

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—THURSDAY, FEBRUARY 1, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“My child, give me your heart, and let your eyes observe my ways.” (Proverbs 23:26)

Gracious God, we know that we look but we do not always see and we listen but do not always hear. We pray, help us to listen so we do hear so we may help another and help us to look so we do see where we may be of use to one another. And help us to hear Your word this weekend and love those You have given us to love. 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 of the previous day was read and approved.

Senator Kenney announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

Absent with leave—Senator Scott—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 127, regarding former Missouri State Legislator Walter H. “Walt” Mueller, Jr., which was adopted.

Senator Steelman offered Senate Resolution No. 128, regarding the One Hundredth Birthday of Goldie Foster, Owensville, which was adopted.

Senator Johnson offered Senate Resolution No. 129, regarding the Honorable James William Roberts, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 130, regarding Leon and Bettie Edwards, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

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

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, the members of the Missouri Public Service Commission are charged with the responsibility of protecting the

interest of the people of the state of Missouri against utility companies that operate as monopolies; and

WHEREAS, Missouri Gas Energy requested a forty-four percent increase in what it charges consumers for natural gas in its jurisdiction in the western part of the state of Missouri, despite the recent enormous increases in the cost of natural gas already being borne by the people of this state; and

WHEREAS, the approval of the Missouri Gas Energy rate increase request by the members of the Missouri Public Service Commission ensures that heating bills for Missouri residents will more than double compared to the same period last year, bringing great hardship upon many Missourians, especially those with low incomes and older Missourians living on fixed incomes; and

WHEREAS, by voting for and allowing the forty-four percent increase to take effect without a public hearing and without evidence that the enormous rate increase was absolutely necessary, the members of the Missouri Public Service Commission who voted in support of the rate increase have violated section 386.060, RSMo, by being derelict in their duties and incompetent:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, pursuant to the powers granted them by section 386.060, RSMo, declare Chairman Sheila Lumpe in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the members of the General Assembly, pursuant to the powers granted them by section 386.060, RSMo, declare Vice Chairman M. Dianne Drainer in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the members of the General Assembly, pursuant to the powers granted them by section 386.060, RSMo, declare Commissioner Connie Murray in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

Senator Foster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the Federal Fish and Wildlife Service and the United States Army Corps of Engineers plan to continue the practice of increasing the flow of the Missouri River in the spring and reducing the flow of the Missouri River in the summer and fall of each year; and

WHEREAS, such practice results in an increase in river levels in the spring which creates a greater risk of flooding along the Missouri River and causes a decrease in river levels in late summer and fall resulting in a reduction in barge traffic on the Missouri and

Mississippi Rivers; and

WHEREAS, these regulatory practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers have a severe impact on any industry which uses the Missouri River to transport products and cause flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, the governors of the states of North Dakota, South Dakota, Wyoming and Montana have supported the practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers because these regulatory practices benefit those states by allowing them to hold water in their federal reservoirs on the Missouri River during the summer; and

WHEREAS, the regulatory practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers does not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin; and

WHEREAS, the Missouri departments of natural resources and transportation have opposed the regulations of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers and have taken actions to reduce the negative impacts of these regulatory practices on the state's river communities, lands and businesses:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against the regulatory practice of the Federal Fish and Wildlife Service and United State Corps of Engineers to control the flow of the Missouri River in such a manner which negatively impacts the state of Missouri; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue their efforts to lessen the negative impacts of these regulatory practices on the state's river communities, lands and businesses; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Federal Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of Transportation.

INTRODUCTION OF BILLS

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

SB 396—By Schneider.

An Act to repeal sections 142.803, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063,

301.065, 301.067, 301.069 and 302.735, RSMo 2000, relating to motor fuel taxation, and to enact in lieu thereof eleven new sections relating to the same subject, with a referendum clause.

SB 397—By Schneider.

An Act to repeal sections 355.131 and 448.3-102, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 398—By Rohrbach and Schneider.

An Act to repeal section 105.010, RSMo 2000, relating to public officers, and to enact in lieu thereof one new section relating to the same subject.

SB 399—By Sims.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri healthy families trust fund.

SB 400—By Kenney, Mathewson, Jacob, Steelman, Quick, DePasco and Yeckel.

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

SB 401—By Singleton.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to a multicultural program and committee within the office of the lieutenant governor, with an emergency clause.

SB 402—By Jacob and Bland.

An Act to repeal sections 160.534, 173.250 and 313.805, RSMo 2000, relating to funding for certain scholarships, and to enact in lieu thereof three new sections relating to the same subject.

SJR 13—By Sims.

