

# Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY—MONDAY, MAY 1, 2000

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

“Bless the Lord, O my soul, and forget not all His benefit.”  
(Psalm 103:2)

Gracious Father, we return refreshed from sharing Your joy with those we love. You have given us bodies that are “fearfully and wonderfully made.” You have given us strength and health to lead productive lives. You have nourished and sustained our bodies so that today our hands and minds are still able to do Your will and our lips are still capable to sing Your praise. So be with us this week and guide our hearts and minds so our decisions produce fruits of Your gracious leading. 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 Journal for Thursday, April 27, 2000, was read and approved.

Photographers from 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	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—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1653, regarding Daniel Edward Rubble, Lee's Summit, which was adopted.

Senator Jacob offered Senate Resolution No. 1654, regarding Chester Logan, Columbia, which was adopted.

Senator Bland offered Senate Resolution No. 1655, regarding Leonard Reed, Kansas City, which was adopted.

Senator Childers offered Senate Resolution No. 1656, regarding Loyal D. Jenkins, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1657, regarding Kirby Hedrick, Galena, which was adopted.

Senator Schneider offered Senate Resolution No. 1658, regarding the Sixty-first Wedding Anniversary of Dr. and Mrs. Vincent J. DeBlaze, Chesterfield, which was adopted.

Senator Schneider offered Senate Resolution No. 1659, regarding Sean Patrick Doyle, Florissant, which was adopted.

Senator Bland offered Senate Resolution No. 1660, regarding the Unity Southeast Church, Kansas City, which was adopted.

Senator Jacob offered Senate Resolution No.

1661, regarding Judy Wetrich, Moberly, which was adopted.

Senator Sims offered Senate Resolution No. 1662, regarding Maika Prewitt, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1663, regarding Laura Ernst, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1664, regarding Sabrina Neely, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1665, regarding Amanda Bethmann, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1666, regarding Kerry Bauer, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1667, regarding Angela Marstall, St. Louis, which was adopted.

Senator Graves offered Senate Resolution No. 1668, regarding Virgil Wayne Smith, Buffalo, which was adopted.

Senator Graves offered Senate Resolution No. 1669, regarding the State Champion Mound City 8-Man Football Panthers, which was adopted.

Senator Graves offered Senate Resolution No. 1670, regarding Jonathan Mulch, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1671, regarding Laura Marie Elswick, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1672, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Niehaus, Breckenridge, which was adopted.

Senator Graves offered Senate Resolution No. 1673, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eldon Jones, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1674, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Acheson, Lineville, which

was adopted.

Senator Graves offered Senate Resolution No. 1675, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Onnie Conkin, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 1676, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyle Davis, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1677, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jack Bolton, Fairfax, which was adopted.

Senator Childers offered Senate Resolution No. 1678, regarding Paula Jones, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1679, regarding Sue Causey, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1680, regarding Ron Smith, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1681, regarding Glenda Chamberlin, Reeds Spring, which was adopted.

Senator Bentley offered Senate Resolution No. 1682, regarding Aire-Master of America, Incorporated, Nixa, which was adopted.

Senator Goode requested unanimous consent of the Senate that the conference committee members on Appropriations be able to meet as needed, while the Senate is in session, which request was granted.

### **CONCURRENT RESOLUTIONS**

Senators Rohrbach and Johnson offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 42**

WHEREAS, the State of Missouri is fully committed to achieving and maintaining water quality for public use and recreation and the protection of aquatic ecosystems; and

WHEREAS, substantial progress has been made toward this objective through considerable financial investments made by municipal and industrial sectors of the economy and an effective

federal, state and local partnership with the private sector; and

WHEREAS, the states' direct experience also demonstrates that achievement of water quality goals depends upon the use of sound science and quality data, an iterative approach to water quality management, a commitment to accommodating economic development, the careful investment of limited resources to maximize environmental benefits, and broad-based public support; and

WHEREAS, the states' direct experience also demonstrates that the remaining water quality challenges are complex, difficult, and site-specific, and require tailored solutions, better science, and monitoring data; and

WHEREAS, the State of Missouri has effective regulatory and cooperative programs underway that are achieving better and greater protection of water quality than can be achieved with the prescriptive federal approach; and

