

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY—WEDNESDAY, FEBRUARY 16, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Philippians 4:4: "Rejoice in the Lord always, and again I say, Rejoice."

Gracious God, we hear we are to "Rejoice in You," that our lives are to be one of planned joy. So we are to rejoice because the most rapturous moments of our life still lie ahead of us. We know we will confront thorns and difficulties but we also know that we will have times when Your light shines through to us. We know that You have promised to be with us always even to the ends of the earth and therefore Your presence is a pleasure to us forevermore; it is something we can plan to enjoy forevermore. 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 KRCG-TV, the Columbia Missourian, KYTV-3 and the Associated Press 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	Quick
Rohrbach	Russell	Schneider	Sims

Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent with leave—Senators
Mueller Scott—2

Vacancies—1

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Russell offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1222

WHEREAS, the members of the Missouri Senate always enjoy acknowledging those high school teams that have proven themselves to be top contenders in statewide athletic competition which assists in the development of healthy bodies and sound minds and which helps prepare young citizens for the challenges of both today and tomorrow; and

WHEREAS, the Camdenton High School Lakers 4A football team performed admirably all season long in the best traditions of the school which enjoys a fine reputation for ensuring its student athletes are well trained, superbly coached, and highly motivated; and

WHEREAS, in a truly impressive and heart-felt athletic endeavor, the Lakers captured their fourth State Championship Title during a 15 to 14 victory over Helias High School at the TWA Dome on November 27, 1999; and

WHEREAS, in addition to their status as the 1999 4A State Football Champions, the Lakers enjoyed an exceptional 14-0 undefeated season; and

WHEREAS, the Lakers Head Coach Bob Shore is distinguished with an exemplary 269-67-3 overall-all record during a twenty-five-year-long tenure as head coach at Camdenton; and

WHEREAS, admirably coached by Bob Shore with assistance from Mike Silverwood, Jim Pirch, Joe Borghardt, Lance Foulk, and

Jeff Shore, the Lakers' season-long achievements utilized varsity and junior varsity contributions from Jay Jones, Ryan McGuire, Bobby Mooney, Mark Blair, Matt Brock, Ryan Brodecker, Travis Faulconer, Brian Summer, Jay Webb, J.J. Madison, Steve Miller, Bryce Spradling, Jeremy Brodecker, Tom Scott, Robby Alexander, Barrett Dickemann, Coby Emry, Luke McDowell, Roger Kure, David Ginnings, Ryan Talbott, J.R. Skola, Cole Glascock, Greg Webster, Nick Bruck, Cliff Bruck, Kyle Geiger, Zachary Boyd, Aaron Dickemann, Derik Osborn, Blake Skola, Dan McKay, Jeff Weaver, Brett Edison, Jimmy Boulware, Kyle Arnold, Jason Nogar, KenGene McGuire, Phil Doner, Brock Ezard, Jack Wilson, Eric Oshel, Ryan Calvino, Brandon Vogeler, Craig Horrighs, Brian Loeb, David Coffey, Ryan Bearden, Chris Hyde, Dustin Cartwright, Kyle Clark, Robin Smith, Aaron Burns, Mason Roam, Darryll Euler, Josh Hull, Aaron Strohkirch, Willie Burns, Ryan Hamilton, Tom Hughes, and R.J. Hayes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to applaud the impressive achievements of the Camdenton Lakers football team as it rightfully claimed a First Place standing at the Class 4A Missouri State High School Activities Association Football Championships; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the 1999 State Champion Camdenton High School Lakers football team.

Senator Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1223

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2000, the American Legion Auxiliary, Department of Missouri, is conducting the Fifty-ninth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, hereby grant the adult leaders and participants of the Fifty-ninth Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 27, 2000.

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, the United States of America observes a "Mother's Day", a "Father's Day" and a "Grandparents Day"; and

WHEREAS, these special observances are also recognized each year in the great State of Missouri; and

WHEREAS, children, education, "Drug Free" programs and many other legislative programs designated for the benefit of children and teens are a priority for the members of this General Assembly and all Missourians; and

WHEREAS, many issues confronting young people today are a direct result of children not receiving enough affirmation, personal attention and quality time from adults and organizations; and

WHEREAS, September is a month now remembered by many for the lives and work and service on behalf of children of Mother Teresa and Princess Diana; and

WHEREAS, it is also the month many of our children return to school; a month in which organizations recognize children for growing older and passing into a higher instruction period of their lives; and

WHEREAS, it is fitting that we pause in our deliberations to designate a day in honor of our children:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, hereby join unanimously in honoring the children of Missouri, by designating each third Saturday in September as "Children's Day" in Missouri; and

BE IT FURTHER RESOLVED, that Children's Day celebrations may vary with families, schools, churches, synagogues and other organizations, but affirming children and youth and quality time spent with children and youth should be an important part of "Children's Day".

BE IT FURTHER RESOLVED, that in designating this day in honor of our youth, we also strongly encourage other states, our country and other countries to designate the third Saturday in September as "Children's Day"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution to the Governor.

