

# Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—MONDAY, JANUARY 18, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Heavenly Father: We gather once again to pray that You will give us a reverent sense of Your presence that we may be at peace as we discern the work that faces us this week. Grant us the discipline and management of our time and work that we may accomplish the greatest good through maximum efficiency with minimum effort. 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 for Thursday, January 14, 1999, was read and approved.

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

Present—Senators

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

Absent with leave—Senators

Clay                    Scott—2

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schneider offered Senate Resolution No. 74, regarding Chester T. Koper, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 75, regarding the Monsanto Company, which was adopted.

Senator DePasco offered Senate Resolution No. 76, regarding Veronica Powell, Sugar Creek, which was adopted.

Senator Mathewson offered Senate Resolution No. 77, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Leroy Tye, Odessa, which was adopted.

Senator Steelman offered Senate Resolution No. 78, regarding the One Hundred Fifth Birthday of Ellen Smith, Owensville, which was adopted.

Senator Caskey offered Senate Resolution No. 79, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Louis Eckhardt, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 80, regarding the death of Harry Mills, Clinton, which was adopted.

Senator Jacob offered Senate Resolution No. 81, regarding National Eye Care Month, which was adopted.

Senator Steelman, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 82

WHEREAS, it is with great pride and sincere admiration that

the members of the Missouri Senate pause to recognize the Reverend G. Dale Norfolk, a cherished resident of Holts Summit, Missouri, who has distinguished himself as a devout servant of the Lord for many years; and

WHEREAS, born and raised in Hannibal, Missouri, Pastor Norfolk attended Hannibal High School and earned undergraduate degrees from both Hannibal LaGrange College and Culver Stockton College, a Master's degree from the Missouri School of Religion, and a Master's degree in English education from Lincoln University; and

WHEREAS, ordained to the gospel ministry in 1952, the Reverend Dale Norfolk pastored his first congregation at the Noix Creek Baptist Church in Louisiana, Missouri, when he was just seventeen, since which time he has served as pastor to the families of Pleasant View Baptist Church in Liberty, Illinois; Prairie Grove Baptist Church in Columbia, Missouri; Grand Prairie Baptist Church in Auxvasse, Missouri; and the Union Hill Baptist Church in Holts Summit, Missouri, where he touched the lives of countless individuals through twenty years of dedicated service; and

WHEREAS, Pastor Norfolk achieved tremendous personal success as the Public Relations Director for the Missouri Baptist Children's Home, in which capacity he initiated several programs, wrote numerous articles, and spoke in nearly 1,000 Missouri Baptist Churches until his retirement in 1998; and

WHEREAS, the Reverend Dale Norfolk served as Chaplain of the Missouri Senate for twenty-six years, during which time he offered numerous words of encouragement to Senate members, officiated at funerals and weddings for many of the Senate staff members, and worked with Senator Norman Merrell to establish a Senate prayer breakfast; and

WHEREAS, a coach of elementary school basketball teams for most of his life, Pastor Norfolk served as a member of the board of Hannibal LaGrange College for eight years, as the host of his own radio program on KFAL in Fulton for sixteen years, as a state and local officer in Baptist organizations throughout the state, and as a member of the Governor's Prayer Breakfast Committee for six years; and

WHEREAS, Dale Norfolk has been abundantly blessed with the love and support of his wonderful family which includes his devoted wife of forty-five years, Barbara Damron Norfolk; his two children, Dennis and Lori; and his two grandchildren, Harmony and Bryan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our most sincere appreciation to Dale Norfolk for his many years of unparalleled service to the ministry, and in wishing him only the very best as he continues to serve the Christian mission; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Reverend G. Dale Norfolk, as a measure of our esteem for him.

President Wilson assumed the Chair.

Senator Quick moved that **SR 70** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 70** was adopted.

