

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY—MONDAY, MARCH 13, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

The Zen Masters teach: "You can never put your finger into a rushing stream twice in the same spot."

Gracious God, by Your grace You teach us to let the past be the past; to let our failures and errors that have been forgiven go and float down the flowing stream of life. We are to let hard feelings and angry words go for they will only tie us to the past. You teach us to be open to what is and what will come. So help us therefore to do more good with our lives as we begin this new week, letting go of past hindrances and respond to the opportunities You present before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SENATE PRO TEM
Honorable Edward Quick
Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 5th Senatorial District in the State of Missouri, on the 7th day of March, 2000, as provided by law, the following named person was elected to the office of State Senator, 5th Senatorial District as shown by the election results certified to this office by the election authority of the 5th Senatorial District.

Name

Paula J. Carter
5936 Summit
St. Louis, MO 63147

Office

State Senator
5th Senatorial District

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 9th day of March, 2000.

(Seal) Rebecca McDowell Cook
Secretary of State

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

The Journal for Thursday, March 9, 2000, was read and approved.

Photographers from KRCG-TV 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	Carter	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
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Staples—1

The Lieutenant Governor was present.

RESOLUTIONS

Senators Kenney and Caskey offered Senate Resolution No. 1341, regarding James Milton Earll, Nevada, which was adopted.

Senator Schneider offered Senate Resolution No. 1342, regarding John Charles Meyer, Florissant, which was adopted.

Senator Maxwell offered Senate Resolution No. 1343, regarding Hannibal, Missouri, a Disaster Resistant Community, which was adopted.

Senator Schneider offered Senate Resolution No. 1344, regarding Tina Rose Martin, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1345, regarding Imogene Donahue, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 1346, regarding Jeremy Wayne Friesz, Harrisonville, which was adopted.

Senator Kenney offered Senate Resolution No. 1347, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Bernie Kanies, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1348, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orville R. Abney, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1349, regarding William James "Billy" Truschke, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1350, regarding Austin Frank Hollingshead, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1351, regarding Joshua Wayne "Josh" Strickland, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1352, regarding John Frederick Hobbs, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1353, regarding Benjamin Charles "Ben" Foss, Lee's Summit, which was adopted.

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 683**, 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.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1053**, 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 Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 974**, 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 Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 936**, 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. 936, Page 1, Section 144.157, Line 2, by inserting after the word "sections" as it appears the first time in the sentence, the following: "**67.1170 to 67.1180**,".

SENATE BILLS FOR PERFECTION

SB 577, with **SCS**, was placed on the Informal Calendar.

Senator Goode moved that **SJR 46**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 46

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to utility taxation and adopting one new section relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SJR 46** be adopted.

Senator Wiggins assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 46, Page 2, Section 25, Lines 28-29, by striking all of said lines and inserting in lieu thereof the following: "**replaced as if the replaced tax applied in the base year to charges for natural gas as provided by law.**"; and

Further amend said resolution, Page 2, Section 25, Line 30, by inserting after "(b)" the following: "**Subsequent tax rate changes of any replacement tax authorized pursuant to this section above the rate initially authorized as provided herein shall be subject to the provisions of article X, section 22 of this constitution requiring voter approval.**".

Senator Goode moved that the above amendment be adopted.

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

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

Amend Senate Committee Substitute for Senate Joint Resolution No. 46, Page 1, Section 25, Line 2, by striking the words "**and natural gas**"; and

Further amend said bill, Page 1, Section 25, Lines 6 and 7, by striking all of said lines and inserting in lieu thereof the following: "**from sales of electricity, including license or occupational taxes; franchise fees based on gross receipts from sales of electricity; local**"; and

Further amend said bill, Page 1, Section 25, Line 9, by striking the words "**and natural gas**"; and

Further amend said bill, Page 2, Section 25, Lines 15 and 16, by striking all of said lines and inserting in lieu thereof the following: "**other person who delivers electricity to the user, or upon the user if the electricity is received other than from a distributor or other person**"; and