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.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Co-Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE RESOLUTION NO. 120

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 25, 28 and 45 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, [7] **9** members.
3. Committee on Agriculture, Conservation, Parks and Tourism, [11] **9** members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, [13] **11** members.
8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
9. Committee on Gubernatorial Appointments, [11] **7** members.
10. Committee on Insurance and Housing, 9 members.
11. **Committee on Interstate Cooperation, 5 members.**
12. Committee on Judiciary, [9] **7** members.
- [12.] **13.** Committee on Labor and Industrial Relations, [9] **7** members.
- [13.] **14.** Committee on Local Government and Economic Development, [7] **9** members.
- [14.] **15.** Committee on Legislative Research (statutory), 10 members.
- [15.] **16.** Committee on Pensions and General Laws, [7] **9** members.
- [16.] **17.** Committee on Public Health and Welfare, [9] **7**

members.

[17. Committee on Redistricting, 8 members.]

18. Committee on Rules, Joint Rules, Resolutions and Ethics, [9] 7 members.

19. Committee on State Budget Control, 9 members.

20. Committee on Transportation, 9 members.

21. Committee on Ways and Means, [11] 9 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife,

game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[12.] 13. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[13.] 14. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[14.] 15. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[15.] 16. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[16.] 17. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[17. The Committee on Redistricting shall consider and report on all bills, resolutions and other matters referred to it relating to Congressional redistricting (Constitution, Article III, Section 45).]

18. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall

require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

20. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

21. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. **A bill**

shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000 or if it contains penalty provisions.

The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules and Resolutions may, by filing written objection, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth."

BE IT FURTHER RESOLVED that the temporary rules of the Senate, except Rule 103 adopted January 3, 2001, be adopted as amended hereby as the permanent rules of the Missouri Senate for the Ninety-First General Assembly.

Senator Kinder and Senator Quick, Co-Chairmen of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Willie J. Ellis, as a member of the Public Defender Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Schneider moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Dwayne A. Crompton, as a member of the Missouri Housing Development

Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Benjamin Uchitelle, as a member of the Missouri Training and Employment Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Sims, Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Alvin A. Plummer, as a member of the Personnel Advisory Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gracia Yancey Backer, as Director of the Division of Employment Security, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Steelman moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lowell Mohler, as Director of the Department of Agriculture, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Carter requested a roll call vote be taken and was joined in her request by Senators Caskey, Kenney, Mathewson and Klarich.

The committee report recommending the appointment of Lowell Mohler, as Director of the Department of Agriculture, was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Carter—1

Absent—Senator Goode—1

Absent with leave—Senators

Scott Sims—2

Vacancies—1

RESOLUTIONS

Senator Kinder requested that the rules be suspended and that **SR 120**, with **SCS**, be taken up for adoption, which request was granted.

Senator Kinder moved that **SCS** for **SR 120** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Foster	Gibbons

Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Carter—1

Absent—Senators—None

Absent with leave—Senators

Scott Sims—2

Vacancies—1

Co-Pro Tem Kinder moved that the referral of **SCR 12** be withdrawn and that the concurrent resolution remain on the Calendar, which motion prevailed.

Co-Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton and Senator Johnson, Co-Chairs of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 46** and **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach and Senator Jacob, Co-Chairs of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall and Senator Staples, Co-Chairs of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall and Senator Caskey, Co-Chairs of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bentley and Senator House, Co-Chairs of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 32, Page 2, Section 162.790, Line 43, by inserting after the word "Deaf" the following: "**or the Missouri School for the Blind**".

On behalf of Senator Sims, Co-Chair of the Committee on Aging, Families and Mental Health, Senator Kenney submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 44** and **SB 59**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers and Senator Mathewson, Co-Chairs of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Co-Chair of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster and Senator Johnson, Co-Chairs of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney, Co-Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 5

Establishing the "Child Custody, Abuse and Neglect Commission" within the office of the Governor.

WHEREAS, state child protective service agencies received approximately 46,270 reports of child abuse or neglect, involving nearly 71,500 children in Missouri in 1999; and

WHEREAS, approximately, 17,700 reports were assigned for further investigation in 1999 and, of those investigated, 54 percent were found to be unsubstantiated; and

WHEREAS, there exists a need for accountability in the review and investigation of child abuse and neglect cases; and

WHEREAS, there exists an additional need for assistance within and oversight of the agencies handling child abuse and neglect reports in order to ensure that every child's case is

appropriately handled; and

WHEREAS, a need for clarification and standardization of what constitutes the best interest of the child exists:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a Child Custody, Abuse and Neglect Commission within the office of the Governor which shall oversee and review the laws and rules relating to child abuse and neglect cases and shall make recommendations on further action or legislative remedies, if any, to be taken in such cases, as necessary; and

