

# Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 12, 1999

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father, Your servants here give You thanks for all Your goodness and loving-kindness to us. Grant, we pray, to give us such an awareness of Your spiritual promptings that we might be about the tasks You have for us to perform, to provide service to the people who elected us and compassion on those who are truly needed. This we ask in Your Holy Name. 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 DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber.

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

Present—Senators

Banks	Bentley	Bland	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.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

## RESOLUTIONS

Senators Wiggins, DePasco, Quick, Bland and Kenney offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 54

WHEREAS, the members of the Missouri Senate have been deeply pleased to learn that on Thursday, January 14th, the Jackson County Parks and Recreation Department will conduct a ceremony at 3:30 p.m. at which the Longview Golf Course will be renamed the Fred Arbanas Longview Golf Course; and

WHEREAS, the ceremony is in honor of one of the greatest and deserving citizens in the history of Jackson County, the Honorable Fred Arbanas; and

WHEREAS, Fred Arbanas has served continuously as a member of the Jackson County Legislature since its inception in 1974, taking the place under the county charter of the old Jackson County Court, and has just taken the oath of office for his eighth term; and

WHEREAS, prior to entering elective political office, Fred Arbanas was a professional athlete and an All-Star player for the Kansas City Chiefs, being elected after his retirement to the Kansas City Chiefs Hall of Fame; and

WHEREAS, during twenty six years as a member of the Jackson County Legislature, Fred Arbanas, has stood for the highest standards of honesty, faithful attention to duty, truthfulness with the people, efficiency and good government; and

WHEREAS, in addition to the numerous civic and community projects he has championed, Fred Arbanas has taken a particular interest in the Jackson County Parks and Recreation Department to make parks, lakes and recreation facilities available to all citizens, young and old; and

WHEREAS, under the watchful supervision of Fred Arbanas in cooperation with then County Executive Bill Waris and the late, great Alex George, a fabulous golf course, Longview, second to

none, was developed along the shores of the newly created Longview Lake, creating one of the greatest public recreational complexes, not just in Missouri, but in the entire Midwest; and

WHEREAS, it is truly fitting that the government of Jackson County now rename the golf course the Fred Arbanas Longview Golf Course in honor of a great Jackson Countian and a great American;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, pause in their deliberations to salute the outstanding accomplishments of Fred Arbanas, express congratulations on the honor of having Longview golf course renamed for him, and extend to Fred Arbanas and all his family our best wishes for many long years continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of Senate be instructed to prepare properly inscribed copies of this resolution for Fred Arbanas, Jackson County Legislature, Fred Arbanas Longview Golf Course and the Honorable Bill Waris.

### CONCURRENT RESOLUTIONS

Senator Russell offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, United Nations Ambassador Peter Burleigh signed the Kyoto Protocol on behalf of the United States this last December; and

WHEREAS, the United States has agreed to reduce greenhouse gas emissions seven percent below 1990 levels in just twelve years; and

WHEREAS, if the Global Climate Treaty is ratified by a two-thirds majority of the United States Senate, over one hundred countries with whom the United States directly competes for international markets, including Mexico, China, India and Argentina, would be totally exempt from the greenhouse gas requirements in the treaty; and

WHEREAS, there appears to be no agreement among the scientific community that human greenhouse gas emissions cause global warming, and scientists at the Oregon Institute of Science and Medicine state: "There is not a shred of persuasive evidence that humans have been responsible for increasing global temperatures."; and

WHEREAS, if the United States Senate ratifies the Global Climate Treaty, studies estimate that legally binding requirements for the reduction of United States greenhouse gases below 1990 emission levels would result in the loss of more than 2.4 million jobs, including the potential loss of nearly fifty thousand Missouri jobs; and

WHEREAS, these same estimates show the requirements would likely result in sharply increased prices for natural gas, propane, gasoline and diesel fuel, and in higher food prices as the result of new restrictions on farmers; and

WHEREAS, despite the federal administration signing the treaty, the Constitution requires the Senate to first debate the issue then vote "yes" or "no" on ratification before it becomes a formal

United States treaty; and

WHEREAS, Congress has not conducted a national discussion on the Kyoto Protocol:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Senate, our Missouri Senators in particular, to hold a national discussion on the Kyoto Protocol and not to ratify the Global Climate Treaty signed in Kyoto, Japan; 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 United States, the United States Senate and each member of the Missouri Congressional delegation.

