

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY—MONDAY, JANUARY 25, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and heavenly Father: We thank You for watching our "going out and coming in." We pray this day that You will be with us this week as we approach another week of meetings and hearings and the slow building pressure which will only continue to grow. Grant us help in dealing with the stress and give us the wisdom of doing all things in moderation with high efficiency. 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 21, 1999, was read and approved.

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
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator Staples—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 99, regarding Glynna Boone, Rolla, which was adopted.

Senator Wiggins offered Senate Resolution No. 100, regarding the death of Mildred O. "Millie" Moorhead, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 101, regarding the death of Angela M. Koetting, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 102, regarding the death of Ernest H. Fremont, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 103, regarding the death of Phyllis Marie Lackey Rowland, Leawood, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 104, regarding the death of John O. "Johnny" Owens, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 105, regarding the death of Wilmer C. "Cotton" Swadley, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 106, regarding the death of Joe Lee Pilkington, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 107, regarding the death of John Mayes Jones, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 108, regarding the death of Virgil L. Guinn,

Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 109, regarding the death of Lawrence Edward McElyea, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 110, regarding the death of Michael L. "Gonzo" Freeman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 111, regarding the death of Martin G. Hatfield, D.D.S., Mission Hills, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 112, regarding the death of Dr. H. Jack Faerber, Mission Hills, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 113, regarding the death of Melvin I. Hooper, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 114, regarding the death of Patricia Phyllis Blue, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 115, regarding the death of Ella Rhea Grooms Kernodle, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 116, regarding the death of Willeta N. Easterday, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 117, regarding the death of Velma A. Weiss, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 118, regarding the death of Laura M. Cockrell, Grandview, which was adopted.

Senators House and Stoll offered Senate Resolution No. 119, regarding Dr. William H. Danforth, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willis Lester Lee, Freeman, which was adopted.

Senator Schneider offered Senate Resolution No. 121, regarding Michael P. Gunn, Ballwin, which was adopted.

Senator Quick offered Senate Resolution No. 122, regarding Bradford Preston "Brad"

Mecklenburg, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 123, regarding Brandon Shawn Armstrong, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 124, regarding Aaron Spencer Rinehart, Platte City, which was adopted.

Senator Johnson offered Senate Resolution No. 125, regarding Samuel Paul Woods, Ferrelview, which was adopted.

Senator Johnson offered Senate Resolution No. 126, regarding Christopher James O'Conner, Platte City, which was adopted.

Senator Bentley offered Senate Resolution No. 127, regarding the Heartstream Automated External Defibrillator, which was adopted.

Senator Kenney offered Senate Resolution No. 128, regarding Charles W. Hitchcock, Jr., Lee's Summit, which was adopted.

INTRODUCTION OF BILLS

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

SB 334—By Mathewson.

An Act to repeal section 260.565, RSMo 1994, relating to voluntary remediation, and to enact in lieu thereof one new section relating to the same subject.

SB 335—By Caskey.

An Act to repeal sections 217.760, 556.061, 569.025, 569.035 and 571.015, RSMo 1994, and sections 558.019 and 559.115, RSMo Supp. 1998, relating to various sentencing provisions, and to enact in lieu thereof six new sections relating to the same subject.

SB 336—By Caskey.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to contracts of insurance.

SB 337—By Howard.

An Act to repeal section 491.060, RSMo 1994, relating to witnesses, and to enact in lieu

thereof one new section relating to the same subject.

SB 338—By Howard and Sims.

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

SB 339—By Howard and Sims.

An Act to repeal section 198.073, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof three new sections relating to the same subject.

SB 340—By Russell.

An Act relating to law enforcement districts.

SB 341—By Russell.

An Act relating to state aid for drivers education.

SB 342—By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the commission on judicial resources.

SB 343—By Schneider.

An Act to repeal section 376.383, RSMo Supp. 1998, relating to certain health care providers, and to enact in lieu thereof one new section relating to the same subject.

SB 344—By Schneider, House, Yeckel, Ehlmann, Flotron, Klarich, Kinder, Kenney, Westfall, Graves, Stoll, Bentley, Childers, Russell, Rohrbach, Mueller, Sims, Steelman, Wiggins, Schneider and Scott.

An Act to amend chapter 135, RSMo, relating to tax relief by adding thereto one new section relating to the same subject, with an effective date.

SB 345—By Johnson.

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly

referred to as "partial birth abortion", with penalty provisions.

SB 346—By Stoll.

An Act to repeal sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

SB 347—By House.

An Act to repeal section 166.260, RSMo Supp. 1998, relating to elementary grade foreign language instruction, and to enact in lieu thereof one new section relating to the same subject.

SB 348—By Wiggins.

An Act to repeal section 92.031, RSMo 1994, relating to debt service taxation in charter cities with a population of no less than three hundred thousand and no more than seven hundred thousand residents, and to enact in lieu thereof one new section relating to the same subject.

SB 349—By Graves.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement.

SJR 21—By Mathewson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to refunds of excess total state revenues, and adopting one new section in lieu thereof relating to the same subject.

SJR 22—By Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri relating to classification of counties.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gracia Y. Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steven P. Gietschier, 3826 Secretariat Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 21, 1999

TO THE SENATE OF THE 90TH GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical

Records Advisory Board, for a term ending November 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Quick referred the above appointments to the Committee on gubernatorial appointments.