WHEREAS, Section 303(d) of the federal Clean Water Act pertaining to total maximum daily loads (TMDL) is but one of many tools states and local governments have to assure effective water quality management and is not always the most efficient and effective; and

WHEREAS, the forest products industry is one of the most important industries in Missouri providing over 36,000 jobs and contributes over 4 billion a year to Missouri's economy; and

WHEREAS, the private timberland owner, who owns 85 percent of the timberland in Missouri, has a good record of voluntary compliance with Missouri's Best Management Practices for timberland that are approved by the EPA and that comply with the Clean Water Act:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the General Assembly strongly urges the Environmental Protection Agency to withdraw from consideration its proposed rules regarding the regulation of silviculture as a non-point source of the Clean Water Act; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Missouri in Congress of the United States, and the Administrator of the EPA as an expression of our sentiments on this vital issue.

### HOUSE BILLS ON THIRD READING

**HB 1802**, introduced by Representatives Monaco and Liese, entitled:

An Act to repeal section 443.415, RSMo Supp. 1999, relating to mortgage insurers, and to enact in lieu thereof one new section relating to the same

subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 1802** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

#### NAYS—Senator Staples—1

#### Absent—Senators

Clay Schneider—2

#### Absent with leave—Senators

Bland Graves—2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1085**, introduced by Representative Selby, entitled:

An Act to repeal section 630.705, RSMo 1994, relating to standards for mental health facilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

Senator Stoll moved that **HB 1085** be read the 3rd time and finally passed.

At the request of Senator Stoll, the above motion was withdrawn.

**HB 1591**, with **SCS**, introduced by Representative Backer, entitled:

An Act to amend chapter 344, RSMo, relating to nursing home administrators by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

**SCS** for **HB 1591**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1591

An Act to repeal section 344.040, RSMo 1994, relating to nursing home administrators, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1591** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1591** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Staples—1

Absent—Senator Schneider—1

Absent with leave—Senators

Bland	Graves—2
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The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1353**, with **SCA 1**, introduced by Representative Farnen, entitled:

An Act to repeal section 58.449, RSMo 1994, relating to coroners' test results, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

**SCA 1** was taken up.

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

On motion of Senator Caskey, **HB 1353**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Staples—1

Absent—Senator Schneider—1

Absent with leave—Senators

Bland	Graves—2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1289**, introduced by Representative Auer, entitled:

An Act to repeal section 610.200, RSMo Supp. 1999, relating to law enforcement agency accident reports, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

Senator Staples assumed the Chair.

On motion of Senator Clay, **HB 1289** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Staples—1

Absent—Senators—None

Absent with leave—Senators

Bland Graves—2

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**HB 1509**, introduced by Representative Hosmer, entitled:

An Act to repeal section 407.025, RSMo Supp. 1999, relating to unlawful merchandising practices, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1509** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Staples—1

Absent—Senators

Johnson Schneider—2

Absent with leave—Senators

Bland Graves—2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON SECOND READING

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

**HB 1464**—Financial and Governmental Organization.

**HCS** for **HB 1120**—Appropriations.

**HB 1122**—Appropriations.

**HS** for **HCS** for **HBs 1489, 1488** and **1650**—Public Health and Welfare.

**HS** for **HCS** for **HB 1811**—Agriculture, Conservation, Parks and Tourism.

**HS** for **HCS** for **HB 1927**—Commerce and Environment.

**HCS** for **HB 1961**—Agriculture, Conservation, Parks and Tourism.

**HB 1946**—Aging, Families and Mental Health.

**HB 1768**—Civil and Criminal Jurisprudence.

**HS** for **HB 1728**—Financial and Governmental Organization.

### CONCURRENT RESOLUTIONS

Senator Maxwell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, care for the disabled constitutes a vital service within the State of Missouri; and

WHEREAS, the delivery of care and other services to the disabled is a complex issue and deserving of organized study and review; and

WHEREAS, recent United States Supreme Court cases have dealt with the issue of delivering the appropriate care to the disabled:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Care Options for the Disabled" to be composed of five members of the Senate, three of whom shall be members of the Senate Appropriations Committee and five members of the House of Representatives, three of whom shall be members of the House Appropriations Committee; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of the impact of *Olmstead v. L.C. and E.W.* on the disabled community and on the State of Missouri, including barriers to the implementation of changes required by the decision. The committee shall make such recommendations as it deems necessary and shall be authorized to function from August 1, 2000, to January 5, 2001; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by July 1, 2000, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by December 1, 2000; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, and the Speaker of the House of Representatives.

