

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY—WEDNESDAY, FEBRUARY 2, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 1:3 “He shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper.”

Gracious Creator, You have kept us in touch with the well-spring of life that is You. You have refreshed us and kept us sustained with the nurturing of our souls so that we may truly live life, rooted deeply and firmly in Your promises for they give us strength, assurance, and the final victory that is also Yours. For that we thank You and sing Your praise. 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.

Photographers from the Associated Press, the Senate and Club 321 were 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

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1133, regarding the Writing Workshop with Dream Writers program at Jackson Middle School, Jackson, which was adopted.

Senator Caskey offered Senate Resolution No. 1134, regarding Michael James “Mike” Dandurand, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1135, regarding Christopher David “Chris” Dandurand, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1136, regarding Andrew Jason Audsley, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1137, regarding Alexander Lee “Alex” Mann, Higginsville, which was adopted.

Senator Caskey offered Senate Resolution No. 1138, regarding James B. “Jimmy” Gai, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1139, regarding Kevin Allen Foresman, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1140, regarding Ryan Michael Schick,

Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1141, regarding Darin Phillip Shreves, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1142, regarding Mark William Phillips, Knob Noster, which was adopted.

Senator Wiggins offered Senate resolution No. 1143, regarding the death of James J. "Jim" Murray, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1144, regarding the death of Paul G. Woolpert, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1145, regarding the death of Mr. Charles R. Eagan, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1146, regarding the death of Joseph Thomas Allin, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1147, regarding the death of Pilar Virginia "Vicki" Perez, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1148, regarding the death of Stephen Stewart "Steve" Phelps, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1149, regarding the death of John Tuasen, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1150, regarding the death of Marvin Moyer, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1151, regarding the death of Paula Novak Thoburn, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1152, regarding the death of Cecelia "Ceil" Binaggio Bates, Lake Lotawana, which was adopted.

Senator Wiggins offered Senate Resolution No. 1153, regarding the death of Harvey J. "Bud" McDonald, Jr., Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1154, regarding the death of William S. "Bill"

Huff, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1155, regarding the death of Leo Otto Sturm, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1156, regarding the death of Merlyn F. Ankrum, Raytown, which was adopted.

Senators Westfall and Mueller offered Senate Resolution No. 1157, regarding Woodrow T. (Woody) Hatfield, St. Louis, which was adopted.

INTRODUCTION OF BILLS

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

SB 947—By Sims.

An Act to repeal sections 197.405, 197.410, 197.415, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470 and 197.477, RSMo 1994, and sections 197.400 and 197.445, RSMo Supp. 1999, relating to the department of health and licensure of home care companies, and to enact in lieu thereof sixteen new sections relating to the same subject.

SB 948—By Howard.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to establishing a pilot program of public grade school instruction using military school methods.

SB 949—By Howard.

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to psychologists.

SB 950—By Schneider, Caskey, Wiggins, Klarich, House, Clay, Jacob and Steelman.

An Act to repeal section 537.600, RSMo 1994, relating to civil liability, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 549** be taken up for perfection, which motion prevailed.

Senator Quick offered **SS** for **SB 549**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 549

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

Senator Quick moved that **SS** for **SB 549** be adopted.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Clay assumed the Chair.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 549, Page 1, In the Title, Line 3, by inserting immediately after the word “fund” the following: “, with an emergency clause”; and

Further amend said bill, page 2, section 196.1014, line 13, by inserting immediately after said line the following:

“Section B. Because of the need to establish accounting for the tobacco settlement proceeds, 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.”.

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

Senator Quick moved that **SS** for **SB 549**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SS** for **SB 549**, as amended, was declared perfected and ordered printed.

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

February 1, 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:

Marion Cairns, Republican, 115 Webster Oaks Lane, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2003, and until her successor is duly appointed and qualified; vice, Madeline Longstreet, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 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:

Melinda Jurgeson Christianson, P.T., 613 Northeast St. Andrews Circle, Lee’s Summit, Jackson County, Missouri 64064, as a member of the Advisory Commission for Physical Therapists, for a term ending October 1, 2002, and until her successor is duly appointed and qualified; vice, Donna Newman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 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:

Sheilah Clarke-Ekong, Ph.D., Democrat, #2 Silveroak Court, Manchester, St. Louis County, Missouri 63021, as a public member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2002, and until her successor is duly appointed and qualified; vice, Catherine W. Keefe, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

William H. Darr, Republican, 2951 White Oak Drive, Springfield, Greene County, Missouri 65809, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2005, and until his successor is duly appointed and qualified; vice, William H. Darr, withdrawn.