### INTRODUCTION OF BILLS

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

**SB 252**—By Rohrbach.

An Act to repeal section 478.625, RSMo 1994, relating to the nineteenth judicial circuit, and to enact in lieu thereof one new section relating to the same subject.

**SB 253**—By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

**SB 254**—By Bland.

An Act relating to economic development in certain economically depressed areas.

**SB 255**—By Bland.

An Act to repeal section 59.319, RSMo 1994, relating to user fees collected by the county recorder of deeds, and to enact in lieu thereof one new section relating to the same subject.

**SB 256**—By Bland.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 375.005, 375.007, and 375.008, RSMo 1994, relating to cancellation of insurance policies, and to enact in lieu thereof six new sections relating to the same subject.

**SB 257**—By Bland.

An Act relating to liquor control, with penalty provisions.

**SB 258**—By Bland.

An Act relating to academic scholarships for certain motivated and talented students, with penalty provisions.

**SB 259**—By Jacob.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

**COMMITTEE APPOINTMENTS**

President Pro Tem Quick submitted the following committee appointments:

**ADMINISTRATION**

Senators: Quick, Chair  
DePasco, Vice-chair  
Johnson  
Ehlmann  
Flotron

**AGING, FAMILIES AND MENTAL HEALTH**

Senators: Howard, Chair  
Johnson, Vice-chair  
Bland  
Clay  
Bentley  
Childers  
Sims

**AGRICULTURE, CONSERVATION, PARKS AND TOURISM**

Senators: Johnson, Chair  
Howard, Vice-chair  
Caskey  
House  
Jacob  
Stoll  
Childers  
Graves  
Rohrbach  
Steelman  
Westfall

**APPROPRIATIONS**

Senators: Goode, Chair  
Maxwell, Vice-chair  
Wiggins, Vice-chair  
Clay  
Howard  
Johnson

Staples  
Kinder  
Mueller  
Rohrbach  
Russell  
Singleton  
Westfall

**CIVIL AND CRIMINAL JURISPRUDENCE**

Senators: Caskey, Chair  
Banks, Vice-chair  
Bland  
Goode  
House  
Bentley  
Sims  
Singleton  
Westfall

**COMMERCE AND ENVIRONMENT**

Senators: Maxwell, Chair  
Mathewson, Vice-chair  
Goode  
Schneider  
Stoll  
Ehlmann  
Kenney  
Kinder  
Steelman

**EDUCATION**

Senators: House, Chair  
Johnson, Vice-chair  
Caskey  
Clay  
Jacob  
Maxwell  
Stoll  
Bentley  
Kenney  
Sims  
Steelman  
Westfall  
Yeckel

**ELECTIONS, VETERANS' AFFAIRS AND CORRECTIONS**

Senators: Stoll, Chair  
Maxwell, Vice-chair  
Bland  
Howard

Jacob  
Ehlmann  
Flotron  
Rohrbach  
Yeckel

**ETHICS**

Senators: Caskey, Chair  
Scott, Vice-chair  
Schneider  
Wiggins  
Kenney  
Klarich  
Russell  
Westfall

**FINANCIAL AND GOVERNMENTAL ORGANIZATION**

Senators: Clay, Chair  
Maxwell, Vice-chair  
Howard  
Jacob  
Mathewson  
Bentley  
Graves  
Kinder  
Yeckel

**GUBERNATORIAL APPOINTMENTS**

Senators: Quick, Chair  
Scott, Vice-chair  
Banks  
DePasco  
Mathewson  
Staples  
Bentley  
Flotron  
Kinder  
Russell  
Singleton

**INSURANCE AND HOUSING**

Senators: Jacob, Chair  
House, Vice-chair  
Banks  
Clay  
Howard  
Mueller  
Rohrbach  
Sims  
Singleton

**JUDICIARY**

Senators: Schneider, Chair  
Caskey, Vice-chair  
Howard  
Maxwell  
Wiggins  
Ehlmann  
Kenney  
Kinder  
Klarich

**LABOR AND INDUSTRIAL RELATIONS**

Senators: Bland, Chair  
Clay, Vice-chair  
House  
Jacob  
Mathewson  
Childers  
Kinder  
Mueller  
Yeckel

**LOCAL GOVERNMENT AND ECONOMIC DEVELOPMENT**

Senators: Mathewson, Chair  
Scott, Vice-chair  
Johnson  
Stoll  
Childers  
Graves  
Klarich

**PENSIONS AND GENERAL LAWS**

Senators: Scott, Chair  
Staples, Vice-chair  
DePasco  
Quick  
Ehlmann  
Flotron  
Klarich

