senate Resolution No. 1080, regarding Neel R. Baucom, Carthage, which was adopted.

Senator Quick offered Senate Resolution No. 1081, regarding Freddie M. Nichols, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 1082, regarding the late Arthur E. "Art" Nichols, Gladstone, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1083

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Jerome F. X. Waterman of Kansas City; and

WHEREAS, Mr. Waterman, known to his legion of friends throughout the area as "Jerry" was born in Kansas City, Missouri, October 7, 1936 and had lived in Kansas City his entire life; and

WHEREAS, Mr. Waterman graduated from Rockhurst College in 1957 and received his law degree from Georgetown University in 1961, and was a member of Alpha Sigma Nu, the National Jesuit Honor Society, the Georgetown University Law School Moot Court Team and was awarded the top individual honor at the National Moot Court Championship in 1960; and

WHEREAS, Mr. Waterman was a member of Visitation Catholic Church, was a member of the Missouri National Guard and served in the United States Army, where he became a Lieutenant; and

WHEREAS, on January 1, 1963, Mr. Jerome Waterman and Edward J. Houlehan formed what was to become one of Kansas City's most distinguished law firms, Houlehan and Waterman, beginning 37 years of law practice together; and

WHEREAS, Mr. Waterman was a member of the Missouri Bar and was licensed to practice in the State of Missouri, the U.S. District Court for the Western District of Missouri, the United States Court of Appeals for the 8th Circuit, and the United States Supreme Court; and

WHEREAS, Mr. Waterman served as Judge Pro-tem of the Kansas City Missouri Municipal Court, and was a trial attorney in the Jackson County Prosecutor's office from 1963 to 1966, rising to the rank of First Assistant County Prosecutor, participating in some of the most infamous and noteworthy trials of the period; and

WHEREAS, Mr. Waterman, 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 a distinguished Kansas City attorney, Jerome F. X. Waterman, express their appreciation for his lifetime of good citizenship, and his contributions to the legal profession, to Kansas City and to Missouri, and extend to his family and countless friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Jennifer Waterman, daughter Kimberly Waterman, sisters, Sister Kathleen Waterman, S.C.L., Marguerite Owens, and Edward Houlehan of Houlehan & Waterman and Rockhurst University.

Senator Bentley offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1084

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session that Senate Rule 95 be amended as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used by **members of the senate at their desks and** by the press at the press

table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Westfall offered Senate Resolution No. 1085, regarding the death of James William "Jim" Altic, Halfway, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1086

WHEREAS, Mrs. Ann Theodosia Shopay Guida of Lakeville, Pennsylvania, is retiring as instructor of biology and earth sciences at the Scranton State School for the Deaf in Scranton, Pennsylvania, where she has touched the lives of hundreds of youngsters with wisdom, love, and compassion for an incredible period of forty years; and

WHEREAS, valedictorian of the 1956 graduating class of Olyphant High School, Mrs. Guida began her higher education at Keystone Junior College and graduated from the Pennsylvania State University with a Bachelor's degree in entomology before pursuing advanced study and training in special education at Marywood College, Syracuse University, and Gallaudet College in Washington, D.C., where she earned her Master's degree; and

WHEREAS, Mrs. Guida joined the faculty at the Pennsylvania State Oral School for the Deaf in 1960 as a young teacher with tremendous enthusiasm and the ardent desire to emulate the achievements of her beloved aunt and second mother, the late Mary Shopay Sawka, who had enjoyed an illustrious career teaching English, Latin, and music at Olyphant Junior High School for many years; and

WHEREAS, Mrs. Guida proudly and zealously accepted the challenge of educating young people with special needs in an endeavor to prepare them for the responsibilities they would encounter as adults in a competitive world full of opportunity for those willing to work hard and make sacrifices in pursuit of their dreams and ambitions; and

WHEREAS, Mrs. Guida's overall success in imparting knowledge to her students and helping them build self-confidence as well as self-esteem was applauded in well-deserved fashion when she experienced the honor and the distinction of being designated the recipient of the prestigious Christa McAuliffe Outstanding

Teacher Award for excellence in the classroom; and

WHEREAS, Mrs. Guida is bringing to completion four decades of exceptional achievement as a teacher, mentor, and friend who truly cared and always put forth extra effort to fulfill the important mission of assuring her students the best possible education:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in expressing appreciation to Ann Guida for her tireless efforts to develop that special rapport with students which is so vital to formal learning, in congratulating her upon attaining her goals in the classroom, and in wishing her a pleasant, happy, and productive retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Ann Guida, as a mark of our esteem for her and for all of her professional accomplishments.

Senator Maxwell assumed the Chair.

INTRODUCTION OF BILLS

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

SB 874—By Caskey.

An Act to repeal section 334.735, RSMo Supp. 1999, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

SB 875—By Kinder.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to higher education instructional quality.

SB 876—By Clay, Stoll, Ehlmann, Mueller, Bland, Flotron, Sims and Bentley.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Rosa Parks highway.

SB 877—By Sims.

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to Missouri lifelong learning month.

SB 878—By Schneider.

