

Journal of the Senate

NINETY-FIRST GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 12, 2001

The Senate was called to order in Veto Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

“Therefore the wicked shall not stand upright when judgment comes, nor the sinner in the council of the righteous. For the Lord knows the way of the righteous, but the way of the wicked is doomed. (Psalm 1:5-6)

Heavenly Father, constitutionally we are here to deal with what is required of us. But we are still in shock and feeling anger at the attack on our country and have empathy for the victims and their families of this outrage. We pray for those injured that You will provide healing and be a present comfort to those who grieve. We pray that Your spirit will be with us and guide us to deal with those who have killed and hurt our people. Help us to bring reason and peace among our leaders and may Your just judgment be brought about. 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
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Rohrbach—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:

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 207, entitled:

“AN ACT”

To repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

I disapprove of Senate Bill No. 207. My reasons for disapproval are as follows:

Language in this bill conflicts with language in House

Bill No. 78, hereinafter referred to as HB 78, which was also approved by the General Assembly during the 2001 session and which was signed into law on July 10, 2001. Both bills aim to protect Missouri health care consumers from impaired practitioners by allowing physicians' health programs to provide information about such practitioners to the Board of Healing Arts without threat of civil action. This bill, however, unnecessarily limits the offered protection by restricting the civil immunity to those physicians' health programs that are "operated in this state and approved by the board." Missouri citizens should receive the benefit of the broader language contained in HB 78, which would allow more physicians' health programs to assist the Board of Healing Arts.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 207 without my approval.

Respectfully submitted,
/s/ BOB HOLDEN
Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 270, entitled:

“AN ACT”

To amend chapter 536, RSMo, by adding thereto one new section relating to administrative law judges, with an effective date.

I disapprove of Senate Committee Substitute for Senate Bill No. 270. My reasons for disapproval are as follows:

The provisions of this bill conflict with existing statutory law that the bill does not repeal. Specifically, this bill requires chief administrative law judges to establish and implement standards and specialized training programs for administrative law judges, although section 287.610(7), RSMo 2000, requires the Division of Workers' Compensation of the Department of Labor and Industrial Relations to establish such training. Furthermore, this bill allows administrative law judges to elect one of their own number to be chief administrative law judge, although section 287.615, RSMo 2000, provides that the Division of Workers' Compensation of the Department of Labor and Industrial Relations is responsible for appointing such administrative law judges.

I disapprove of the bill for two additional reasons. It is inappropriate to remove the selection of chief administrative law judges from the purview of the Governor, as such power has historically been exercised by the chief executive of the state. Mandating that administrative law judges establish their own training standards, furthermore, decreases the accountability that Missouri citizens expect from trusted judicial positions.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 270 without my approval.

Respectfully submitted,
/s/ BOB HOLDEN
Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 341, entitled:

“AN ACT”

To repeal sections 57.010, 590.100, 590.130, 590.170, and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

I disapprove of Senate Committee Substitute for Senate Bill No. 341. My reasons for disapproval are as follows:

The language of this bill conflicts with language contained in Conference Committee Substitute for Senate Committee Substitute for House Bill No. 80, hereinafter referred to as HB 80, which was also approved by the General Assembly during the 2001 session and signed into law on July 2, 2001. For instance, section 590.130 of this bill would require elected county police officers to be certified by January 1, 2002, whereas section 57.010 of HB 80 would give such officers until January 1, 2003, to be certified.

Both bills are meant to revise statutes that relate to the training of police officers. This administration supports such legislation, knowing that it sets the foundation for professional conduct, employment standards, and quality training for peace officers that will serve Missouri citizens well for years to come. In light of the fact that I have already given my approval to the more comprehensive language contained in HB 80, it is not necessary to confuse the law in this area by also signing this bill into law.

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

Senate Committee Substitute for Senate Bill No. 341 without my approval.

Respectfully submitted,
/s/ BOB HOLDEN
Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 387, entitled:

“AN ACT”

To amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

I disapprove of Senate Committee Substitute for Senate Bill No. 387. My reasons for disapproval are as follows:

This bill allows eligible electrical corporations to recover all reasonably and prudently incurred costs of natural gas associated with the production of electricity and at least some of the costs associated with the acquisition of electricity as an alternative to producing energy. In effect, because these corporations can recover the costs of buying electricity, which are in turn affected by the cost of natural gas, the corporations are empowered to increase their rates on the basis of a single factor, the cost of natural gas.