### HOUSE BILLS ON THIRD READING

**HS for HCS for HJR 61**, with **SCS**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to taxation, by adding thereto one new section relating to the tobacco settlement trust fund.

Was called from the Informal Calendar and taken up by Senator Quick.

**SCS for HS for HCS for HJR 61**, entitled:  
**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT RESOLUTION NO. 61**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Was taken up.

Senator Quick moved that **SCS for HS for HCS for HJR 61** be adopted.

Senator Jacob offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 1, In the Title, Line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said resolution and page, preamble, line 4, by striking the word "amendment" and inserting in lieu thereof the following: "amendments, to be presented as separate questions,;" and

Further amend said resolution, page 2, section B, line 11, by inserting immediately after 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. Any refund made pursuant to this article shall be funded by a proportionate amount from the Missouri tobacco settlement trust fund. Tobacco award or settlement 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 and health research and development;

(2) Twenty percent of the moneys shall be used for tobacco 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 and any natural disaster.

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 and health research and development; 20% for tobacco and substance abuse initiatives; and 20% to address state emergencies and natural disasters?”

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

“Approval of this ballot measure includes tobacco settlement proceeds in an amount of a projected maximum of one hundred thirty-five million dollars per year to two hundred seven million dollars per year in constitutional revenue limit calculations at no additional cost to the taxpayers.”

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Maxwell offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting immediately after the word “development” the following: “, **thirty-five percent of which shall be used to fund programs or activities designed to provide assistance for person age sixty-five or over for the purpose of meeting the costs of purchasing prescription drugs**”.

Senator Maxwell moved that the above amendment be adopted.

Senator Jacob offered SSA 1 for SA 1 to SA 1, which was read:

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

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting immediately after the word “development” the following: “, **thirty percent of which shall be used 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**”.

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, SSA 1 for SA 1 to SA 1 was withdrawn.

Senator Jacob offered SSA 2 for SA 1 to SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10,

by inserting immediately after the word “development” the following: “, **thirty percent of which shall be used to fund programs or activities designed to provide assistance for persons age sixty-five or over and other persons determined to have a substantial need for assistance for the purpose of meeting the costs of purchasing prescription drugs**”.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

Senator Quick requested a roll call vote be taken on the adoption of **SSA 2 for SA 1 to SA 1** and was joined in his request by Senators Jacob, Mueller, Russell and Wiggins.

**SSA 2 for SA 1 to SA 1** was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Childers	Ehlmann	Graves	Mueller
Rohrbach	Schneider	Singleton—7	

Absent—Senators—None

Absent with leave—Senators—None

**SA 1**, as amended, was again taken up.

Senator Stoll assumed the Chair.

Senator Childers offered **SA 2 to SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 9, by deleting said line and inserting in lieu thereof the following:

**“(1) Sixty percent of the moneys shall be deposited into a subaccount of the Missouri Tobacco Settlement Trust Fund and in any one year twenty five percent plus any interest accrued in such subaccount shall be used for health”.**

Senator Childers moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1 for SA 2 to SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 9 of said page, by striking the word “Sixty” and inserting in lieu thereof the following: “**Thirty**”; and further amend line 11, by striking the word “Twenty” and inserting in lieu thereof the following: “**Ten**”; and

Further amend said bill and section, page 2, line 13, by striking the word “Twenty” and inserting in lieu thereof the following: “**Ten**”; and further amend line 17, by inserting immediately after said line the following:

**“(4) Fifty percent of the moneys shall be used to provide property tax relief.”.**

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SSA 1 for SA 2 to SA 1** and was joined in his request by Senators Childers, Jacob, Rohrbach and Ehlmann.