Respectfully submitted,
 MEL CARNAHAN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

James "Jim" W. Hutcheson, 1140 North Chelmsworth Lane, Springfield, Greene County, Missouri 65802, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2002, and until his successor is duly appointed and qualified; vice, Greg J. Nooney, Jr., term expired.

Respectfully submitted,
 MEL CARNAHAN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

George R. Johnstone, Ph.D., 7158 State Road UU, Fulton, Callaway County, Missouri 65251, as a member of the State Committee of Psychologists, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Betty Schlesing, term expired.

Respectfully submitted,
 MEL CARNAHAN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

Bayla M. Myer, Ph.D., Republican, 14144 Ladue Road, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2005, and until her successor is duly appointed and qualified; vice, Glenda Bryant, term expired.

Respectfully submitted,
 MEL CARNAHAN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

Lynda M. Quan, LCSW, 609 Hillsboro Road, Farmington, St. Francois County, Missouri 63640, as a member of the State Committee for Social Workers, for a term ending October 2, 2003, and until her successor is duly appointed and qualified; vice, Priscilla Hornby, term expired.

Respectfully submitted,
 MEL CARNAHAN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 1, 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:

Barry D. Spoon, D.O., Republican, 2304 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Board of Registration for the Healing Arts, for a term ending

September 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

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

INTRODUCTION OF BILLS

SB 951—By Scott.

An Act to repeal sections 167.031 and 167.051, RSMo 1994, relating to compulsory attendance age for public school, and to enact in lieu thereof two new sections relating to the same subject.

SB 952—By Stoll.

An Act to repeal sections 191.900 and 191.910, RSMo 1994, relating to health care payment fraud and abuse, and to enact in lieu thereof two new sections relating to the same subject.

SB 953—By Johnson and Russell.

An Act to repeal section 172.360, RSMo 1994, relating to tuition at the University of Missouri, and to enact in lieu thereof one new section relating to the same subject.

SB 954—By Bentley and Johnson.

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SJR 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1506**, entitled:

An Act to amend chapter 196, RSMo, relating to tobacco by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Ben Counce, and his daughter, Emily, Caruthersville; and Emily was made an honorary page.

Senator Kinder introduced to the Senate, William, Shori and Jordi Ferrell and Merlin and Joyce Hagy, Sikeston; and Jordi was made an honorary page.

Senator Jacob introduced to the Senate, Michael, Jim and Penny Garrison, Columbia.

The President introduced to the Senate, his wife, Pat, and their daughter, Erin, and Marilyn Landers, Shanna Files, Jake Crowley and Chris Howe, Columbia.

Senator Russell introduced to the Senate, Lee and Bonnie Eaton, Lebanon.

Senator Singleton introduced to the Senate, Ed Dennis, Janet Garvin, Betty Cagle and Sherry Gant, Joplin.

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

Senator Bentley introduced to the Senate, Dr. Wordy Buckner and Mr. Gary Rademacher, Springfield.

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

SENATE CALENDAR

 EIGHTEENTH DAY—THURSDAY, FEBRUARY 3, 2000

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 901-Flotron, et al	SB 929-Jacob
SB 902-Mathewson	SB 930-Jacob
SB 903-Flotron	SB 931-Kinder
SB 904-Johnson	SB 932-Sims
SB 905-House	SB 933-Sims
SB 906-Singleton	SB 935-Caskey
SB 907-Caskey	SB 936-Childers
SB 908-Kenney	SB 937-Staples
SB 909-Bland	SB 938-Mueller
SB 910-Stoll	SB 939-Clay, et al
SB 911-Stoll	SB 940-Mathewson
SB 912-Jacob	SB 941-DePasco
SB 913-Ehlmann	SB 942-Rohrbach
SB 914-Schneider and House	SB 943-Yeckel, et al
SB 915-Clay	SB 944-Caskey
SB 916-Singleton and Scott	SB 945-Staples
SB 917-Maxwell	SB 946-Johnson
SB 918-Ehlmann	SB 947-Sims
SB 919-House	SB 948-Howard
SB 920-Flotron and Kenney	SB 949-Howard
SB 921-Scott	SB 950-Schneider, et al
SB 922-Scott	SB 951-Scott
SB 923-Quick	SB 952-Stoll
SB 924-Maxwell	SB 953-Johnson and Russell
SB 925-Caskey and Mathewson	SB 954-Bentley and Johnson
SB 927-Stoll	SJR 51-Flotron, et al
SB 928-Stoll	SJR 52-Johnson

HOUSE BILLS ON SECOND READING

HB 1506-VanZandt, et al

SENATE BILLS FOR PERFECTION

SJR 47-Quick, et al, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 788-Johnson

SB 669-Goode

SB 556-Mueller

SB 596-Steelman, with SCS

SB 674-Childers, with SCS

SB 657-Childers, with SCS

SB 663-Schneider

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Journal

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