

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY—MONDAY, MARCH 27, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Grow in grace and in the knowledge of our Lord...” 2 Peter 3:18

Heavenly Father, we thank You for the opportunities for rest and relaxation You have afforded us this past week. And although with some difficulty we shift gears help us be ready to take on the duties and obligations of the closing half of this session. We pray Your Spirit may help us keep our hearts open to Your leading us and will encourage us to speak the truth in love and vote from our heart on the things that lighten the load of the downtrodden of our state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journals for Thursday, March 16, 2000, and Wednesday, March 22, 2000, were read and approved.

Photographers from KOMU-TV and the Associated Press 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	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—Senator Clay—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1399, regarding Three Rivers Community College, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 1400, regarding National Community College Month, which was adopted.

Senator Graves offered Senate Resolution No. 1401, regarding Crestview Home Nursing of Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1402, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harrison Mutz, Jr., Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 1403, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wade Bryson, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1404, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. John W. Smith, Springfield, which was adopted.

Senator Graves offered Senate Resolution No. 1405, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Roy Forbes, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1406, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Pfeiffer, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 1407, regarding Don Mobley, Rock Port, which was adopted.

Senator Yeckel offered Senate Resolution No. 1408, regarding Shawn Edward Hughes, Lemay, which was adopted.

Senator Russell offered Senate Resolution No. 1409, regarding Robert Lee "Bob" Peterson, Mountain Grove, which was adopted.

Senators Klarich and House offered Senate Resolution No. 1410, regarding Missouri State Highway Patrol Officer J. S. Graue, O'Fallon, which was adopted.

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 **SS** for **SB 813**, 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.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 771**, **SB 849** and **SB 822**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 771, 849** and **822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 771, 849 and 822

An Act to repeal sections 700.015, 700.025, 700.045, 700.050 and 700.090, RSMo Supp. 1999, relating to certain commercial practices, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 771, 849** and **822** be adopted.

Senator Mathewson assumed the Chair.

Senator Flotron raised the point of order that **SCS** for **SBs 771, 849** and **822** is out of order as the Senate Committee Substitute goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SB 849 and **SB 822** were placed on the Informal Calendar.

SB 771 was again taken up.

On motion of Senator DePasco, **SB 771** was declared perfected and ordered printed.

Senator Goode moved that **SJR 35** be taken up for perfection, which motion prevailed.

Senator Goode offered **SS** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and to enact in lieu thereof one new section relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

Senator Goode moved that **SS** for **SJR 35** be adopted.

Senator Scott offered **SS** for **SS** for **SJR 35**, entitled:

SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 35

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and to enact in lieu thereof one new section relating to the Missouri Citizens Commission on the Compensation for Elected Officials.

Senator Scott moved that **SS** for **SS** for **SJR 35** be adopted.

Senator Goode raised the point of order that

SS for **SS** for **SJR 35** is out of order as there is a senate substitute pending before the body and the **SS** for **SS** is in the third degree, and further, that the **SS** for **SS** goes beyond the purpose of the original joint resolution as it presents two subject matters to the voters.

The points of order were referred to the President Pro Tem, who ruled them not well taken.

Senator Rohrbach raised the point of order that **SS** for **SS** for **SJR 35** is out of order pursuant to Senate Rule 54 in that the **SS** for **SS** has a totally different purpose than the underlying legislation.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Joint Resolution No. 35, Page 1, Section 3, Line 16 of said page, by inserting immediately after the word “shall” the following: “, **subject to appropriations**,”; and

Further amend said bill and section, page 6, line 2 of said page, by striking the opening bracket “[”]; and further amend line 3 of said page, by striking the closing bracket “]”.

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

Senator Scott moved that **SS** for **SS** for **SJR 35**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Mueller and Schneider.

SS for **SS** for **SJR 35** failed of adoption by the following vote:

YEAS—Senators

Bland	Carter	Howard	Jacob
Quick	Schneider	Scott	Staples

Wiggins—9

NAYS—Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves

House	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Yeckel—24

Absent—Senators—None

Absent with leave—Senator Clay—1

SS for **SJR 35** was again taken up.

Senator Schneider offered **SS No. 2** for **SS** for **SJR 35**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 35**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri citizens’ commission on the compensation for elected officials, and adopting one new section in lieu thereof relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SS** for **SJR 35** be adopted.