A quorum was established by the following vote:

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	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32



Absent—Senators

Scott Staples—2

Absent with leave—Senators—None

**SSA 1 for SA 2 to SA 1** failed of adoption by the following vote:

YEAS—Senators

Bentley	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Singleton	Steelman	Westfall	Yeckel—16

NAYS—Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Howard	Jacob
Johnson	Mathewson	Quick	Schneider
Sims	Staples	Stoll	Wiggins—16

Absent—Senators

Goode Scott—2

Absent with leave—Senators—None

Senator Johnson assumed the Chair.

**SA 2 to SA 1** was again taken up.

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

**SA 2 to SA 1** failed of adoption by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Rohrbach	Russell	Singleton	Westfall—12

NAYS—Senators

Bland	Carter	Caskey	Clay
DePasco	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel—21			

Absent—Senator Goode—1

Absent with leave—Senators—None

**SA 1**, as amended, was again taken up.

President Wilson assumed the Chair.

Senator Sims offered **SA 3 to SA 1**:

SENATE AMENDMENT NO. 3 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 13, by changing “twenty” to “ten” and adding after line 17:

“(4) Ten percent of the moneys shall be used for early intervention and prevention of illness through programs for children.”.

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

**SA 1**, as amended, was again taken up.

Senator Yeckel offered **SA 4 to SA 1**, which was read:

SENATE AMENDMENT NO. 4 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 17, by inserting immediately after all of said line, the following: “**Of the portion of moneys in the tobacco settlement trust fund dedicated to health research pursuant to subdivision 1 of this section, none of the moneys shall be expended to subsidize research in which any person or entity financially profits from providing fetal or baby parts or tissue from induced or spontaneous abortions.**”.

Senator Yeckel moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 4 to SA 1** and was joined in his request by Senators Bland, DePasco, Kinder and Rohrbach.

**SA 4 to SA 1** was adopted by the following vote:

## YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

## NAYS—Senators—None

## Absent—Senators

Goode	Sims—2
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## Absent with leave—Senators—None

**SA 1**, as amended, was again taken up.

Senator Steelman offered **SA 5** to **SA 1**, which was read:

SENATE AMENDMENT NO. 5 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting after the word “development” the words, “which shall include, but not be limited to, funding for long-term care services for the elderly.”.

Senator Steelman moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 5** to **SA 1** is out of order as it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem.

Senator Steelman requested that **SA 5** to **SA 1** be withdrawn.

Senator Scott raised the point of order that **SA 5** to **SA 1** cannot be withdrawn while there is a pending point of order.

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

At the request of Senator Howard, his point of order was withdrawn.

Senator Jacob raised the point of order that **SA 5** to **SA 1** is out of order in that it attempts to amend previously amended material.

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

At the request of Senator Steelman, **SA 5** to **SA 1** was withdrawn.

Senator Steelman offered **SA 6** to **SA 1**, which was read:

SENATE AMENDMENT NO. 6 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 10, by inserting after the word “development” and before the language adopted by Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Amendment No. 1, the words, “which shall include, but not be limited to, funding for long-term care services for the elderly.”.

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

**SA 1**, as amended, was again taken up.

Senator Flotron offered **SA 7** to **SA 1**, which was read:

SENATE AMENDMENT NO. 7 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 2, Section 18(f), Line 17, by inserting after said line the following: “**The provisions of Article I, Section 7 of this constitution shall not apply to the uses of any revenue appropriated pursuant to this provision.**”.

Senator Flotron moved that the above amendment be adopted.

Senator Goode requested unanimous consent of the Senate for the Committee on Appropriations to meet while the Senate is in session, which request was denied.

At the request of Senator Quick, **HS** for **HCS** for **HJR 61**, with **SCS**, **SA 1** and **SA 7** to **SA 1**, as amended (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were 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 refuses to adopt **SCS** for **HS** for **HCS** for **HB 1742**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1185** and has again taken up and passed **SCS** for **HB 1185**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 810**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 719**, entitled:

An Act to repeal section 70.500, RSMo Supp. 1999, relating to the Kansas and Missouri Metropolitan Culture District, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 4**.

