

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—TUESDAY, FEBRUARY 8, 2000

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Romans 8:28 "We know that all things work together for good to them that love God."

Gracious and Merciful Father, we know that we cannot understand Your ways this day or explain them to those who demand explanations. So we wait patiently until Your purposes have been accomplished; and then beginning at the end, look backward, across the years, to see how Your Gracious Will has unfolded. Then with eyes of faith and a courageous heart we can live each day knowing that everything throughout our lives works in a heavenly harmony. So help us, O God, to walk by faith knowing all things work together for good through Your Holy Word. 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 KOMU-TV 8 and the Associated Press were given permission to take pictures in the Senate Chamber today. The Senate photographer was given permission to use flash photography.

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. 1186, regarding Robert F. Janota, Cape Girardeau, which was adopted.

Senators Westfall and Bentley offered Senate Resolution No. 1187, regarding Tom Dye, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the State of Missouri, due to its varied topography, is considered one of the most beautiful of the fifty states; and

WHEREAS, it is the obligation of Missouri citizens and tourists to help preserve this beauty; and

WHEREAS, while much attention has recently been focused on the "Adopt-A-Highway" program which is directed at collecting litter, more needs to be done to prevent littering; and

WHEREAS, the problem of littering is growing and prevention of littering is an obligation not only of Missouri citizens,

but also of the tourists in the "Show Me State"; and

WHEREAS, keeping Missouri's roadsides beautiful is an immense and huge, expensive task:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, do hereby instruct the Missouri Highway and Transportation Commission and the Department of Transportation to take immediate action to ensure that signs of appropriate size, lettering and design stating the current maximum penalty for littering be placed along the highways of the state and that any out-of-date signs be replaced; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Missouri Highway and Transportation Commission and the Department of Transportation.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 979—By Kenney.

An Act to repeal sections 455.080 and 571.090, RSMo 1994, relating to domestic violence, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 580**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 769**, begs leave to report that it has considered the same and recommends that the bill do pass and

be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 774**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 774, Page 1, Section 478.008, Line 9, by inserting immediately after the word "court" as it appears the first time on said line, the following: "**one of which shall be a public member**".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 557**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SJR 47**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Klarich moved that **SA 1** be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, In the Preamble, Line 5 of said page, by striking the word "amendment" and inserting in lieu thereof the following: "amendments in section A and section C to be presented as separate questions"; and further amend line 6 of said page, by inserting after the word "Missouri" the following: "and the amendment presented in section A or section C receiving the greater majority of votes cast for adoption shall supersede"; and

Further amend said resolution, Page 2, Section 18(f), Line 7 of said page, by inserting after the word "care" the following: "**relating to tobacco and tobacco-related illnesses**"; and further amend said line, by inserting after the word "research" the words "**and development**"; and

Further amend said resolution, Page 2, Section 18(f), Line 14 of said page, by striking the word "budget" and inserting in lieu thereof the word "**program**"; and

Further amend said resolution, Page 2, Section B, Line 18 of said page, by striking the word "revenue" and inserting in lieu thereof the word "revenues"; and

Further amend said resolution, Page 2, Section B, Line 19 of said page, by inserting after the word "research" the words "and development"; and

Further amend said resolution, Page 2, Section B, Line 22 of said page, by striking the word "budget" and inserting in lieu thereof the word "program"; and

Further amend said resolution, Page 3, Section B, Line 3 of said page, by inserting after all of said line the following:

"Section C. Article X, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 18(f), to read as follows:

Section 18(f). All moneys received by the

state of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the state of Missouri and any company which manufactures, sells or promotes tobacco or tobacco products shall be deposited into the Missouri tobacco settlement trust fund, and shall be included in "total state revenues" as defined in section 17 of this article. Tobacco proceeds which do not exceed the revenue limit established in section 18 of this article shall be subject to appropriation by the General Assembly for the following purposes only:

(1) Sixty percent of the moneys shall be used for health care relating to tobacco and tobacco-related illnesses, and health research and development;

(2) Twenty percent of the moneys shall be used for smoking and substance abuse education, prevention and cessation; and

(3) Twenty percent of the moneys shall be deposited into the "Emergency Budget Reserve Fund", which is hereby created in the state treasury and, upon two-thirds vote of the members elected to each house, shall be used to address any state emergency, natural disaster or program deficit.

Section D. Pursuant to section 116.155, RSMo, the official ballot title shall be:

"Shall the tobacco proceeds be included in total state revenues, and proceeds which do not exceed the revenue limit be used exclusively for the following purposes: 60% for health care relating to tobacco and tobacco-related illnesses, and health research and development; 20% for smoking and substance abuse initiatives; and 20% to address state emergencies, natural disasters and program deficits?"