Senator Klarich offered the following resolution, which was read:

#### SENATE RESOLUTION NO. 83

WHEREAS, more than forty States, including Missouri, commenced litigation asserting various claims for monetary, equitable and injunctive relief against certain tobacco product manufacturers and others as defendants; and

WHEREAS, several States, including Missouri, entered into fee agreements with private outside counsel to commence and prosecute these various claims; those fee agreements calling for varied methods of compensation for the private outside counsel; and

WHEREAS, defendant tobacco manufacturers denied all of the States' allegations of unlawful conduct or wrongdoing and asserted a number of defenses to the States' claim; and

WHEREAS, State officials, including Missouri Attorney General Jay Nixon, believed that entry into a Settlement Agreement and uniform consent decrees with the tobacco industry concerning their respective lawsuits and potential claims would secure terms favorable for the States, including Missouri and its citizens; and

WHEREAS, State officials, including Missouri Attorney General Jay Nixon or his designee, executed the Master Settlement Agreement on behalf of the States, and specifically Missouri, and further have been seeking court approval for the Master Settlement Agreement; and

WHEREAS, since execution of the Master Settlement Agreement many questions have surfaced regarding the language of the settlement agreement, including but not limited to questions surrounding the payment of private outside counsel; and

WHEREAS, the Missouri Senate requires prompt and factual information to discharge its duty under law to pass legislation, including but not limited to those acts required under the Master Settlement Agreement, and in addition requires this knowledge to properly discharge its duty in the appropriations process which is now in motion:

NOW, THEREFORE, BE IT RESOLVED that the President Pro Tem of the Missouri Senate create a select committee to be composed of seven members of the Senate, appointed by the President Pro Tem to study tobacco and the effects of the Master Settlement Agreement; and

BE IT FURTHER RESOLVED that the committee shall consider bills or resolutions relating to tobacco and the Master Settlement Agreement, and may call witnesses if it deems necessary; and

BE IT FURTHER RESOLVED that the committee be instructed to prepare a report for submission to the President Pro Tem of the Senate by March 1, 1999.

#### CONCURRENT RESOLUTIONS

Senators DePasco, Wiggins and Quick offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the current financial crises in Asia, Russia and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries and a collapse in the domestic demand for steel in those countries; and

WHEREAS, these crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately has a detrimental effect on this state's economy; and

WHEREAS, there is a well recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, requests the President of the United States to commence immediate study to determine the entry into the customs territory of the United States of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to immediately impose a one-year ban on imports of all steel products that are the product of or are manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea or Brazil, if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States; and

BE IT FURTHER RESOLVED that the General Assembly of the State of Missouri requests the President of the United States to establish a task force within the executive branch to closely monitor imports of steel products to the United States from other countries to determine whether international trade agreements are being violated; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to provide properly inscribed copies of this resolution to Bill Clinton, President of the United States.

**INTRODUCTION OF BILLS**

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

**SB 291**—By Caskey.

An Act to repeal sections 210.843, 454.430,

454.520, 454.810 and 516.350, RSMo 1994, and sections 452.340, 452.345, 452.350, 454.415, 454.432, 454.433, 454.460, 454.495, 454.505, 454.530 and 483.163, RSMo Supp. 1998, relating to child support enforcement, and to enact in lieu thereof sixteen new sections relating to the same subject.

**SB 292**—By Sims.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to health care facilities.

**SB 293**—By Staples.

An Act to repeal section 67.582, RSMo Supp. 1998, relating to law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

**SB 294**—By Staples.

An Act to repeal section 302.020, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

**SB 295**—By Schneider, DePasco, Banks, Klarich, Wiggins, Steelman and Ehlmann.

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

**SB 296**—By Wiggins, House, Stoll, Schneider, Scott, DePasco, Klarich, Flotron, Rohrbach, Mueller and Steelman.

An Act relating to certain duties of the department of revenue.

**SB 297**—By Howard.

An Act to repeal section 195.070, RSMo Supp. 1998, relating to the dispensing of controlled substances, and to enact in lieu thereof two new sections relating to the same subject.

**SB 298**—By Kinder.

An Act to repeal section 559.021, RSMo Supp. 1998, relating to conditions of probation, and to enact in lieu thereof one new section relating to

the same subject.