SECOND READING OF SENATE BILLS

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

SB 261—Public Health and Welfare.**SB 262**—Insurance and Housing.**SB 263**—Insurance and Housing.**SB 264**—Civil and Criminal Jurisprudence.**SB 265**—Education.**SB 268**—Transportation.**SB 269**—Pensions and General Laws.**SB 270**—Transportation.**SB 271**—Civil and Criminal Jurisprudence.**SB 272**—Commerce and Environment.

SB 273—Elections, Veterans' Affairs and Corrections.

SB 274—Public Health and Welfare.**SB 275**—Civil and Criminal Jurisprudence.**SB 276**—Public Health and Welfare.

SB 277—Agriculture, Conservation, Parks and Tourism.

SB 278—Financial and Governmental Organization.

SB 279—Insurance and Housing.

SB 282—Financial and Governmental Organization.

SB 283—Ways and Means.

SB 284—Elections, Veterans' Affairs and Corrections.

SB 285—Ethics.

SB 286—Education.

SB 287—Ways and Means.

SB 290—Education.

SB 292—Aging, Families and Mental Health.

SB 293—Ways and Means.

SB 294—Transportation.

SB 297—Public Health and Welfare.

SB 298—Civil and Criminal Jurisprudence.

SB 299—Financial and Governmental Organization.

SB 300—Commerce and Environment.

SB 301—Education.

SB 302—Aging, Families and Mental Health.

SB 304—Local Government and Economic Development.

SB 305—Public Health and Welfare.

SB 306—Appropriations.

SB 307—Transportation.

SB 308—Pensions and General Laws.

SB 309—Financial and Governmental Organization.

SB 310—Agriculture, Conservation, Parks and Tourism.

SB 311—Insurance and Housing.

SB 312—Local Government and Economic Development.

SB 313—Civil and Criminal Jurisprudence.

SB 314—Pensions and General Laws.

SB 315—Financial and Governmental Organization.

SB 316—Judiciary.

SB 317—Public Health and Welfare.

SB 318—Ways and Means.

SB 319—Public Health and Welfare.

SB 320—Education.

SB 321—Civil and Criminal Jurisprudence.

SB 322—Aging, Families and Mental Health.

SB 323—Education.

SB 324—Aging, Families and Mental Health.

SJR 20—Education.

Senator Mathewson assumed the Chair.

INTRODUCTION OF BILLS

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

SJR 23—By Mathewson, Schneider, Clay, Banks, Johnson, Goode and Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Wilson assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Mueller requested unanimous consent that the rules be suspended and that **SCR 9** be taken up for 3rd reading and final passage, which request was granted.

Senator Mueller moved that **SCR 9** be read the 3rd time and finally passed.

Senator Schneider offered **SS** for **SCR 9**:

SENATE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 9

An act by concurrent resolution to approve the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the Missouri Citizens Commission on Compensation for Elected Officials filed the 1998 Report and Compensation Schedule (Appendix A) with the Revisor of Statutes and the Secretary of State on November 30, 1998; and

WHEREAS, the Missouri General Assembly wishes to commend the Commission for its hard work and dedication it has shown in completing its constitutional duties since 1996; and

WHEREAS, subsequent to the Commission's report, a decision and order was entered in the Circuit Court of Cole County providing that the schedule does not establish salaries payable to public officials, since the constitution provides that the proposed salaries are "subject to appropriations" and that appropriations are a condition precedent and that the schedule is a maximum limit over which the legislature can not appropriate salaries; and

WHEREAS, rejection of the 1998 report and compensation schedule will result in the 1996 report and compensation schedule remaining in effect and applicable for state fiscal years 2000 and 2001; and

WHEREAS, the Commission has strongly emphasized that the differentials between categories of judges be maintained, but the differences in pay between circuit judges and associate circuit judges be decreased; and

WHEREAS, rejection of the 1998 report and compensation schedule would allow large increases in salaries for members of the General Assembly as provided in the 1996 report:

NOW, THEREFORE, BE IT RESOLVED that it is the sense of the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the

1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, be accepted and that adequate salaries be appropriated to reduce the disparities between the salaries of circuit judges and associate circuit judges.

Senator Schneider moved that **SS** for **SCR 9** be read the 3rd time and finally passed.

Senator Rohrbach raised the point of order that the substitute resolution is out of order as it is a negative motion which is improper.

The point of order was referred to the President Pro Tem who took it under advisement.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Amy Smith, Brian Whorley, Jeannine Goers, and Lynn Coffey, Springfield.

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

Journal

SENATE CALENDAR

TWELFTH DAY—TUESDAY, JANUARY 26, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 266-Klarich
 SB 267-Kenney
 SB 280-Bland
 SB 281-Bland
 SB 295-Schneider, et al
 SB 296-Wiggins, et al
 SB 303-Flotron
 SB 325-Stoll
 SB 326-Goode
 SB 327-Kinder
 SB 328-Clay, et al

SB 329-Jacob
 SB 330-Rohrbach, et al
 SB 331-Maxwell
 SB 332-House
 SB 333-Staples and
 Mathewson
 SB 334-Mathewson
 SB 335-Caskey
 SB 336-Caskey
 SB 337-Howard
 SB 338-Howard and Sims

SB 339-Howard and Sims

SB 340-Russell

SB 341-Russell

SB 342-Schneider

SB 343-Schneider

SB 344-Schneider, et al

SB 345-Johnson

SB 346-Stoll

SB 347-House

SB 348-Wiggins

SB 349-Graves

SJR 21-Mathewson

SJR 22-Howard

SJR 23-Mathewson, et al

RESOLUTIONS

SCR 9-Mueller, with SS
and point of order (pending)

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Unofficial

Journal

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