Further amend said bill, Page 2, Section 25, Lines 21 through 29, by striking all of said lines and inserting in lieu thereof the following: "**as provided by law, for each generally recognized group of like users.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Maxwell moved that **SSA 1** for **SA 1** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kenney and Klarich.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Clay
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Maxwell
Mueller	Quick	Russell	Scott
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Bentley	Childers	DePasco	Ehlmann
Flotron	Goode	Johnson	Mathewson
Rohrbach	Schneider	Westfall—11	

Absent—Senators—None

Absent with leave—Senator Staples—1

At the request of Senator Goode, **SJR 46**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1354

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Menefee D. Blackwell, of Kansas City; and

WHEREAS, Mr. Blackwell, a native of Lexington, Missouri, was one of Kansas City's most distinguished and most highly respected lawyers; and

WHEREAS, Mr. Blackwell graduated from the University of Missouri-Columbia with an AB Degree in 1936; and

WHEREAS, Mr. Blackwell graduated from the University of Michigan School of Law in 1939 with a JD Degree and was also admitted to practice in Missouri in 1939; and

WHEREAS, Mr. Blackwell, during his undergraduate and law school careers, was a member of both Phi Beta Kappa and the Order of the Coif, the two highest honors available for individual scholastic achievement in any University then or now; and

WHEREAS, Mr. Blackwell distinguished himself among all lawyers in Kansas City and Missouri, wherein he was held in universal respect and admiration and was the distinguished senior partner and later of counsel for the firm of Blackwell, Sanders, Peper, Martin, one of the premier firms in Kansas City, Missouri with the reputation for its excellence and integrity:

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, Menefee D. Blackwell, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and the legal profession, and to extend to his family, legal associates and many 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 the family of Menefee D. Blackwell and Blackwell, Sanders, Peper, Martin.

REFERRALS

President Pro Tem Quick referred **SCR 31** to the Committee on Rules, Joint Rules and Resolutions.

CONCURRENT RESOLUTIONS

Senators Maxwell and Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW THEREFORE BE IT RESOLVED, by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the Missouri House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the United States Congress from Missouri with request that it be printed in the Congressional Record.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

March 10, 2000

The Honorable Paula Carter
Missouri Senate
Capitol Building, Room 323
Jefferson City, MO 65101

Dear Senator Carter:

It is my pleasure to appoint you to the Senate Insurance and Housing and Senate Judiciary standing committees.

I look forward to working with you throughout this legislative session.

Sincerely,

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

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Rachael and Elsa, Ballwin; and Laura, Gregory and Linda Geremia, Jefferson City; and Rachael, Elsa, Laura and Gregory were made honorary pages.

Senator Childers introduced to the Senate, Amber Simms, Jeremy Chapman, Melissa White, Tessa Timmons, Taylor Harness, Ashley Calloway, Matt Gouldsmith and Jeremy Denham, Reeds Spring.

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

SENATE CALENDAR

FORTIETH DAY—TUESDAY, MARCH 14, 2000

FORMAL CALENDAR

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
HCS for HB 1074
HB 1186-Gratz and Vogel
HS for HCS for HBs 1215 & 1240-Smith
HB 1452-Foley and Levin

HS for HCS for HB 1742-Koller
HB 1376-Farnen
HS for HCS for HB 1254-Kissell
HCS for HB 1644
HB 1443-Koller
HCS for HB 1737
HB 1082-Crump
HB 1292-Auer
HB 1353-Farnen
HB 1185-Gratz and Vogel