**HOUSE CONCURRENT RESOLUTION NO. 4**

WHEREAS, macular degeneration is an eye disease that occurs when there are changes to the macula, which is a small portion of the retina that is located on the inside back layer of the eye, and results in a reduction of central vision and makes seeing details for close work, such as reading, difficult or impossible; and

WHEREAS, macular degeneration is the leading cause of blindness among older Americans, affecting ten million people today. The National Eye Institute estimates that the number could rise to eighteen million people by 2030; and

WHEREAS, there are two types of age-related macular degeneration. The wet form of macular degeneration, which involves only about ten percent of cases, responds to laser treatments in its early stages. The more common dry form is considered untreatable, although some recent research indicates that certain antioxidant vitamins and minerals may help prevent or slow its progression; and

WHEREAS, the exact cause of macular degeneration is unknown, but it may be related to aging, high blood pressure, smoking, and exposure to high levels of ultraviolet radiation and blue light, both found in sunlight; and

WHEREAS, ongoing research and studies have resulted in some encouraging early findings, such as the possible reversal of macular degeneration in its early stages; and

WHEREAS, the state of Missouri, through research, programs and funding, could facilitate the discovery and implementation of promising new treatments, technologies and programs for assistance for the benefit of those persons in the state who are afflicted with this disease:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, that a Joint Interim Committee of the General Assembly be created to be composed of five members of the House of Representatives, to be appointed by the Speaker of the House, with no more than three such members from the same political party, and five members of the Senate, appointed by the President Pro Tem of the Senate, with no more than three such members from the same political party, and that said committee be authorized to function during the interim between the Ninetieth and Ninety-first General Assemblies; and

BE IT FURTHER RESOLVED that said committee make a comprehensive study on macular degeneration, including the solicitation of information from appropriate state agencies and the public on the social, economic, educational and health implications of macular degeneration;

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide such legal, research, clerical, technical and bill drafting services requested by the committee; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by

January 1, 2001, and the authority of such committee shall terminate on December 31, 2000; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the President Pro Tem of the Senate.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 27**.

HOUSE CONCURRENT RESOLUTION NO. 27

WHEREAS, military retirees who have served honorably for twenty or more years constitute a significant part of the aging population in the United States; and

WHEREAS, these retirees were encouraged to make the United States Armed Forces a career, in part by the promise of lifetime health care for themselves and their families; and

WHEREAS, prior to age sixty-five, these retirees are provided health services by the United States Department of Defense's TRICARE prime program, but those retirees who reach the age of sixty-five lose a significant portion of the promised health care due to Medicaid eligibility; and

WHEREAS, many of these retirees are also unable to access military treatment facilities for health care and life maintenance medications because they live in areas where there are no military treatment facilities or where these facilities have downsized so significantly that available space for care has become nonexistent; and

WHEREAS, the loss of access to health care services provided by the military has resulted in the government breaking its promise of lifetime health care; and

WHEREAS, without continued affordable health care, including pharmaceuticals, these retirees have limited access to quality health care and significantly less care than other retired federal civilians have under the Federal Employees Health Benefits Program; and

WHEREAS, it is necessary to enact legislation that would restore health care benefits equitable with those of other retired federal workers; and

WHEREAS, several proposals to meet this requirement are currently under consideration before the United States Congress and the federal Department of Defense and Department of Health and Human Services; of these proposals, the federal government has already begun to establish demonstration projects around the country to be conducted over the next three years, which would allow Medicare to reimburse the Department of Defense for the costs of providing military retirees and their dependents health care;

this project would allow a limited number of Medicare-eligible beneficiaries to enroll in the Department of Defense's TRICARE prime program and receive all of their health care under that program:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby memorialize the Congress of the United States to maintain its commitment to America's military retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those uniformed services beneficiaries who are eligible for Medicare, on the same basis and conditions that apply to retired federal civilian employees; and to enact any other appropriate legislation that would address the above concerns; and

BE IT FURTHER RESOLVED that the Chief Clerk of the of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the Senate and Speaker of the House of Representatives of the United States Congress, and all members of the Missouri Congressional delegation with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 881**, entitled:

An Act to repeal sections 92.418 and 238.060, RSMo 1994, relating to transportation in cities, and to enact in lieu thereof two new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 881, Page 7, Section 238.060, Line 12 of said page, by deleting the word "**if**" and inserting in lieu thereof the word "**of**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 881, the

last page, Section 92.418, by inserting after all of said line the following:

“94.655. [1.] In those cities in which the transportation sales tax has been submitted to and approved by the voters or by a majority vote of the governing body of any such city without submission of the issue to the voters, the transportation sales tax shall remain in effect until repealed by local ordinance in those cities.