At the request of Senator Goode, **SJR 35**, with **SS** and **SS No. 2** for **SS** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Bland, Quick, DePasco, Wiggins and Kenney offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Derrick Thomas' immense talent on the football field was matched by his caring and generous spirit in the Kansas City community; and

WHEREAS, in his eleven year career as a Kansas City Chief, Derrick Thomas established himself as one of the NFL's most dominant defensive players and feared pass rushers, and firmly etched his place in history as one of the Kansas City Chiefs best linebackers; and

WHEREAS, Derrick Thomas made nine Pro Bowl appearances, the most of any player in the illustrious history of the Kansas City Chiefs; established team career records for sacks, safeties and fumble recoveries during his career; and his twenty sacks in 1990 set a Chiefs single-season mark, with his seven-sack game in 1990 setting an NFL single-game record; and

WHEREAS, Derrick Thomas was named the Chiefs Most Valuable Player following the 1991 and 1994 seasons, won the 1994 Genuine Heroes Award and received the league's two most prestigious humanitarian awards: the 1993 NFL Man of the Year and the 1995 Byron "Whizzer" White Humanitarian Award for service to team, community and country; and

WHEREAS, as the son of an Air Force Captain, Derrick Thomas was five years old when his father's plane was shot down while it was returning from a mission in Vietnam on December 17, 1972. With his father declared legally dead in 1980 as a Vietnam MIA, Derrick Thomas had a special relationship with veterans. He delivered the keynote address at the Vietnam Veterans Memorial during the Memorial Day ceremony in 1993 and volunteered regularly at Kansas City's veterans' hospital; and

WHEREAS, the notable achievements of Derrick Thomas off the football field were equally remarkable to his achievements on the football field. Derrick started an inner-city reading program with his "Third and Long Foundation" ten years ago and as its founder read to children at local libraries each home Saturday during football season; he was the Kansas City Chief's United Way spokesperson; and he was designated by former President George Bush as the "832nd point of light" in the President's Thousand Points of Light campaign:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby instruct the State Highways and Transportation Commission and the Department of Transportation to take action immediately to name a section of Interstate 70 from Blue Ridge Cut Off at the George Brett Bridge on the west to Highway 291 on the east, the "Derrick Thomas Memorial Highway"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the State Highways and Transportation Commission and the director of the Department of Transportation.

HOUSE BILLS ON SECOND READING

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

HB 1506—Pensions and General Laws.

HJR 43—Education.

HB 1363—Transportation.

HCS for HB 1144—Financial and Governmental Organization.

HB 1321—Civil and Criminal Jurisprudence.

HCS for HB 1142—Transportation.

HCS for HB 1074—Commerce and Environment.

HB 1186—Elections, Veterans' Affairs and Corrections.

HS for HCS for HBs 1215 and 1240—Civil and Criminal Jurisprudence.

HB 1452—Ways and Means.

HS for HCS for HB 1742—Transportation.

HB 1376—Financial and Governmental Organization.

HS for HCS for HB 1254—Civil and Criminal Jurisprudence.

HCS for HB 1644—Pensions and General Laws.

HB 1443—Ways and Means.

HB 1082—Agriculture, Conservation, Parks and Tourism.

HB 1292—Insurance and Housing.

HB 1353—Civil and Criminal Jurisprudence.

HB 1185—Elections, Veterans' Affairs and Corrections.

HS for HCS for HBs 1566 and 1810—Local Government and Economic Development.

HCS for HBs 1386 and 1086—Aging, Families and Mental Health.

HS for HCS for HB 1076—Education.

HCS for HB 1101—Appropriations.

HCS for HB 1102—Appropriations.

HCS for HB 1103—Appropriations.

HCS for HB 1104—Appropriations.

HCS for HB 1105—Appropriations.

HCS for HB 1106—Appropriations.

HCS for HB 1107—Appropriations.

HCS for HB 1108—Appropriations.

HCS for HB 1109—Appropriations.

HCS for HB 1110—Appropriations.

HCS for HB 1111—Appropriations.

HCS for HB 1112—Appropriations.

Senator Johnson assumed the Chair.

REFERRALS

President Pro Tem Quick referred **SB 849** and **SB 822** to the Committee on Insurance and Housing.

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
March 22, 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:

Philip G. Conger, Republican, 1524 Coleman Road, Bethany, Harrison County, Missouri 64424, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until his successor is duly appointed and qualified; vice, Robert Gardner, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
March 22, 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:

Sandra J. Donahue, Republican, 12079 Craig View Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until her successor is duly appointed and qualified; vice, Richard V. Adams, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
March 22, 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:

Walter L. Friedhofen, Republican, 1162 South Roanoke Avenue, Springfield, Greene County, Missouri 65807, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
March 22, 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:

Nonaresa Montgomery, 5202 Davison Avenue, St. Louis City, Missouri 63120, as a public member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2004, and until her successor is duly appointed and qualified; vice, Ann Laird, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
March 22, 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:

A. James Proffitt, 35 Moorings Drive, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, James Stutz, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
March 22, 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 E. Spain, Democrat, 1536 Haven Hills Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Ethics Commission, for a term ending March 15, 2004, and until his successor is duly appointed and qualified; vice, Patricia A. Flood, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 22, 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:

Jack H. Williams, Republican, 12907 McGee, Kansas City, Jackson County, Missouri 64145, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 24, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sandra K. Grebing for the State Advisory Council on Emergency

Medical Services, submitted to you on March 15, 2000. Line 1 should be amended to read:

Sandra K. Grebing, 936 County Road 605, Jackson, Cape Girardeau

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Quick referred **SB 683**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1411, regarding Linda Sue Smith, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Nancy, John, Lauren and Kelly Peterson, Poplar Bluff; and Lauren and Kelly were made honorary pages.