**SB 299**—By Yeckel.

An Act to repeal section 448.3-116, RSMo Supp. 1998, relating to condominiums, and to enact in lieu thereof one new section relating to the same subject.

**SB 300**—By Goode.

An Act to repeal section 139.031, RSMo Supp. 1998, relating to property taxation of utilities, and to enact in lieu thereof two new sections relating to the same subject.

**SB 301**—By Ehlmann.

An Act to repeal section 160.518, RSMo 1994, relating to review and accreditation of school districts, and to enact in lieu thereof one new section relating to the same subject.

**REFERRALS**

President Pro Tem Quick referred **SCR 8** to the Committee on Rules, Joint Rules and Resolutions.

The following concurrent resolution was read the 2nd time and referred to the following Committee:

**SCR 9**—Rules, Joint Rules and Resolutions.

President Pro Tem Quick referred **SR 83** to the Committee on Rules, Joint Rules and Resolutions.

**SENATE BILLS FOR PERFECTION**

Senator Wiggins moved that **SB 193** be taken up for perfection, which motion prevailed.

On motion of Senator Wiggins, **SB 193** was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SCS** for **SB 128**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 128

An Act to repeal section 105.464, RSMo Supp. 1998, relating to judiciary, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **SCS** for **SB 128** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Singleton—1

Absent—Senators—None

Absent with leave—Senators

Clay	Kenney	Scott—3
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Singleton—1

Absent—Senators—None

Absent with leave—Senators

Clay	Kenney	Scott—3
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On motion of Senator Schneider, title to the bill was agreed to.

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

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

## SECOND READING OF SENATE BILLS

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

- SB 129**—Judiciary.
- SB 130**—Aging, Families and Mental Health.
- SB 131**—Aging, Families and Mental Health.
- SB 132**—Transportation.
- SB 133**—Judiciary.
- SB 134**—Commerce and Environment.
- SB 135**—Pensions and General Laws.
- SB 136**—Appropriations.
- SB 137**—Elections, Veterans' Affairs and Corrections.
- SB 138**—Public Health and Welfare.
- SB 139**—Elections, Veterans' Affairs and Corrections.
- SB 140**—Judiciary.
- SB 141**—Judiciary.
- SB 142**—Judiciary.
- SB 143**—Judiciary.
- SB 144**—Education.
- SB 145**—Insurance and Housing.
- SB 146**—Ways and Means.
- SB 147**—Ways and Means.
- SB 148**—Education.
- SB 149**—Transportation.
- SB 150**—Aging, Families and Mental Health.
- SB 151**—Aging, Families and Mental Health.
- SB 152**—Transportation.
- SB 153**—Local Government and Economic Development.
- SB 154**—Judiciary.
- SB 155**—Labor and Industrial Relations.
- SB 156**—Labor and Industrial Relations.
- SB 157**—Pensions and General Laws.
- SB 158**—Elections, Veterans' Affairs and Corrections.
- SB 159**—Ways and Means.
- SB 160**—Commerce and Environment.
- SB 161**—Ways and Means.
- SB 162**—Ways and Means.
- SB 163**—Education.
- SB 164**—Civil and Criminal Jurisprudence.
- SB 165**—Pensions and General Laws.
- SB 166**—Commerce and Environment.
- SB 167**—Civil and Criminal Jurisprudence.
- SB 168**—Elections, Veterans' Affairs and Corrections.
- SB 169**—Elections, Veterans' Affairs and Corrections.
- SB 170**—Insurance and Housing.
- SB 171**—Public Health and Welfare.
- SB 172**—Commerce and Environment.
- SB 173**—Public Health and Welfare.
- SB 174**—Transportation.
- SB 175**—Financial and Governmental Organization.
- SB 176**—Elections, Veterans' Affairs and Corrections.
- SB 177**—Civil and Criminal Jurisprudence.
- SB 178**—Agriculture, Conservation, Parks and Tourism.
- SB 179**—Appropriations.
- SB 180**—Education.
- SB 181**—Public Health and Welfare.
- SB 182**—Transportation.
- SB 183**—Judiciary.
- SB 184**—Appropriations.
- SB 185**—Labor and Industrial Relations.
- SB 186**—Education.
- SB 187**—Education.