INTRODUCTION OF BILLS

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

SB 1019—By Rohrbach.

An Act to repeal sections 375.1168, 375.1176 and 375.1182, RSMo 1994, relating to

rehabilitation and liquidation of insurers, and to enact in lieu thereof three new sections relating to the same subject.

SB 1020—By Bentley.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the Payne Stewart Highway.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 1114—Appropriations.

Senator Johnson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SJR 47**, with **SCS, SS for SCS, SA 1, SSA 1 for SA 1 and SA 5 to SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 to SSA 1 for SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 6 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 6 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, Line 12, by inserting after all of said line the following: “And further amend said resolution, page 2, lines 12-13, by striking the following: “upon two-thirds vote of the members elected to each house,”; and further amend said amendment and page, line 15, by inserting after all of said line the following: “And further amend said resolution, page 2, line 14, by inserting after said line the following:

“4. Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of future interest in any settlement proceeds for current valuation. In the event of

such authorization, the state treasurer may invest any resulting proceeds as the treasurer determines to be reasonably prudent and as determined by law. Subject to the percentages set forth in this section, the general assembly may further limit the appropriation of the moneys in the fund to the earnings resulting from such investment.” ”.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 7 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 7 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 2, Section 18(f), Line 20, by inserting after the word “article.” the following: **“Any refund made pursuant to this Article shall be funded by a proportionate amount from the Tobacco Settlement Trust Fund.”**.

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

Senator Klarich offered **SA 8 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 8 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, by inserting at the beginning of the amendment the following:

“Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 1, in the Preamble, by deleting lines 1 through 4 in their entirety and inserting in lieu thereof the following: “that at the primary election day in August 2000, there is hereby submitted to the qualified voters”; and

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

Senator Steelman offered **SA 9** to **SSA 1** for **SA 1**, which was read:

**SENATE AMENDMENT NO. 9 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 3, Section 18(f), Subsection 3, Lines 3-7 of said amendment, by striking all of said lines and inserting in lieu thereof the following:

“(3) 20 percent to fund programs or activities designed to provide assistance for persons age sixty-five or over for the purpose of meeting the costs of purchasing prescription drugs.”; and

Further amend said amendment, Page 3, Section D, Lines 15-16 of said amendment, by striking the following: **“20 percent to address state emergencies, natural disasters and program deficits?”** and inserting in lieu thereof the following: **“20 percent to provide prescription medication to the elderly.”**

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Childers, Jacob, Westfall and Wiggins.

Senator Johnson assumed the Chair.

SA 9 to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Bland	Ehlmann	Jacob	Kenney
Kinder	Rohrbach	Russell	Sims
Stelman	Westfall—10		

NAYS—Senators

Bentley	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Klarich	Mathewson
Maxwell	Quick	Schneider	Singleton
Staples	Stoll	Wiggins—19	

Absent—Senators

Clay	Yeckel—2
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Absent with leave—Senators

Mueller	Scott—2
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Vacancies—1

Senator Ehlmann offered **SA 10** to **SSA 1** for **SA 1**:

**SENATE AMENDMENT NO. 10 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, Line 14, by adding an “s” to the word “word” in that line and adding after the word “budget” the word “deficit” and deleting on lines 14 and 15, the words “and inserting in lieu thereof the word “program.””; and

Further amend page 2, line 6, by adding an “s” to the word “word” in that line and adding after the word “budget” the word “deficit” and deleting on lines 6 and 7 the words “and inserting in lieu thereof the word “program.””; further amend page 3, line 7, by deleting the words “or program deficit”.

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

Senator Ehlmann offered **SA 11** to **SSA 1** for **SA 1**, which was read:

**SENATE AMENDMENT NO. 11 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 3, Line 7 of said amendment, by inserting after “deficit.” the following: **“Moneys allocated in this section any fiscal year shall be used to supplement and shall not supplant the amounts appropriated for these purposes for fiscal year 2001.”**

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Sims and Steelman.

Senator Mathewson assumed the Chair.

SA 11 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Graves
Kenney	Kinder	Sims	Singleton
Steelman	Westfall—10		

NAYS—Senators

Bland	Caskey	Clay	DePasco
Flotron	Goode	House	Howard
Jacob	Johnson	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Stoll	Wiggins—18		

Absent—Senators

Schneider	Staples	Yeckel—3
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Absent with leave—Senators

Mueller	Scott—2
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Vacancies—1

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 12 to SSA 1 for SA 1**, which was read:

**SENATE AMENDMENT NO. 12 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 3, Line 7 of said amendment, by inserting after “deficit.” the following: **“Any patent granted to any entity receiving moneys from the Missouri tobacco settlement trust fund shall become the property of the state of Missouri. No entity shall be eligible to receive moneys from the fund without first entering into a written agreement with the state that the entity shall apply for any available patent for the benefit of the state.”**

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Klarich offered **SA 13 to SSA 1 for SA 1**, which was read:

**SENATE AMENDMENT NO. 13 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 3, Lines 19-20, by striking “may result in increased revenues” and inserting in lieu thereof the following: “makes tobacco settlement proceeds subject to constitutional revenue limits in an amount”; and

Further amend said amendment, page 3, lines 22-23, by striking “which shall be subject to constitutional revenue limits”.