[2. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2001.]”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 22**.

HOUSE CONCURRENT RESOLUTION NO. 22

WHEREAS, last session, in Senate Bill No. 386, the general assembly recognized changes made by the United States Congress to Section 451(h) of the Internal Revenue Code, which allow for favorable tax treatment for those pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities who elect to receive a single cash payment of the remaining value of their prize within the eighteen-month period between July 1, 1999, and December 31, 2000; and

WHEREAS, as a result of the passage of Senate Bill No. 386 and the signature of such bill by the governor, section 313.351 became law effective August 28, 1999; and

WHEREAS, section 313.351 allows the state lottery commission to authorize pre-October 22, 1998, lottery winners currently receiving annual payments from annuities or securities to elect a single cash payment in lieu of remaining annual payments upon presentation of a plan to the general assembly and receipt of approval therefor from the general assembly by concurrent resolution; and

WHEREAS, the state lottery commission has submitted to the speaker of the house of representatives, the president pro tempore of the senate and the commissioner of the office of administration the details of its plan to allow state lottery prize winners who are

currently receiving annual payments to receive the present value of the remaining payments at the date of execution a single cash payment in lieu of remaining annual payments pursuant to Section 451(h) of the Internal Revenue Code; and

WHEREAS, the plan specifies all details required by section 313.351, including details on obtaining the funds necessary to present the option of single cash payments to pre-October 22, 1998, lottery winners, data indicating fifty percent of such winners will choose a lump-sum option, data indicating that a one-time increase of total state revenues would occur in an approximate amount of four million six hundred thousand dollars and the lottery's belief that offering the single cash payments will provide a valuable service to lottery winners:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby determine that the state lottery commission's plan complies with the requirements of section 313.351, and that approving such plan will provide a valuable service to lottery winners which, in turn, will serve to further education in this state; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives of the Ninetieth General Assembly, Second Regular Session, the Senate concurring therein, hereby approve the state lottery commission's plan for implementing lump-sum payments for pre-October 22, 1998, lottery winners.

In which the concurrence of the Senate is respectfully requested.

**PRIVILEGED MOTIONS**

Senator Mathewson moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 1742**, as amended, and grant the House a conference thereon, which motion prevailed.

**INTRODUCTIONS OF GUESTS**

Senator Russell introduced to the Senate, his daughter, Melissa Montgomery and his granddaughters Mackenze and Audrey Montgomery, Springfield; and Mackenze and Audrey were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Tuesday, May 2, 2000.

## SENATE CALENDAR

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 SIXTY-FOURTH DAY—TUESDAY, MAY 2, 2000
 

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## FORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 818 & 564-Maxwell and Kinder, with SCS	SB 748-Johnson, with SCS
SB 955-Mathewson, et al	SB 1047-Rohrbach, with SCS
SB 1048-Mathewson, with SCS	SB 1045-Caskey, with SCS
SB 866-Klarich	SBs 1043, 1031, 580 & 671-Mathewson, with SCS

## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 1443-Koller, with<br>SCS (Johnson)<br>(In Budget Control)                    | 7. HB 1082-Crump, with<br>SCS (Childers)   |
| 2. HS for HB 1615-Hosmer,<br>with SCS (Caskey)<br>(In Budget Control)              | 8. HB 1706-Gambaro,<br>et al, with SCS (Clay)                                    |
| 3. HB 1808-O'Toole, with<br>SCS (Scott)  | 9. HS for HCS for<br>HB 1076-Relford,<br>with SCS (Stoll)<br>(In Budget Control) |
| 4. HS for HCS for HBs 1566 &<br>1810-Bray, with SCS (Scott)<br>(In Budget Control) | 10. HS for HB 1603-May<br>(108th), with SCS<br>(Jacob)                           |
| 5. HCS for HB 1142, with<br>SCS (Johnson)  | 11. HB 1292-Auer, with<br>SCS (Jacob)  |
| 6. HCS for HBs 1386 &<br>1086, with SCS<br>(Maxwell)                               | 12. HCS for HB 1434, with<br>SCA 1 (Quick)                                       |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728, 834 & 832-Staples, with SCS (pending)	SBs 584, 539, 630, 777, 796, 918 & 927-Bentley, with SCS & SS for SCS (pending)
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SBs 599 & 531-Schneider,  
with SCS (pending)  
SB 604-Wiggins  
SB 697-Schneider, with  
SCS & SA 1 (pending)  
SB 720-Caskey, with SS &  
SA 3 (pending)  
SB 729-House, with SCS &  
SA 8 (pending)  
SB 744-Klarich  
SB 803-Goode, et al, with  
SCS  
SBs 807, 553, 574, 614,  
747 & 860-Jacob, with  
SCS, SS for SCS & SA 2  
(pending)  
SB 817-Stoll, with SCS  
SB 826-Jacob, et al, with  
SCS, SS for SCS & SA 5  
(pending)