**SB 188**—Elections, Veterans' Affairs and Corrections.

**SB 189**—Aging, Families and Mental Health.

**SB 190**—Ways and Means.

**SB 191**—Education.

**SB 192**—Ways and Means.

**SB 194**—Education.

**SB 195**—Commerce and Environment.

**SB 196**—Pensions and General Laws.

**SB 197**—Pensions and General Laws.

**SB 198**—Pensions and General Laws.

**SB 199**—Pensions and General Laws.

**SB 200**—Agriculture, Conservation, Parks and Tourism.

**SB 288**—Pensions and General Laws.

**SB 289**—Education.

**SJR 18**—Education.

**SJR 19**—Pensions and General Laws.

### MISCELLANEOUS

Senator Banks requested unanimous consent to have the following address honoring Dr. Martin Luther King, Jr., printed in the Journal, which request was granted.

#### DO WE KNOW THAT THE HOUSE IS ON FIRE?

A celebration is a festive and gala event which takes place shortly after a victory, it represents some milestone that is punctuated with appreciation. It symbolizes a triumph of some kind, the accomplishment of something of some great magnitude. This should be the annual occasion for the Dr. Martin Luther King Jr. holiday. From the onset of the day set aside in his memory for commemoration of this distinguished man of our time, we should all be adding accolades, which contribute to his stature. This could be easily done inasmuch as he did not hold forth anything that was obtuse or abstract; he was specific and concrete in his expectations and deliberations regarding our conduct towards one another. While he offered his hopes in a dream, like our Biblical Joseph, who was given the ability to interpret dreams, and to make them clear for us all to see and to emulate; he wanted to see a dramatic shift in the American mood and character, a fundamental change in attitude and tradition, a change of heart of dominant America.

Dr. King had a dream but he was no wide eye dreamer. He hoped that America would turn back the clock of three centuries on institutionalized racism and begin a time of human rights for all

citizens of this great country. He spoke of "my country tis of thee," which bespeaks citizenship and loyalty, but for African Americans and People of Color this was not a "sweet land of liberty."

He had this hope and dream whereby all citizens would be invited to the table of equal justice. He wanted to bring not only People of Color to the bar of social, economic and political justice, but he was speaking for us all. He knew the severe consequences of not doing so would lead to a great split among us, and that we would all fall head long into this wide and deep pit of social ignorance, apostate racism. He knew that racial feeling would run to such a high pitch that we would not be able to collectively pull ourselves out of our morass, and that many would be lost in oblivion.

Into this pit countless numbers are falling daily, due to inequality. And while the larger percentage of those are highly disproportionately People of Color, and are being buried alive, nevertheless large numbers are being pushed over the edge who are of all classes, colors and creeds. This is because when a nation stands apart in hatred, and is agitated to relate to the weaknesses of other cultural groups, by every institution in the land, there is no recourse for countless numbers but to take the downward plunge. We are a nation that is descending and not ascending. Those coming after us in this great body of the Senate will not live as well as we have lived. Perhaps they will with more gadgets and perhaps more conveniences, but they will have lost the possibility of having a quality of life and the substance of neighborhoods and communities in culturally diverse relationships. It is strange that we can restructure our economy and corporations and even our government but not our feelings about our fellow citizens.

We are a nation on the march, but where are we going? Are we on the road to better understanding and caring about what is happening to our state of the nation? Do we acknowledge that we have only four (4) basic blood types, which means that we had a common beginning, and that all the sons of Noah, Ham, Shem and Japheth have made contributions which added to those of the others. What is the notion of a house without a foundation, or the inner structure, or the roof. Who gets the full credit for the house, what could we have done without, who is more important than whom. And yet today, the house, America, is on fire and while we may not have good relationships among ourselves we must all get together and put the fire out. There is no luxury of slacking, nor is there any reason to suppose that if no effort is undertaken that you and yours will not face the flames, perhaps not this generation, but surely the one to come. This is a job of togetherness; all hands are needed to hose down this fire. This is a new America that is coming to the fore out of the ashes; the old one is burning down. And, the only way that enthusiasm, excitement, and commitment will give hurry to the effort of all is through the appreciation that once the job is accomplished, the fire is finally out, we will not have, nor tolerate, business as usual.

