

Journal of the Senate

NINETIETH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

SECOND REGULAR SESSION

VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 13, 2000

The Senate was called to order in Veto Session by President Wilson.

Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

The Reverend Carl Gauck offered the following prayer:

Isaac Watts wrote this familiar hymn verse: "Oh, that the Lord would guide my ways To keep his statutes still! Oh, that my God would grant me grace To know and do his will."

Gracious God, we come to this chamber of responsibilities, some from rest and re-creation, some from heavy campaign duties, some from the daily work of serving the people of this state, but all thankful for the summertime we have embraced. It is here we seek Your guidance as we fulfill the obligation before us during this Veto Session. Grant us grace to know and do Your will in the votes that we must cast so we might be faithful to You and the people of Missouri. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

Absent with leave—Senator Scott—1

The Lieutenant Governor was present.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552 entitled:

AN ACT

To repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and

to enact in lieu thereof five new sections relating to the same subject.

I disapprove of House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552. My reasons for disapproval are as follows:

As we do each year, my staff and I examine the budgetary ramifications of the legislation being passed by the General Assembly. This year we have been particularly dedicated to scrutinizing legislation, as the state's budget is tighter than it has been in many years.

Over the past three sessions, I have supported and signed broad-based tax cuts totaling over \$650 million annually. This does not include various tax credits for economic development and other purposes. In 1996, the General Assembly passed and I signed a piece of legislation that provided \$100 million in tax credits over a ten-year period. These credits go to insurance companies who invest in start-up companies through Certified Capital Companies Program, popularly known as "CapCo". In 1998, the General Assembly passed \$40 million in additional CapCo tax credits. These credits were to benefit start-up companies in Missouri's distressed communities.

As of this time, it appears the CapCos have done a good job of investing in start-up companies and have met all of the investment targets outlined in the legislation.

However, this session my message and that of my staff was clear: tax credit bills that presented the state with a substantial fiscal impact with no corresponding legislative offset risked being vetoed.

House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552, hereinafter referred to as SB 867, require the state to invest, through tax credits, \$50 million dollars for start-up businesses through what is known as the Certified Capital Companies program, or CapCo.

Most importantly, in this year of increased fiscal constraint, the tax credits passed in this legislation have no offset. Although incentives to benefit small businesses are extremely important to me, this legislation, because of its cost, has put me in an extremely difficult position.

As the previously discussed legislation I have supported and signed indicates, I have proposed and been supportive of a number of programs to help small businesses obtain capital in Missouri.

Small businesses are vitally important to our economy, and the CapCo program has been extremely helpful in assisting a number of Missouri small businesses. Unfortunately, because of the bill's failure to include the

necessary offsets, I cannot in good conscience sign this SB 867.

For all of the above stated reasons for disapproval, I am returning House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 & 552 without my approval.

Respectfully submitted,
/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for Senate Bill 892 entitled:

AN ACT

To repeal section 221.120, RSMo Supp. 1999, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

I disapprove of House Substitute for Senate Bill 892. My reasons for disapproval are as follows:

It will require payment of medical expenses that may already be covered by an existing statutory per diem. Given the fact the current per diem is not fully funded and the mandatory nature of this legislation, it is reasonable to believe future appropriations would not be available to fund the per diem program at its current rate.

Our administration has doubled the amount of actual reimbursement to counties for individuals incarcerated. The state reimbursement rate has not yet reached the cap on the per diem rate permitted to be paid to the counties. The following chart demonstrates the fact that we have doubled the actual amount paid to the counties pursuant to the per diem since 1993:

Year/ Fiscal Year	Legislation/ Appropriation	Actual Amount Paid	Current Per Diem	Increase/ Change to Per Diem/CAP
2001		\$30,700,000**	\$22.50	\$37.50
2000		\$30,100,000*	\$22.50	\$37.50
1999		\$29,717,236	\$22.00	\$37.50
1998		\$25,002,497	\$22.00	\$37.50
1997		\$20,473,037	\$20.00	\$37.50
1996	SB 781 (Banks)	\$23,286,906	\$17.00	\$37.50
1995	HB 424 (Banks)	\$13,878,980	\$17.00	\$20.00
1994		\$12,837,552	\$14.00	\$17.00
1995	HB 424 (Banks)	\$13,878,980	\$17.00	\$20.00
1994		\$12,837,552	\$14.00	\$17.00
1993		\$15,585,490	\$14.00	\$17.00

* Projected

** Budgeted

House Substitute for Senate Bill No. 892 requires payment of *actual, reasonable and necessary* medical expenses of prisoners held in county jail when the state is liable found to be liable for court costs in their cases. This is basically all felony cases. The county commission decides what are “*reasonable and necessary*” medical expenses.