Senator Mueller introduced to the Senate, Meredith Gibbons and Kara Evans, Kirkwood; and Meredith and Kara were made honorary pages.

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

SENATE CALENDAR

—————
FORTY-FIFTH DAY—TUESDAY, MARCH 28, 2000
—————

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SS for SCS for SBs 867 &
552-Maxwell
(In Budget Control)

SS for SB 813-House

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 803-Goode, et al,
with SCS | 18. SB 885-Mathewson, with SCS |
| 2. SJR 53-Quick | 19. SB 902-Mathewson |
| 3. SB 697-Schneider,
with SCS | 20. SB 720-Caskey |
| 4. SB 604-Wiggins | 21. SB 980-Jacob, with SCS |
| 5. SB 850-Scott | 22. SB 1016-Jacob, et al |
| 6. SB 1049-Caskey, et al | 23. SB 851-Wiggins and Stoll |
| 7. SB 944-Caskey, with
SCAs 1 & 2 | 24. SB 817-Stoll, with SCS |
| 8. SB 802-Goode, et al,
with SCS | 25. SB 830-Caskey |
| 9. SB 1017-Mathewson, et
al, with SCAs 1 & 2 | 26. SB 892-Quick |
| 10. SB 744-Klarich | 27. SB 793-Staples, with SCS |
| 11. SB 957-Johnson and
Quick, with SCS | 28. SBs 959 & 598-Howard,
with SCS |
| 12. SB 925-Caskey and
Mathewson, with SCS | 29. SB 954-Bentley and
Johnson, with SCS |
| 13. SB 772-Goode | 30. SBs 1027 & 815-Sims,
with SCS |
| 14. SB 926-Stoll and
House, with SCS | 31. SBs 538 & 565-Russell,
with SCS |
| 15. SB 826-Jacob, et al,
with SCS | 32. SBs 584, 539, 630,
777, 796, 918 &
927-Bentley, with SCS |
| 16. SB 930-Jacob, with SCS | 33. SBs 818 & 564-Maxwell
and Kinder, with SCS |
| 17. SJR 50-Stoll | 34. SB 955-Mathewson, et al |
| | 35. SB 1048-Mathewson, with SCS |
| | 36. SB 866-Klarich |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,
834 & 832-Staples,
with SCS (pending)

SB 577-Maxwell, with SCS
SB 597-Steelman, with SCS
& SA 2 (pending)

SBs 599 & 531-Schneider,
with SCS (pending)

SB 610-Staples and
DePasco, with SA 3
(pending)

SBs 678 & 742-Schneider,
with SCS, SS for SCS,
SA 7, SSA 1 for SA 7,
SA 2 to SSA 1 for SA 7
& point of order (pending)

SB 729-House, with SCS,
SA 1 & SA 2 to SA 1
(pending)

SBs 807, 553, 574, 614,
747 & 860-Jacob, with
SCS, SS for SCS & SA 2
(pending)

SB 827-Scott, et al, with
SS & SA 2 (pending)

SJR 31-Schneider

SJR 35-Goode, et al, with
SS & SS#2 for SS
(pending)

SJR 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)

CONSENT CALENDAR

Journal

Senate Bills

Reported 2/15

SB 740-Wiggins

Reported 3/7

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

SB 1037-Bentley

Copy

Reported 3/13

SB 683-Childers, with SCS
(In Budget Control)
SB 1053-Goode, et al

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

Reported 3/15

SB 1020-Bentley
SB 1051-Staples
SB 956-Flotron and Goode, with SCS

SB 1042-Flotron
SB 1059-Westfall, with SCS
SB 1050-House

SB 1018-Bentley, with SCA 1
SB 760-Klarich

SB 1066-Bland and Maxwell,
with SCS

Reported 3/16

SB 864-Caskey

SB 1075-Jacob, with SCS

RESOLUTIONS

SR 1337-Schneider
SR 1204-Goode

SR 1373-Mathewson
SCR 33-Kinder, et al

To be Referred

SCR 34-Bland, et al

Unofficial

Journal

Copy