SB 827-Scott, et al, with  
SS & SA 2 (pending)  
SB 930-Jacob, with SCS  
SB 957-Johnson and Quick,  
with SCS, SA 2, SSA 1  
for SA 2 & SA 3 to SSA  
1 for SA 2 (pending)  
SB 980-Jacob, with SCS  
SB 1016-Jacob, et al,  
with SS, SA 2 & point  
of order (pending)  
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)

Unofficial

Journal

HOUSE BILLS ON THIRD READING

HS for HCS for HJR 61-Van  
Zandt, with SCS, SA 1  
& SA 7 to SA 1 (pending)  
(Quick)

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CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

House Bills

Reported 4/10

SCS for HB 1604-Graham  
(106th) (Johnson)  
(In Budget Control)

Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/12

HB 1321-Relford, et al  
(Caskey)

HB 1284-Kissell (House)

HB 1077-Relford  
(Mathewson)HB 1631-Hoppe, with SCS  
(Mathewson)HB 1454-Hoppe, with SCS  
(Mathewson)HB 1659-Summers, with SCS  
(Maxwell)HB 1486-Abel, et al  
(Stoll)

HB 1647-Skaggs (Quick)

HB 1097-Hosmer, with SCS  
(Caskey)HB 1428-Hickey, et al,  
with SCAs 1, 2 & 3  
(DePasco)HB 1739-Auer, with SCS  
(Jacob)

HB 1544-Smith (Mueller)

Reported 4/13

HB 1848-Treadway, with  
SCS (Carter)HB 1568-Riback Wilson and  
Holand, with SCS (Jacob)

HB 1596-Auer (Clay)

HB 1875-Franklin, with  
SCA 1 (Wiggins)HB 1396-Farnen, with SCS  
(Johnson)HB 1363-Bray, et al  
(Quick)HB 1948-Gratz, et al,  
with SCS (Staples)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 549-Quick,  
et al, with HS for HCS,  
as amendedSCS for SB 719-Wiggins,  
et al, with HCSSB 881-Wiggins, with HS  
for HCS, as amendedBILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1102, with SCS,  
as amended (Goode)HCS for HB 1103, with SCS,  
as amended (Goode)



HCS for HB 1104, with SCS  
(Goode)

HCS for HB 1105, with SCS,  
as amended (Goode)

HCS for HB 1106, with SCS,  
as amended (Goode)

HCS for HB 1107, with SCS,  
as amended (Goode)

HCS for HB 1108, with SCS  
(Goode)

HCS for HB 1109, with SCS  
(Goode)

HCS for HB 1110, with SCS,  
as amended (Goode)

HCS for HB 1111, with SCS,  
as amended (Goode)

HCS for HB 1112, with SCS,  
as amended (Goode)

HS for HCS for HB 1742-  
Koller, with SCS, as  
amended (Mathewson)

Unofficial

RESOLUTIONS

SR 1204-Goode  
SR 1373-Mathewson

SCR 33-Kinder, et al

Journal  
To be Referred

SCR 42-Rohrbach and  
Johnson  
SCR 43-Maxwell  
HCR 4-Kennedy and Thompson

HCR 27-Ross, et al  
HCR 22-Liese

Reported from Committee  
Copy

SCR 34-Bland, et al, with  
point of order (pending)

SCR 40-House