An Act to repeal sections 287.160, 287.210 and 287.430, RSMo Supp. 1999, relating to workers' compensation, and to enact in lieu thereof three new sections relating to the same subject.

SB 879—By Bland.

An Act to repeal section 701.316, RSMo 1994, relating to lead-bearing substance activities, and to enact in lieu thereof one new section relating to the same subject.

SB 880—By Bland.

An Act to repeal section 191.825, RSMo 1994, relating to the joint committee on health care policy and planning, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

SB 881—By Wiggins.

An Act to repeal section 92.418, RSMo 1994, relating to expenditure of proceeds of tax, and to enact in lieu thereof one new section relating to the same subject.

SB 882—By Flotron.

An Act to amend chapter 393, RSMo, by adding thereto fifteen new sections relating to retail electric choices.

SB 883—By Rohrbach.

An Act to repeal sections 334.650 and 334.655, RSMo Supp. 1999, relating to physical therapist assistants, and to enact in lieu thereof two new sections relating to the same subject.

SB 884—By Mathewson.

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

SB 885—By Mathewson.

An Act to repeal sections 103.130 and 103.136, RSMo 1994, and section 103.003, RSMo Supp. 1999, relating to health plan for state employees, and to enact in lieu thereof three new sections relating to the same subject.

SB 886—By Ehlmann.

An Act to repeal section 37.130, RSMo 1994, relating to congressional redistricting, and to enact in lieu thereof two new sections relating to the same subject.

SB 887—By Ehlmann.

An Act to amend chapter 33, RSMo, by

adding thereto two new sections relating to minority business contracts.

SB 888—By Ehlmann.

An Act to repeal sections 313.812, 313.815, 313.830 and 367.140, RSMo 1994, and section 367.506, RSMo Supp. 1999, and to enact in lieu thereof six new sections relating to excursion gambling boats, with penalty provisions and an emergency clause for certain sections.

SB 889—By Howard.

An Act to repeal section 195.070, RSMo Supp. 1999, relating to certified registered nurse anesthetists, and to enact in lieu thereof two new sections relating to the same subject.

SB 890—By Howard, Childers, DePasco, Clay, Wiggins, Scott, Caskey, House, Jacob, Staples, Stoll and Maxwell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for certain veterans.

SB 891—By Howard, DePasco, Scott, Schneider, Wiggins and Maxwell.

An Act to repeal section 208.010, RSMo Supp. 1999, relating to medical assistance, and to enact in lieu thereof one new section relating to the same subject.

SB 892—By Quick.

An Act to repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

SB 893—By Quick.

An Act to repeal section 140.110, RSMo Supp. 1999, relating to ownership of property, and to enact in lieu thereof one new section relating to the same subject.

SB 894—By Quick.

An Act to repeal sections 141.220, 141.540, 141.570, 141.700, 141.710, 141.720, 141.730, 141.740, 141.750, 141.760, 141.765, 141.770 and 141.800, RSMo 1994, relating to property ownership, and to enact in lieu thereof thirteen new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patricia B. Reid, Verneda F. Robinson, Mary C. "Mikki" Brewster, Yvonne S. Sparks Strauther, Herb R. Johnson, Grace Denise Cross, Virginia F. Mee, Milton J. Bischof, Jr., Ronald G. Breshears, Richard S. Hendin and Patti A. Penny, as members of the Missouri Training and Employment Council;

Also,

Mona L. Perry, Jeanne F. Philips-Roth, Dorothy Fauntleroy, Edward E. Fields, Mike Morado, Margie E. Peltier, Elaine M. Aber, Dolores A. Penn and Ik-Whan G. Kwon, as members of the Commission on Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

Gretchen C. Locket, as a public member of the Missouri Board for Therapeutic Massage;

Also,

Bernard M. Wesley, Sidney L. Brantley, Derek V. Alvarez and Elizabeth C. Miller, as members of the Missouri Board for Therapeutic Massage;

Also,

Juliet Mee, as a non-voting member of the Missouri Board for Therapeutic Massage;

Also,

James K. Skaggs, as a member of the Missouri Agriculture and Small Business Development Authority;

Also,

James A. Monteleone, as a member of the Children's Trust Fund Board of Trustees;

Also,

Gerald W. Jones, as a member of the Missouri Emergency Response Commission;

Also,

Patricia A. Lepp, as a member of the Missouri Dental Board;

Also,

Mary Louise Brown, Jeannette A. Wessel, Bonita M. Stepenoff and Julie M. March, as members of the Missouri State Historical Records Advisory Board;

Also,

John D. Starr and Bill M. Burch, as members of the Missouri Development Finance Board;

Also,

Patrick J. Hickey and Lois L. Vander Waerdt, as members of the State Board of Mediation;

Also,

Allan W. Purdy, as a member of the Missouri Higher Education Loan Authority;

Also,

Michael R. Foresman, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Linda G. Renner, as a member of the Missouri State Banking Board;

Also,

Barbara D. Burns, as a member of the Southwest Missouri State University Board of Governors;

Also,

Gerald P. Greiman, as a member of the Missouri State Employees Deferred Compensation Commission.