These medical costs must be paid in addition to the statutory per diem. This mandatory funding could put the General Assembly in the position of reducing the per diem rate to cover the costs of medical expenses. This would result in what we believe would be an inequitable reimbursement rate to the counties.

For all of the above stated reasons for disapproval, I am returning House Substitute for Senate Bill No. 892 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
July 13, 2000

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 921 entitled:

AN ACT

To repeal section 334.128, RSMo 1994, and section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof two new sections relating to the same subject.

I disapprove of Senate Bill No. 921. My reasons for disapproval are as follows:

While the bill offers greater protection to Missouri’s health care consumers by allowing physician’s health programs to provide information about impaired practitioners to the Board of Healing Arts without threat of civil action and clarifies ambiguous language concerning the composition of the State Board of Registration for the Healing Arts, we are concerned that the language granting immunity to those who provide the board with information about impaired practitioners is so ambiguous that it may unintentionally give the impaired practitioners immunity for all acts committed while impaired.

This would not protect Missouri health care consumers from impaired physicians. This was not the intention of those working on the bill. I believe this was a drafting error and urge the legislators to revisit the legislation and correct the ambiguity in the language.

For all of the above stated reasons for disapproval, I am returning

Senate Bill No. 921 without my approval.

Respectfully submitted,

/s/ Mel Carnahan

RESOLUTIONS

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

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

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

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninetieth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninetieth General Assembly.

Senator Russell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 3

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize the meritorious achievements of an outstanding Missouri citizen who has distinguished himself through excellence in athletics; and

WHEREAS, Mark McBride of Lebanon, Missouri, recently took First Place during the Missouri Golf Association’s 93rd Missouri Amateur Golf Championship held in June, 2000, at the Oakwood Country Club in Kansas City; and

WHEREAS, in the thirty-six hole Final Match, Mark McBride gave his many fans good reason to cheer as he won two and one; and

WHEREAS, a three-time All-State High School Finalist, Mark McBride won several Junior Golf Tournaments during his high school career including the Mid-Missouri Golf Championship in 1996, 1997, and 1998; the SMSU Golf Relays in Springfield in 1997 and 1998; and the Pepsi Cola Junior Masters in Quincy, Illinois, in 1997; and

WHEREAS, the son of proud and loving parents Tim and Kathy McBride of Lebanon, Mark McBride could not have attained such phenomenal success without the encouragement and support he has received from high school coach Sharon LeFors and college coach Tim Robyn, both of whom have continually instilled within him the desire to realize his full potential; and

WHEREAS, Mark McBride attends the University of Missouri-Columbia where he is an exemplary student who excels in his studies while achieving tremendous success as an invaluable member of the golf team; and

WHEREAS, it is entirely fitting and proper that this legislative body should pay tribute to Mark McBride, a promising athlete of great talent and skill whose contributions to the game of golf will continue to serve him well;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most sincere congratulations to Mark McBride at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mark McBride.

Senator Ehlmann offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 4

WHEREAS, Missouri Gaming Commission rules forbid private communication with casino representatives about gambling matters; and

WHEREAS, Station Casinos Inc. paid \$500,000 in bonuses to a private attorney for lobbying the Missouri Gaming Commission; and

WHEREAS, that private attorney has testified that he had certain communications with a former Chairman of the Missouri Gaming Commission; and

WHEREAS, the former chairman denies any impropriety; and

WHEREAS, the Missouri Gaming Commission issued subpoenas by facsimile to seven Station Casino officials to appear before the Commission and respond to inquiries concerning the above activities; and

WHEREAS, seven Station Casino officials refused to honor Gaming Commission subpoenas to testify at the hearing investigating the alleged violations; and

WHEREAS, the Gaming Commission has taken no action to have a circuit judge enforce the subpoena; and

WHEREAS, the public wants to know what the executives knew about the relationship between the private attorney and former chairman and why Station Casino Inc. paid a \$500,000 bonus;

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby urge the Missouri Gaming Commission

to seek immediate enforcement of the subpoenas by a circuit judge and reconvene the hearing at the earliest possible time to obtain the testimony of the seven Station Casino Inc. executives; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Gaming Commission.