Pursuant to section 116.155, RSMo, the fiscal note summary shall be:

"Approval of this ballot measure may result in increased revenues of a projected maximum of one hundred fifty-eight million dollars per year to one hundred ninety million dollars per year at no additional cost to taxpayers which shall be subject

to constitutional revenue limits."".

Senator Klarich moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

The Senate stood in a moment of silence in memory of Kansas City Chiefs linebacker Derrick Thomas.

Senator Mathewson assumed the Chair.

Senator Quick offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, Section 18(f), Lines 9-11, by deleting all of said lines, and inserting in lieu thereof "7, by inserting after the word "research" the words"; and

Further amend said amendment, page 2, line 25, by deleting "**relating to tobacco and tobacco-related illnesses**"; and

Further amend said amendment, page 3, line 13, by deleting "relating to tobacco and tobacco-related illnesses,".

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

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

INTRODUCTION OF BILLS

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

SB 980—By Jacob.

An Act to repeal section 565.090, RSMo 1994, and sections 455.010, 455.050, 455.523, 455.543, 455.545, 491.060 and 565.063, RSMo Supp. 1999, relating to domestic violence, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 981—By Jacob.

An Act to amend chapter 313, RSMo, relating to funding of higher education with video gaming revenues by adding thereto eight new sections relating to the same subject, with penalty provisions.

SB 982—By Westfall.

An Act to repeal sections 252.030 and 252.040, RSMo 1994, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

SB 983—By Goode.

An Act to repeal sections 640.220, 644.016, 644.021, 644.036, 644.052, 644.053, 644.054, 644.056, 644.061, 644.066, 644.071 and 644.076, RSMo 1994, and sections 644.026 and 644.051, RSMo Supp. 1999, relating to clean water, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 984—By Maxwell and Bland.

An Act to repeal section 375.936, RSMo 1994, and section 376.383, RSMo Supp. 1999, relating to health insurer practices, and to enact in lieu thereof two new sections relating to the same subject.

SB 985—By Maxwell.

An Act to authorize the conveyance of state property to the Optimist Club Foundation of Mexico Missouri, Inc.

SB 986—By Kenney, Wiggins, DePasco, Bland, Johnson and Bentley.

An Act to amend chapter 172, RSMo, by adding thereto five new sections relating to the University of Missouri.

SB 987—By Ehlmann.

An Act to amend chapters 27, 162, 163, 168, 170 and 171, RSMo, by adding thereto eleven new sections relating to school district operations.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 719**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

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

SB 901—Public Health and Welfare.

SB 902—Local Government and Economic Development.

SB 903—Ways and Means.

SB 904—Local Government and Economic Development.

SB 905—Public Health and Welfare.

SB 906—Labor and Industrial Relations.

SB 907—Civil and Criminal Jurisprudence.

SB 908—Ways and Means.

SB 909—Ways and Means.

SB 910—Pensions and General Laws.

SB 911—Education.

SB 912—Insurance and Housing.

SB 913—Commerce and Environment.

SB 914—Judiciary.

SB 915—Financial and Governmental Organization.

SB 916—Civil and Criminal Jurisprudence.

SB 917—Financial and Governmental Organization.

SB 918—Education.

SB 919—Education.

SB 920—Ways and Means.

SB 921—Public Health and Welfare.

SB 922—Pensions and General Laws.

SB 923—Public Health and Welfare.

SB 924—Local Government and Economic Development.

SB 925—Agriculture, Conservation, Parks and Tourism.

SB 927—Education.

SB 928—Pensions and General Laws.

SB 929—Insurance and Housing.

SB 930—Insurance and Housing.

SB 931—Education.

SB 932—Public Health and Welfare.

SB 933—Education.

SB 935—Local Government and Economic Development.

SB 936—Ways and Means.

SB 937—Public Health and Welfare.

SB 938—Pensions and General Laws.

SB 939—Labor and Industrial Relations.

SB 940—Local Government and Economic Development.

SB 941—Civil and Criminal Jurisprudence.

SB 942—Civil and Criminal Jurisprudence.

SB 943—Public Health and Welfare.

SB 944—Civil and Criminal Jurisprudence.

SB 945—Pensions and General Laws.

SB 946—Local Government and Economic Development.

SB 947—Public Health and Welfare.

SB 948—Education.

SB 949—Aging, Families and Mental Health.

SB 950—Judiciary.

SJR 52—Judiciary.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 1188, regarding Joan Lipkin, St. Louis, which was adopted.