Senator Quick requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Quick moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RESOLUTIONS

Senators Bentley, Steelman, Yeckel, Flotron, Sims, Kinder, Klarich, Stoll and Clay offered the following resolution:

SENATE RESOLUTION NO. 1087

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 30th 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, Second Regular Session, that the Senate Rules be amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **by members of the senate at their desks and** by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Caskey offered Senate Resolution No. 1088, regarding Jerry Car, Knob Noster, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 803—Commerce and Environment.

SB 867—Local Government and Economic Development.

SJR 46—Commerce and Environment.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Rebekah Sprouls, Liberal; and Zarina Amir, Hamburg, Germany; who were made honorary pages.

On behalf of Senators Klarich, Yeckel and herself, Senator Bentley introduced to the Senate, John Sellars, Randy Downing and Richard A. Frey, Springfield.

Senator Bland introduced to the Senate, Jeffrey Johnson, Kansas City.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 24, 2000.

SENATE CALENDAR

ELEVENTH DAY—MONDAY, JANUARY 24, 2000

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 745-Goode	SB 771-DePasco
SB 746-Johnson	SB 772-Goode
SB 747-Singleton	SB 773-Caskey
SB 748-Johnson	SB 774-Caskey
SB 749-Rohrbach	SB 775-Mueller
SB 750-Rohrbach	SB 776-Mueller
SB 751-Clay	SB 777-Steelman
SB 752-Clay	SB 778-Staples
SB 753-DePasco	SB 779-Mathewson and Johnson
SB 754-Graves	SB 780-Mathewson
SB 755-Stoll	SB 781-Goode
SB 756-Caskey	SB 782-Westfall
SB 757-Maxwell	SB 783-Sims
SB 758-Maxwell	SB 784-Sims
SB 759-Klarich	SB 785-Stoll and Maxwell
SB 760-Klarich	SB 786-Clay
SB 761-Schneider	SB 787-Childers, et al
SB 762-Russell	SB 788-Johnson
SB 763-Howard	SB 789-Mathewson
SB 764-Kenney, et al	SB 790-Caskey
SB 765-Kenney	SB 791-Goode
SB 766-Sims	SB 792-Sims
SB 767-Scott	SB 793-Staples
SB 768-Stoll	SB 794-Singleton
SB 769-DePasco and Wiggins	SB 795-Singleton
SB 770-DePasco	SB 796-Jacob

SB 797-Ehlmann
SB 798-Ehlmann
SB 799-Ehlmann
SB 800-Ehlmann
SB 801-Mathewson
SB 802-Goode, et al
SB 804-Yeckel
SB 805-Yeckel
SB 806-Jacob
SB 807-Jacob
SB 808-Jacob
SB 809-Schneider
SB 810-Goode
SB 811-Singleton
SB 812-Westfall
SB 813-House
SB 814-House
SB 815-Flotron, et al
SB 816-Stoll
SB 817-Stoll
SB 818-Maxwell and Kinder
SB 819-Maxwell, et al
SB 820-Maxwell, et al
SB 821-Caskey
SB 822-Clay
SB 823-Clay
SB 824-Wiggins
SB 825-Jacob
SB 826-Jacob, et al
SB 827-Scott, et al
SB 828-DePasco
SB 829-Singleton
SB 830-Caskey
SB 831-Childers
SB 832-Childers
SB 833-Childers
SB 834-Kenney
SB 835-Staples
SB 836-Mueller
SB 837-Wiggins
SB 838-Bland
SB 839-Jacob
SB 840-Jacob
SB 841-Jacob
SB 842-Flotron
SB 843-DePasco
SB 844-Kinder
SB 845-Rohrbach
SB 846-House
SB 847-House
SB 848-Stoll and Maxwell
SB 849-Stoll
SB 850-Scott
SB 851-Wiggins and Stoll
SB 852-Flotron
SB 853-Flotron and
Wiggins
SB 854-Sims
SB 855-Kinder and Yeckel
SB 856-Maxwell
SB 857-Maxwell
SB 858-Maxwell
SB 859-Jacob
SB 860-Jacob
SB 861-Jacob
SB 862-Jacob
SB 863-Caskey
SB 864-Caskey
SB 865-Goode
SB 866-Klarich
SB 868-Stoll
SB 869-Schneider
SB 870-Schneider
SB 871-Flotron, et al
SB 872-Flotron and
Rohrbach
SB 873-Flotron
SB 874-Caskey
SB 875-Kinder
SB 876-Clay, et al
SB 877-Sims
SB 878-Schneider
SB 879-Bland
SB 880-Bland
SB 881-Wiggins
SB 882-Flotron
SB 883-Rohrbach
SB 884-Mathewson

SB 885-Mathewson
SB 886-Ehlmann
SB 887-Ehlmann
SB 888-Ehlmann
SB 889-Howard
SB 890-Howard, et al
SB 891-Howard, et al

SB 892-Quick
SB 893-Quick
SB 894-Quick
SJR 48-Goode
SJR 49-Jacob
SJR 50-Stoll

Unofficial
RESOLUTIONS

SR 1087-Bentley, et al

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