Senator Ehlmann offered the following resolution, which was read and referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 5

WHEREAS, Station Casinos Inc. paid \$500,000 in bonuses to a private attorney presumably as a reward for successfully lobbying the Missouri Gaming Commission; and

WHEREAS, it has also been reported that Station Casinos Inc. paid \$15,000 bonus to at least one Jefferson City lobbyist presumably as a reward for successfully lobbying the Missouri General Assembly; and

WHEREAS, State Regulation 11 CSR 45-10.010 empowers the Missouri Gaming Commission to collect any information it requests from a licensee:

"(1) All licensees shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven days or less if the commission so orders."

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, hereby urge the Missouri Gaming Commission to require all casinos to report the amount of money they have spent on lobbying before the Gaming Commission and the General Assembly and to identify the lobbyist to whom the money was paid and the amount paid to each lobbyist, and further that said information be available for public inspection; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Gaming Commission.

On behalf of Senators DePasco, Caskey, Mathewson and himself, Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 6

WHEREAS, the members of the Missouri Senate were truly saddened by the death of former United States Representative William J. Randall of Independence, Missouri, on July 7, 2000, at the age of ninety; and

WHEREAS, born on July 16, 1909, in Independence, William Randall graduated from the University of Missouri and

the Kansas City University School of Law before beginning his legal practice in Jackson County; and

WHEREAS, William Randall proudly and courageously served in the Pacific Theater for nearly three years during World War II; and

WHEREAS, the Honorable William Randall served as a judge of the Jackson County Court from 1947 until his election to Congress in 1959; and

WHEREAS, representing Missouri's Fourth District as a lifelong Democrat, Representative William Randall became a high-ranking member of the House Armed Services Committee and was the first chairman of the House Select Committee on Aging in addition to his heartfelt duty to serve his constituents from eastern Jackson County and parts of western and central Missouri; and

WHEREAS, known as a hard worker who earned remarkably comfortable reelection margins, the Honorable William Randall retired from office in 1977, after which he worked as a Washington-based lobbyist for four years; and

WHEREAS, William Randall returned to Independence in 1981 to practice law and to engage in diverse Masonic endeavors; and

WHEREAS, preceded in death by his beloved wife, Margaret, who passed away in 1986, the late William Randall is survived by his daughter, Mary Pat Wilson, two grandsons, and a great-granddaughter;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously to pay tribute to the full life of the late William Randall and to convey to his many friends, colleagues, and family members this legislative body's sincerest expression of condolences at his passage from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late former United States Representative, William J. Randall, of Independence, Missouri.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 7

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Vernon Jefferson Debo, who passed to his eternal reward on July 6, 2000; and

WHEREAS, Vernon Debo had played Santa Claus each Christmas for nearly sixty years as part of his longtime advocacy for the mentally disabled, which he took to the opening day of the Missouri General Assembly for fifty-nine consecutive years; and

WHEREAS, it was in the halls of the Missouri State Capitol

that Vernon Debo met with Governor Mel Carnahan and continually urged lawmakers to increase funding for the Missouri Department of Mental Health; and

WHEREAS, a former traveling salesman who never took pay for his lobbying efforts, Vernon Debo became interested in issues regarding mental retardation in 1940 after his son, Tommy, suffered from brain damage during birth; and

WHEREAS, Vernon Debo assisted other parents in the establishment of the Missouri Association for Retarded Citizens in the early 1950s when few programs existed for adults with mental retardation; and

WHEREAS, Vernon Debo and members of the Missouri Association for Retarded Citizens pushed for sheltered workshops and taxes to pay for those programs and over the years worked together in order to create housing, recreational facilities, skills training, and respite care; and