Creating a new process that allows for rate-making based on a single factor is unnecessary. The Public Service Commission has the statutory authority to grant justifiable rate increases, and may even do so on an emergency basis via interim rate relief proceedings. Such existing processes are adequate to ensure that factors that relate to rate changes are considered in a timely fashion. At the same time, these processes take into account all relevant factors so that there are no rate increases based on a single expense when other factors offset that expense.

Creating the new process envisioned by this bill is also bad policy. My administration has taken direct action with respect to the various energy issues that our state is facing and will face in the near and distant future. In addition to appointing the Missouri Energy Policy Task Force in February of 2001, I charged Attorney General Jay Nixon with the responsibility of investigating the sharp increase in home heating prices that plagued Missouri citizens during the past winter. One conclusion of the investigations engendered by this action is that

purchase gas adjustment-type mechanisms expose Missouri consumers to the volatility of the natural gas market. As the March 1, 2001, report of the Missouri Energy Policy Task Force stated, last winter's "sudden rise in the price of natural gas...was caused by...the manner in which current regulatory practices in Missouri pass through gas costs to consumers." Another conclusion is that utilities that are able to pass the cost of natural gas on to consumers easily will have little incentive to utilize more cost-effective methods for creating energy. Senate Committee Substitute for Senate Bill No. 387 creates new provisions of law that conflict with these conclusions, and for that reason I must, in good conscience, veto it.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 387 without my approval.

Respectfully submitted,
/s/ BOB HOLDEN
Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Revision Senate Bill No. 606, entitled:

“AN ACT”

To repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215, and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

I disapprove of Revision Senate Bill No. 606. My reasons for disapproval are as follows:

This bill attempts to repeal sections of Missouri law, specifically sections 208.453 to 208.480, RSMo 2000, that relate to the Federal Reimbursement Allowance. It was expected that these sections would sunset on September 30, 2001. The sunset provision applicable to those sections was extended, however, by House Bill

No. 955, hereinafter HB 955, which was passed by the General Assembly during the 2001 legislative session and signed into law on June 22, 2001. Senate Bill No. 606, therefore, would repeal laws that are not obsolete if it was signed into law.

The Federal Reimbursement Allowance is an integral component of our state's Medicaid program. The repeal of sections 208.453 to 208.480, RSMo 2000, would jeopardize substantial state revenues that, in turn, draw down federal money used to compensate Medicaid providers. This funding, which helps ensure adequate medical coverage for low-income Missouri citizens, can not be lost.

For all of the above stated reasons for disapproval, I am returning Revision Senate Bill No. 606 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

RESOLUTIONS

Senator Kenney 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 Kenney 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 Ninety-first General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-first General Assembly.

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

SB 207 was called thereafter and no action was taken thereon.

SCS for SB 270 was called thereafter and no action was taken thereon.

SCS for SB 341 was called thereafter and no

action was taken thereon.

SCS for SB 387 was called thereafter and no action was taken thereon.

SRB 606 was called thereafter and no action was taken thereon.

RESOLUTIONS

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

SENATE RESOLUTION NO. 3

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 Senate Bill No. 207; Senate Committee Substitute for Senate Bill No. 270; Senate Committee Substitute for Senate Bill No. 341; Senate Committee Substitute for Senate Bill No. 387 and Senate Revision Bill No. 606 when the bills were so called by the President.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

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 has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-first General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2001 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT FURTHER RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 3**, **CCS** for **SCS** for **HCS** for **HB 4**, **CCS** for **SCS** for **HCS** for **HB 5**, **CCS** for **SCS** for **HCS** for **HB 6**, **CCS** for **SCS** for **HCS** for **HB 7**, **CCS** for **SCS** for **HCS** for **HB 8**, **CCS** for **SCS** for **HCS** for **HB 12**, **CCS** for **SCS** for **HB 16**, **SS** for **SCS** for **HB 185**, **HB 725** and **HB 909** when the bills were called by the Speaker.

INTRODUCTION OF GUESTS

Senator Kinder introduced to the Senate, Gary Rust, Cape Girardeau.

On motion of Senator Kenney, the Senate adjourned sine die pursuant to the Constitution.

JOE MAXWELL
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate

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