THIRD READING OF SENATE BILLS

SB 858-Maxwell

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| <p>1. SBs 807, 553, 574,
614, 747 & 860-
Jacob, with SCS</p> <p>2. SBs 771, 849 & 822-
DePasco, with SCS</p> <p>3. SJR 35-Goode, et al</p> <p>4. SB 803-Goode, et al,
with SCS</p> <p>5. SJR 53-Quick</p> <p>6. SB 697-Schneider,
with SCS</p> <p>7. SB 604-Wiggins</p> <p>8. SB 850-Scott</p> <p>9. SB 1049-Caskey, et al</p> <p>10. SB 944-Caskey, with
SCAs 1 & 2</p> <p>11. SB 802-Goode, et al,
with SCS</p> <p>12. SB 1017-Mathewson, et
al, with SCAs 1 & 2</p> <p>13. SB 744-Klarich</p> <p>14. SB 957-Johnson and
Quick, with SCS</p> <p>15. SB 925-Caskey and
Mathewson, with SCS</p> <p>16. SB 772-Goode</p> <p>17. SB 926-Stoll and
House, with SCS</p> | <p>18. SB 826-Jacob, et al, with SCS</p> <p>19. SB 930-Jacob, with SCS</p> <p>20. SJR 50-Stoll</p> <p>21. SB 885-Mathewson,
with SCS</p> <p>22. SB 902-Mathewson</p> <p>23. SB 720-Caskey</p> <p>24. SB 980-Jacob, with SCS</p> <p>25. SB 1016-Jacob, et al</p> <p>26. SB 851-Wiggins and Stoll</p> <p>27. SB 817-Stoll, with SCS</p> <p>28. SB 830-Caskey</p> <p>29. SB 892-Quick</p> <p>30. SB 793-Staples, with SCS</p> <p>31. SBs 959 & 598-Howard,
with SCS</p> <p>32. SB 954-Bentley and
Johnson, with SCS</p> <p>33. SBs 1027 & 815-Sims,
with SCS</p> <p>34. SBs 538 & 565-Russell,
with SCS</p> <p>35. SBs 584, 539, 630,
777, 796, 918 &
927-Bentley, with SCS</p> <p>36. SBs 818 & 564-Maxwell
and Kinder, with SCS</p> |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <p>SBs 545, 628, 647, 728,
834 & 832-Staples,
with SCS (pending)</p> <p>SB 577-Maxwell, with SCS</p> <p>SB 597-Steelman, with SCS
& SA 2 (pending)</p> <p>SBs 599 & 531-Schneider,
with SCS (pending)</p> | <p>SB 610-Staples and
DePasco, with SA 3
(pending)</p> <p>SBs 678 & 742-Schneider,
with SCS, SS for SCS,
SA 5, SA 4 to SA 5 &
SA 2 (reconsidered)
(pending)</p> |
|---|---|

SB 729-House, with SCS,
SA 1 & SA 2 to SA 1
(pending)
SB 763-Howard, with SCS &
SS for SCS (pending)
SB 813-House, with SS &
SA 5 (pending)
SB 827-Scott, et al, with
SS & SA 2 (pending)
SBs 934, 546, 578, 579 &
782-Caskey, with SCS &
SS#2 for SCS (pending)

SJR 31-Schneider
SJRs 45 & 41-House, with
SCS (pending)
SJR 46-Goode, et al, with
SCS (pending)
SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & point
of order (pending)

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CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

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Reported 2/28

SB 921-Scott
SB 976-Sims, et al, with SCS
SB 985-Maxwell, with SCA 1

SB 806-Jacob, with SCS
SB 555-Singleton

Reported 2/29

SB 915-Clay

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SB 896-Klarich, with SCS

Reported 3/6

SRB 1001-Wiggins
SRB 1002-Wiggins
SB 940-Mathewson, with SCS

SB 953-Johnson and Russell
SB 961-Stoll and Maxwell

Reported 3/7

SB 703-Steelman, with SCS
SB 530-Schneider, with SCS
SB 754-Graves, with SCS
SB 1015-Wiggins and
DePasco, with SCS

SB 1013-Stoll, with SCS
SB 1036-Johnson, with SCS
SB 1037-Bentley

Reported 3/13

SB 683-Childers, with SCS
SB 1053-Goode, et al

SB 974-Bentley
SB 936-Childers, with SCA 1

RESOLUTIONS

SR 1337-Schneider
SR 1338-Flotron

SR 1204-Goode

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To be Referred

SCR 32-Maxwell and Bland

Reported from Committee

SR 1034-Schneider

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