BE IT FURTHER RESOLVED that such Commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child; and

BE IT FURTHER RESOLVED that the Commission shall make its first report to the Governor and the General Assembly by February 1, 2002, and any subsequent reports shall be made to the Governor and the General Assembly as necessary; and

BE IT FURTHER RESOLVED that the Child Custody, Abuse and Neglect Commission shall be composed of 11 members to be appointed by the Governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a pediatrician, a psychologist, an educator, a Division of Family Services designee, and three citizens of the state of Missouri to serve four-year terms and of the members first appointed, three shall serve for a term of two years, three shall serve for a term of three years, and four shall serve for a term of four years; and

BE IT FURTHER RESOLVED that all members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the Commission; and

BE IT FURTHER RESOLVED that the office of the Governor shall provide funding, administrative support, and staff for the effective operation of the Commission; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senators House and Jacob offered Senate Resolution No. 131, regarding the University of Missouri-Columbia Hearnes Center emergency medical staff, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Westfall and himself, Senator Kinder introduced to the Senate, David Herbst and representatives of ALOT from around the state.

Senator Westfall introduced to the Senate, former State Representative Tim Kelly, Savannah.

Senator Kinder introduced to the Senate, Glen Beussink, Cape Girardeau.

Senator Rohrbach introduced to the Senate, Lori White, Jefferson City.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steven M. Shields, M.D., St. Louis.

The President introduced to the Senate, Kevin Pearre, Lorna Renoe Cockrum, Susan Wilderman and Jacob Jones, New Bloomfield.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 5, 2001.

SENATE CALENDAR

 NINETEENTH DAY—MONDAY, FEBRUARY 5, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Westfall	SB 355-Steelman
SB 322-Gross and Gibbons	SB 356-Schneider
SB 323-Childers, et al	SB 357-Schneider
SB 324-Childers	SB 358-Schneider
SB 325-Foster, et al	SB 359-Schneider
SB 326-Bland, et al	SB 360-Schneider
SB 327-Yeckel and Carter	SB 361-Bentley
SB 328-Yeckel and DePasco	SB 362-House, et al
SB 330-Jacob, et al	SB 363-Scott
SB 331-DePasco, et al	SB 364-Jacob
SB 332-Westfall	SB 365-Steelman
SB 333-DePasco	SB 366-House
SB 334-Kinder	SB 367-Steelman
SB 335-Kinder	SB 368-Childers
SB 336-Caskey and House	SB 369-Steelman and Stoll
SB 337-House and Kinder	SB 370-Caskey and Goode
SB 338-House	SB 371-Scott
SB 339-Stoll and Childers	SB 372-Gibbons
SB 340-Stoll and Childers	SB 373-Gibbons and Yeckel
SB 341-Jacob	SB 374-Steelman
SB 342-Jacob	SB 375-Steelman
SB 343-Scott	SB 376-Childers
SB 344-Rohrbach and Jacob	SB 377-Singleton
SB 345-House	SB 378-Singleton
SB 346-Caskey	SB 379-Singleton
SB 347-Caskey	SB 380-House
SB 348-Sims	SB 381-Klarich
SB 349-Sims, et al	SB 382-Yeckel and Stoll
SB 350-Sims	SB 383-Johnson
SB 351-Singleton and Scott	SB 384-House
SB 352-Johnson	SB 385-Mathewson
SB 353-Johnson	SB 386-Singleton
SB 354-Johnson and Scott	SB 387-Goode, et al
	SB 388-Caskey

SB 389-Scott
SB 390-Rohrbach and
Johnson
SB 391-Rohrbach
SB 392-Kenney and DePasco
SB 393-Sims
SB 394-Bentley
SB 395-Carter, et al
SB 396-Schneider
SB 397-Schneider

SB 398-Rohrbach and
Schneider
SB 399-Sims
SB 400-Kenney, et al
SB 401-Singleton
SB 402-Jacob and Bland
SJR 10-Quick
SJR 11-Yeckel
SJR 12-Singleton, et al
SJR 13-Sims

Unofficial
SENATE BILLS FOR PERFECTION

1. SB 256-Caskey
2. SBs 46 & 47-Bentley,
with SCS
3. SB 86-Rohrbach
4. SB 36-Westfall, et al,
with SCS
5. SB 123-Kinder

6. SB 32-Kinder, with
SCA 1
7. SBs 44 & 59-Bentley,
with SCS
8. SB 14-Mathewson
9. SB 12-Russell
10. SB 128-Childers

Journal

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 12-DePasco

SCR 13-Foster

Reported from Committee

SCR 3-Gross, et al
SCR 5-Klarich, with SCS
SCR 6-Stoll and Loudon

SCR 8-Caskey
SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

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