**PUBLIC HEALTH AND WELFARE**

Senators: Banks, Chair  
Wiggins, Vice-chair  
Bland  
Jacob  
Maxwell  
Bentley  
Rohrbach  
Sims  
Singleton

**RULES, JOINT RULES AND RESOLUTIONS**

Senators: DePasco, Chair  
 Quick, Vice-chair  
 Mathewson  
 Scott  
 Wiggins  
 Ehlmann  
 Mueller  
 Singleton  
 Yeckel

**STATE BUDGET CONTROL**

Senators: Johnson, Chair  
 Quick, Vice-chair  
 Banks  
 DePasco  
 Goode  
 Ehlmann  
 Flotron  
 Graves  
 Yeckel

**TRANSPORTATION**

Senators: Staples, Chair  
 Mathewson, Vice-chair  
 DePasco  
 House  
 Scott  
 Childers  
 Graves  
 Kenney  
 Russell

**WAYS AND MEANS**

Senators: Wiggins, Chair  
 Stoll, Vice-chair  
 Caskey  
 House  
 Jacob  
 Schneider  
 Flotron  
 Klarich  
 Mueller  
 Rohrbach  
 Steelman

President Pro Tem Quick appointed the following committee, pursuant to **HCR 1**: Senators Caskey, Ehlmann, House, Jacob, Kinder, Klarich, Maxwell, Russell, Schneider and Wiggins.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 260**—By Klarich.

An Act to repeal sections 72.400, 72.401, 72.410, 72.416 and 72.422, RSMo Supp. 1998, relating to boundaries of political subdivisions, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

**REFERRALS**

President Pro Tem Quick referred the Gubernatorial Appointments appearing on pages 22 through 43 of the Senate Journal for Wednesday, January 6, 1999, and the addendums appearing on page 65 of the Senate Journal for Monday, January 11, 1999, to the Committee on Gubernatorial Appointments.

President Pro Tem Quick referred **SCR 1**, **SCR 2** and **SCR 3** to the Committee on Rules, Joint Rules and Resolutions.

President Wilson assumed the Chair.

**SECOND READING OF SENATE BILLS**

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

**SB 1**—Judiciary.

**SB 2**—Financial and Governmental Organization.

**SB 3**—Ways and Means.

**SB 4**—Ways and Means.

**SB 5**—Ways and Means.

**SB 6**—Ways and Means.

**SB 7**—Public Health and Welfare.

**SB 8**—Public Health and Welfare.

**SB 9**—Insurance and Housing.

**SB 10**—Transportation.

**SB 11**—Judiciary.

**SB 12**—Public Health and Welfare.

- SB 13**—Ways and Means.
- SB 14**—Ways and Means.
- SB 15**—Local Government and Economic Development.
- SB 16**—Ways and Means.
- SB 17**—Transportation.
- SB 18**—Civil and Criminal Jurisprudence.
- SB 19**—Transportation.
- SB 20**—Insurance and Housing.
- SB 21**—Civil and Criminal Jurisprudence.
- SB 22**—Aging, Families and Mental Health.
- SB 23**—Labor and Industrial Relations.
- SB 24**—Local Government and Economic Development.
- SB 25**—Public Health and Welfare.
- SB 26**—Elections, Veterans' Affairs and Corrections.
- SB 27**—Elections, Veterans' Affairs and Corrections.
- SB 28**—Insurance and Housing.
- SB 29**—Pensions and General Laws.
- SB 30**—Agriculture, Conservation, Parks and Tourism.
- SB 31**—Ethics.
- SB 32**—Labor and Industrial Relations.
- SB 33**—Ways and Means.
- SB 34**—Financial and Governmental Organization.
- SB 35**—Ways and Means.
- SB 36**—Elections, Veterans' Affairs and Corrections.
- SB 37**—Local Government and Economic Development.
- SB 38**—Labor and Industrial Relations.
- SB 39**—Civil and Criminal Jurisprudence.
- SB 40**—Education.
- SB 41**—Education.
- SB 42**—Local Government and Economic Development.
- SB 43**—Financial and Governmental Organization.
- SB 44**—Public Health and Welfare.
- SB 45**—Public Health and Welfare.
- SB 46**—Judiciary.
- SB 47**—Ways and Means.
- SB 48**—Insurance and Housing.
- SB 49**—Civil and Criminal Jurisprudence.
- SB 50**—Pensions and General Laws.
- SB 51**—Transportation.
- SB 52**—Ways and Means.
- SB 53**—Ways and Means.
- SB 54**—Elections, Veterans' Affairs and Corrections.
- SB 55**—Civil and Criminal Jurisprudence.
- SB 56**—Transportation.
- SB 57**—Ways and Means.
- SB 58**—Ways and Means.
- SB 59**—Education.
- SB 60**—Ways and Means.
- SB 61**—Agriculture, Conservation, Parks and Tourism.
- SB 62**—Pensions and General Laws.
- SB 63**—Ways and Means.
- SB 64**—Ways and Means.
- SB 65**—Ways and Means.
- SB 66**—Civil and Criminal Jurisprudence.
- SB 67**—Financial and Governmental Organization.
- SB 68**—Ways and Means.
- SB 69**—Ways and Means.
- SJR 1**—Judiciary.
- SJR 2**—Judiciary.