WHEREAS, a tireless advocate who was both proud and pleased to improve the quality of other people's lives, Vernon Debo greatly enjoyed playing Santa Claus and the smiles he brought to the faces of residents in the communities of Marshall, Higginsville, Liberty, and Kansas City, including those at Immacolata Manor, a Liberty home for mentally disabled women, where he visited just last December:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in paying final tribute to mental health advocate Vernon Debo, a remarkable man of peace and kindness in this world who will be greatly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Vernon Jefferson Debo, as an expression of our deepest sympathy.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 8

WHEREAS, members of the Missouri Senate have been pleased to learn that on Sunday July 30, 2000, David Ryffe, of Kansas City, celebrated the Fiftieth Anniversary of the journey which brought him from his birthplace in Biel, Switzerland, to the United States of America; and

WHEREAS, David Ryffe settled in Kansas City, Missouri, where he and his wonderful wife, Mary Jo, gave to the world a wonderful family and together enriched the lives of all their neighbors and friends whose roads of life crossed theirs, and

WHEREAS, David Ryffe became a famous Chef and Kansas City's most sought after culinary expert; and

WHEREAS, David and Mary Jo have donated much of their

time to their beloved church St. Elizabeth Parish where David for many years has been St. Elizabeth's most dependable Lay Communion Minister and volunteer; and

WHEREAS, David Ryffe is both a friend, neighbor and fellow parishioner of our colleague, the current Senator from the 10th District, Senator Harry Wiggins, who has been one of David Ryffe's most ardent and outspoken admirers, and who is anxious to honor his old friend on this auspicious occasion by this Resolution which will be recorded in the annals of the Missouri Senate and our history of the State of Missouri;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute David Ryffe on the occasion of his 50th anniversary of his journey from Biel, Switzerland, to Kansas City, Missouri where he has contributed immeasurably to the lives of his friends and fellow citizens express their appreciation and gratitude for his sharing his life and talents with Kansas City, and the United States of America, which he fondly calls the "Land of Opportunity", and extend to David, Mary Jo, and their family very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. David Ryffe and Father Robert Gregory, Pastor of St. Elizabeth Church, Kansas City.

Senator Wiggins offered Senate Resolution No. 9, regarding the death of Paul L. Wilbert, Pittsburg, Kansas, which was adopted.

Senator DePasco moved that the Senate proceed to the order of business, vetoed bills, and that the calendar be called, which motion prevailed.

HS for SS for SCS for SBs 867 and 552 was called thereafter and no action was taken thereon.

HS for SB 892 was called thereafter and no action was taken thereon.

SB 921 was called thereafter and no action was taken thereon.

RESOLUTIONS

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

SENATE RESOLUTION NO. 10

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been

duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552; House Substitute for Senate Bill No. 892 and Senate Bill No. 921 when the bills were so called by the President.

Senator Russell offered Senate Resolution No. 11, regarding Sergeant Gerald W. Pender, Marshfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, former State Senator Jack Gant and former State Senator Mary Gant, Jackson County.

Senator Caskey introduced to the Senate, former State Senator Bill Cason and his wife, Lois, Clinton.

Senator Russell introduced to the Senate, former State Senator James Noland, Camdenton.

Senator Quick introduced to the Senate, former State Senator Phil Snowden, Gladstone.

Senator Johnson introduced to the Senate, former State Senator John Downs and his wife, Donna, St. Joseph.

Senator Mueller introduced to the Senate, his wife, Diane, St. Louis; and former State Senator Al Mueller, Jefferson City.

Senator Graves introduced to the Senate, former State Senator and Mrs. Hardin Cox, Rock Port.

Senator Clay introduced to the Senate, former State Senator J.B. "Jet" Banks and his wife, Anita, St. Louis.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler, St. Louis.

The President introduced to the Senate, former Lieutenant Governor Bill Phelps.

Senator Ehlmann introduced to the Senate, his wife, Jean; his parents Beulah and Erich Ehlmann; and Dan and Vicky Huesemann, St. Charles.

Senator Kenney introduced to the Senate, his wife, Sandi, Lee's Summit.

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

Senator Maxwell introduced to the Senate, Les Peters, Marion County.

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