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

SSA 1 for SA 1, as amended, was again taken up.

Senator Klarich was recognized to close.

Senator Ehlmann inquired of Senator Klarich regarding offering of additional amendments.

Senator Klarich inquired of Senator Quick as to whether he should yield for offering of further amendments or proceed with his closing remarks.

Senator Quick asked that the bill be placed on the Informal Calendar.

Senator Caskey raised the point of order that once a Senator is recognized to close, he may not yield for further amendments or for the bill to be placed on the Informal Calendar, but for inquiry only.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1224, regarding the Aurora Future Farmers of America, which was adopted.

Senator Caskey offered Senate Resolution No. 1225, regarding Landon Robert Foreman, Harrisonville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Ron Hendricks, R.C. Worthan, Bob Shore, the assistant coaches and members of the Camdenton High School 1999 Class 4-A State Championship Football Team.

Senator Sims introduced to the Senate, Sarah Cable, Webb City.

Senator Kenney introduced to the Senate, Chris Hall, Webb City.

Senator Stoll introduced to the Senate, Tyler Coble, Webb City.

Senator Singleton introduced to the Senate, Kelli Cragin, Webb City.

Senator Yeckel introduced to the Senate, Janet Hunt, St. Louis.

Senator Maxwell introduced to the Senate, Jeremy Hollingshead, Joplin.

On behalf of Senator Johnson, the President introduced to the Senate, Josh Friel, Webb City.

Senator Howard introduced to the Senate, Dale Norris, Barbara Cunningham, Holly Kingree, Theresa Johnson and eighth grade students from Fisk Middle School, Twin Rivers; and Cristen Acre, Joe Cravens, Julie Dunn and Kevin Cunningham were made honorary pages.

Senator Caskey introduced to the Senate, Jerry Cornelius and members of the Rich Hill 1999 Class 1-A State Championship Football Team.

On behalf of Senator Bland and himself, Senator Childers introduced to the Senate, Carol Fitzmaurice, Theresa Morgan, Jean John, Doris Holman and Carol Conway, Douglas County.

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

Journal

SENATE CALENDAR

TWENTY-SIXTH DAY—THURSDAY, FEBRUARY 17, 2000

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1001-Wiggins
 SRB 1002-Wiggins
 SB 1003-Wiggins
 SB 1004-Schneider and
 Wiggins
 SB 1005-Schneider
 SB 1006-Yeckel
 SB 1007-Scott
 SB 1008-Scott
 SB 1009-Bentley
 SB 1010-Childers and Caskey

SB 1011-Singleton
 SB 1012-Singleton
 SB 1013-Stoll
 SB 1014-Stoll
 SB 1015-Wiggins and DePasco
 SB 1016-Jacob, et al
 SB 1017-Mathewson, et al
 SB 1018-Bentley
 SB 1019-Rohrbach
 SB 1020-Bentley

HOUSE BILLS ON SECOND READING

HB 1506-VanZandt, et al
HJR 43-Barry, et al
HB 1363-Bray, et al

HCS for HB 1144
HB 1321-Relford, et al
HCS for HB 1142

SENATE BILLS FOR PERFECTION

SB 576-Maxwell and Howard
SBs 757 & 602-Maxwell,
with SCS
SB 756-Caskey, with SCS

SJR 45 & 41-House,
with SCS
SB 618-Rohrbach, with SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 610-Staples and
DePasco, with SA 3
(pending)
SBs 867 & 552-Maxwell,
with SCS, SS for SCS,
SA 4 & SA 1 to SA 4
(pending)

SBs 934, 546, 578, 579 &
782-Caskey, with SCS, SS for SCS,
SA 3 & SSA 2 for SA 3 (pending)
SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & point
of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 540-Mathewson, with
SCS

SB 709-DePasco, with SCA 1
(In Budget Control)

Reported 2/8

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

Reported 2/14

SB 821-Caskey, with SCA 1
SB 746-Johnson, with SCS
SB 883-Rohrbach, with SCS
SB 685-Bland, with SCS
SB 765-Kenney, with SCS

SB 643-Schneider
SB 836-Mueller
SB 877-Sims
SB 573-House

Unofficial

Reported 2/15

SB 743-Klarich, with SCA 1
SB 816-Stoll
SB 804-Yeckel

SB 727-Goode and Bentley
SB 703-Steelman
SB 740-Wiggins

Journal
RESOLUTIONS

SR 1185-Schneider

SR 1204-Goode

To be Referred

SCR 26-Howard

Copy

Reported from Committee

SR 1035-Steelman