This is a country, which claims to have been founded on the Judeo-Christian ethic—we must show that we are grounded in it as well. Dr. King spoke of equal rights, equal justice, and equal opportunity in education, housing, and employment. The right to hope and dream and believe that judgement would come after, and not before, the presentation of self. He was speaking of the content of character, and not the color of one's skin.

Freedom is not freedom unless we are all free. He said it well, "if we do not live together as brothers, we will perish together as fools."

We all remember his clear analogies regarding the ringing of bells, from the highest mountains to the lowest molehills, in sounding to let freedom ring. This may be the last wake up call for America. This is a call of conscience, which needs to be revamped, revised and revisited.

If such bells do not ring for freedom for all, they most assuredly will ring, but they will be in a cadence of intermissions, a toll, a funeral dirge, and then we will know that a solemn procession has began for all America, and that we are all victims of the fire.

### INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Amy Scheve, Christina Ottinger, Saydra Wilson, Rachel Brown and Laura Mitchell, St. Louis; and Amy, Christina, Saydra, Rachel and Laura were made honorary pages.

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

## SENATE CALENDAR

# Unofficial

### EIGHTH DAY—TUESDAY, JANUARY 19, 1999

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 201-Childers	SB 220-Caskey
SB 202-Childers	SB 221-House
SB 203-Wiggins	SB 222-Clay
SB 204-Rohrbach	SB 223-Bland
SB 205-Westfall and Staples	SB 224-Caskey
SB 206-Childers	SB 225-Caskey
SB 207-Klarich and Wiggins	SB 226-Mathewson
SB 208-House and Ehlmann	SB 227-Mathewson
SB 209-Goode, et al	SB 228-Russell
SB 210-Howard	SB 229-Russell
SB 211-Howard	SB 230-Russell
SB 212-Jacob	SB 231-Banks
SB 213-Scott	SB 232-Banks
SB 214-Mathewson	SB 233-Sims
SB 215-Mathewson	SB 234-Stoll
SB 216-Wiggins	SB 235-Stoll
SB 217-Wiggins	SB 236-Stoll
SB 218-Caskey	SB 237-Klarich
SB 219-Caskey	SB 238-Jacob
	SB 239-Jacob
	SB 240-DePasco

SB 241-Bland	SB 271-Ehlmann
SB 242-Bland	SB 272-Ehlmann
SB 243-Bland	SB 273-Ehlmann
SB 244-Schneider	SB 274-House, et al
SB 245-Maxwell, et al	SB 275-Caskey
SB 246-Maxwell and Goode	SB 276-Caskey
SB 247-Maxwell	SB 277-Russell
SB 248-Maxwell	SB 278-Klarich
SB 249-Maxwell	SB 279-Bland
SB 250-Bland	SB 280-Bland
SB 251-Bland	SB 281-Bland
SB 252-Rohrbach	SB 282-Clay, et al
SB 253-Bland	SB 283-Clay
SB 254-Bland	SB 284-Yeckel
SB 255-Bland	SB 285-Yeckel
SB 256-Bland	SB 286-Maxwell
SB 257-Bland	SB 287-Maxwell
SB 258-Bland	SB 290-House
SB 259-Jacob	SB 291-Caskey
SB 260-Klarich	SB 292-Sims
SB 261-Howard	SB 293-Staples
SB 262-Caskey	SB 294-Staples
SB 263-Caskey	SB 295-Schneider, et al
SB 264-Caskey	SB 296-Wiggins, et al
SB 265-Jacob	SB 297-Howard
SB 266-Klarich	SB 298-Kinder
SB 267-Kenney	SB 299-Kinder
SB 268-Staples	SB 300-Goode
SB 269-Scott	SB 301-Ehlmann
SB 270-Ehlmann	

## RESOLUTIONS

## To be Referred

SCR 10-DePasco, et al

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