**SJR 3**—Elections, Veterans' Affairs and Corrections.

**SJR 4**—Ways and Means.

**SJR 5**—Elections, Veterans' Affairs and Corrections.

**SJR 6**—Education.

**SJR 7**—Ways and Means.

**SJR 8**—Pensions and General Laws.

**SJR 9**—Pensions and General Laws.

**SJR 10**—Education.

**SJR 11**—Ways and Means.

**SJR 12**—Civil and Criminal Jurisprudence.

**SJR 13**—Civil and Criminal Jurisprudence.

**SJR 14**—Ways and Means.

**SJR 15**—Ways and Means.

**SJR 16**—Judiciary.

**SJR 17**—Ways and Means.

### INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

**SB 261**—By Howard.

An Act to repeal sections 199.170 and 199.180, RSMo 1994, and section 199.230, RSMo Supp. 1998, relating to the treatment of tuberculosis, and to enact in lieu thereof three new sections relating to the same subject.

### RESOLUTIONS

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

#### SENATE RESOLUTION NO. 55

WHEREAS, from time to time the members of the Missouri Senate pause to recognize the meritorious endeavors of exceptional young Missourians, a most delightful task which this legislative body embraces with great enthusiasm; and

WHEREAS, Deborah McDonald of Alton, Missouri, enjoyed the honor, glory, and distinction of being selected Miss Missouri 1998 last June; and

WHEREAS, the daughter of Helen and the late Bill McDonald, Deborah was born March 14, 1974, in West Plains, Missouri, and grew up with the love and companionship of two sisters, Rebecca Lynn and Rachel Suezan, and one brother, William Brian; and

WHEREAS, currently taking courses toward her doctorate at the University of Missouri, Deborah McDonald prevailed as the third runner-up in the Miss America Pageant where she won over \$30,000 in scholarships that aided her in graduating cum laude with a Bachelor's degree in Marketing and a Master's degree in Business Administration; and

WHEREAS, a charming young lady who graciously shares her intelligence, wisdom, and sense of humor, Deborah McDonald tours the state singing and fulfilling speaking engagements with schools, businesses, and civic groups; and

WHEREAS, prior to her reign as Miss Missouri, Deborah McDonald worked successfully as a radio personality on both talk radio and country stations, as a Promotions Director, and as an Account Executive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join unanimously in extending our most hearty congratulations to Deborah McDonald upon her selection as Miss Missouri 1998 and in wishing her the best of luck throughout her reign and in all her 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 Miss Missouri 1998, Deborah McDonald.

### INTRODUCTIONS OF GUESTS

Senator Staples introduced Miss Missouri 1998, Deborah McDonald, Alton.

Ms. McDonald assumed the dais and addressed the members of the Senate.

President Wilson resumed the dais.

### RESOLUTIONS

Senator Stoll offered Senate Resolution No. 56, regarding Technical Education Week, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Cathy McDougall, St. Louis.

Senator Singleton introduced to the Senate, Kristen Tuohy, Seneca.