COMMUNICATIONS

Senator Ehlmann submitted the following:

February 8, 2000

Terry L. Spieler
Senate Secretary
Missouri Senate
State Capitol Building
Jefferson City, MO 65101
Re: Senate Bill No. 752

Dear Ms. Spieler:

Under the provisions of Senate Rule 45, I find Senate Bill 752, relating to the election process for school board in St. Louis City, to be controversial in nature. I, therefore, respectfully request that it be returned to the Senate Education Committee.

Thank you for your assistance.

Sincerely yours,

/s/ Steve Ehlmann
Steven E. Ehlmann

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Mark Lamping, President of the St. Louis Cardinals.

The President introduced to the Senate, Marco Tapia, Boone County.

Senator Kinder introduced to the Senate, Tommy Petzoldt, Frohna.

Senator Rohrbach introduced to the Senate, Jon Smith, Mountain View; Randy Mueller, Old Monroe; Carl Barnes, Potosi; Richard Landers, Poplar Bluff; Tim Holden, Dexter; Bob Gossett, Roswell, Georgia; Steve Arnold, Chillicothe; Mark Cardwell, Novelty; Mr. and Mrs. John R. Johnson, Galena; Robert L. Krepps, Jefferson City; John P. Slusher, Columbia; Doyle Frost, Winona; and Cory Ridenhour.

Senator Singleton introduced to the Senate, Charlotte McClure and Dewayne Phelan, Joplin.

Senator Mathewson introduced to the Senate, Rick Carpenter and the 1999 State Fair Community College National Championship Soccer Team.

Senator Singleton introduced to the Senate, Julie Renouvel, France; and Nancy Hardy, Joplin.

Senator Jacob introduced to the Senate, the Physician of the Day, L. Wayne Hess, M.D., Columbia.

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

SENATE CALENDAR

TWENTY-FIRST DAY—WEDNESDAY, FEBRUARY 9, 2000

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 951-Scott
SB 952-Stoll
SB 953-Johnson and
Russell
SB 954-Bentley and
Johnson
SB 955-Mathewson, et al

SB 956-Flotron and Goode
SB 957-Johnson and Quick
SB 958-Sims
SB 959-Howard
SB 960-Howard and Maxwell
SB 961-Stoll and Maxwell
SB 962-Bentley

SB 963-Kenney
SB 964-Jacob
SB 965-Childers
SB 966-Kinder
SB 967-Maxwell
SB 968-Maxwell and
Mathewson
SB 969-Wiggins and Childers
SB 970-Flotron
SB 971-Jacob
SB 972-Bland
SB 973-Schneider
SB 974-Bentley
SB 975-DePasco

SB 976-Sims, et al
SB 977-Kinder
SB 978-House
SB 979-Kenney
SB 980-Jacob
SB 981-Jacob
SB 982-Westfall
SB 983-Goode
SB 984-Maxwell and Bland
SB 985-Maxwell
SB 986-Kenney, et al
SB 987-Ehlmann
SJR 51-Flotron, et al

HOUSE BILLS ON SECOND READING

HB 1506-VanZandt, et al

HJR 43-Barry, et al

THIRD READING OF SENATE BILLS

SCS for SB 719-Wiggins, et al

SENATE BILLS FOR PERFECTION

SBs 934, 546, 578, 579 &
782-Caskey, with SCS
SBs 867 & 552-Maxwell,
with SCS
SB 610-Staples and DePasco
SB 576-Maxwell and
Howard

SBs 757 & 602-Maxwell,
with SCS
SB 756-Caskey, with SCS
SJRs 45 & 41-House,
with SCS
SB 618-Rohrbach, with SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1
& SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 788-Johnson
SB 669-Goode
SB 556-Mueller

SB 596-Steelman, with SCS
SB 657-Childers, with SCS
SB 663-Schneider

Unofficial
Reported 2/7

SB 810-Goode
SBs 617 & 646-Johnson,
with SCS
SB 642-Schneider and
Wiggins
SB 616-Johnson

SB 724-Rohrbach
SB 540-Mathewson, with
SCS
SB 709-DePasco, with
SCA 1
SB 734-Stoll

Journal

Reported 2/8

SB 580-Westfall
SB 722-Caskey
SB 769-DePasco and
Wiggins
SB 774-Caskey, with SCA 1

SB 537-Russell
SB 856-Maxwell
SB 557-Mueller, with SCS
SB 779-Mathewson and
Johnson, with SCS

Copy

RESOLUTIONS

SR 1185-Schneider

To be Referred

SCR 25-DePasco

Reported from Committee

SR 1035-Steelman