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

## SENATE CALENDAR

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 FIFTH DAY—WEDNESDAY, JANUARY 13, 1999
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 70-Schneider	SB 103-Bentley
SB 71-Schneider	SB 104-Sims, et al
SB 72-Schneider	SB 105-Sims and Yeckel
SB 73-Wiggins	SB 106-Sims
SB 74-Wiggins, et al	SB 107-Childers
SB 75-Wiggins	SB 108-Childers and Westfall
SB 76-Banks	SB 109-Childers
SB 78-Russell	SB 110-Schneider
SB 79-Russell	SB 111-Schneider
SB 80-Russell	SB 112-Schneider
SB 81-Mathewson	SB 113-Wiggins
SB 82-Goode, et al	SB 114-Russell
SB 83-Goode	SB 115-Russell
SB 84-Goode and Johnson	SB 116-Russell
SB 85-Flotron	SB 117-Goode
SB 86-Singleton	SB 118-Goode
SB 87-Singleton	SB 119-Goode
SB 88-Singleton	SB 120-Singleton
SB 89-Mueller	SB 121-Singleton
SB 90-Johnson	SB 122-Singleton
SB 91-Rohrbach	SB 123-Ehlmann
SB 92-Ehlmann	SB 124-Sims
SB 93-Ehlmann	SB 125-Childers
SB 94-Ehlmann	SB 126-Childers
SB 95-Maxwell	SB 127-Childers
SB 97-Maxwell	SB 128-Schneider
SB 98-Kenney	SB 129-Schneider
SB 99-Kenney	SB 130-Schneider
SB 100-Kenney	SB 131-Russell
SB 101-Bentley	SB 132-Russell
SB 102-Bentley	



SB 133-Russell	SB 173-Jacob
SB 134-Goode	SB 174-Quick
SB 135-Goode	SB 175-Rohrbach
SB 136-Goode	SB 176-Rohrbach
SB 137-Childers	SB 177-DePasco
SB 138-Childers	SB 178-Maxwell
SB 139-Childers	SB 179-Goode
SB 140-Schneider	SB 180-Johnson
SB 141-Schneider	SB 181-Maxwell
SB 142-Schneider	SB 182-Westfall
SB 143-Russell	SB 183-Staples
SB 144-Russell	SB 184-Staples
SB 145-Russell	SB 185-Goode
SB 146-Goode	SB 186-Kenney
SB 147-Goode	SB 187-Kenney
SB 148-Childers	SB 188-House
SB 149-Childers	SB 189-House
SB 150-Childers	SB 190-House
SB 151-Childers	SB 191-House
SB 152-Childers	SB 192-Wiggins
SB 153-Childers	SB 193-Wiggins
SB 154-Childers	SB 194-Singleton
SB 155-Kinder	SB 195-Rohrbach
SB 156-Schneider, et al	SB 196-DePasco
SB 157-Flotron and Kenney	SB 197-DePasco
SB 158-Singleton and Schneider	SB 198-House
SB 159-House	SB 199-Scott
SB 160-Maxwell	SB 200-Rohrbach
SB 161-Maxwell	SB 201-Childers
SB 162-Maxwell	SB 202-Childers
SB 163-House	SB 203-Wiggins
SB 164-Kenney	SB 204-Rohrbach
SB 165-Steelman	SB 205-Westfall and Staples
SB 166-Kinder	SB 206-Childers
SB 167-Westfall	SB 207-Klarich and Wiggins
SB 168-Ehlmann	SB 208-House and Ehlmann
SB 169-Maxwell	SB 209-Goode, et al
SB 170-Schneider	SB 210-Howard
SB 171-Maxwell	SB 211-Howard
SB 172-Goode	SB 212-Jacob
	SB 213-Scott

SB 214-Mathewson	SB 239-Jacob
SB 215-Mathewson	SB 240-DePasco
SB 216-Wiggins	SB 241-Bland
SB 217-Wiggins	SB 242-Bland
SB 218-Caskey	SB 243-Bland
SB 219-Caskey	SB 244-Schneider
SB 220-Caskey	SB 245-Maxwell, et al
SB 221-House	SB 246-Maxwell and Goode
SB 222-Clay	SB 247-Maxwell
SB 223-Bland	SB 248-Maxwell
SB 224-Caskey	SB 249-Maxwell
SB 225-Caskey	SB 250-Bland
SB 226-Mathewson	SB 251-Bland
SB 227-Mathewson	SB 252-Rohrbach
SB 228-Russell	SB 253-Bland
SB 229-Russell	SB 254-Bland
SB 230-Russell	SB 255-Bland
SB 231-Banks	SB 256-Bland
SB 232-Banks	SB 257-Bland
SB 233-Sims	SB 258-Bland
SB 234-Stoll	SB 259-Jacob
SB 235-Stoll	SB 260-Klarich
SB 236-Stoll	SB 261-Howard
SB 237-Klarich	SJR 18-Wiggins
SB 238-Jacob	

RESOLUTIONS

To be Referred

SCR 4-Russell

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