

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY—TUESDAY, JANUARY 26, 1999

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and heavenly Father: The faith of these men and women here is not the kind to "climb a mountain and sit and wait," for You have created them to be doers of Your Will. So we pray, grant them Your Spirit of discernment and a right judgment, and we pray for Senator Steelman's husband, following his surgery, that you will provide your healing power to flow through his body bringing him to health and wholeness. 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.

Senator Jacob moved that the Journal for Monday, January 25, 1999, be corrected on page 136, column 1, line 33, by deleting the name "Schneider" and inserting in lieu thereof the name "Johnson", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

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

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	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—33			

Absent with leave—Senator Ehlmann—1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

RESOLUTIONS

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 129

WHEREAS, the members of the Missouri Senate are always pleased to recognize those outstanding Missourians who have distinguished themselves through support and leadership in their communities; and

WHEREAS, Jean A. Kersting, an esteemed resident of Kirkwood, Missouri, will be honored as the 1998 Kirkwood Area Chamber of Commerce Citizen of the Year during the Chamber's Annual Installation Dinner to be held January 30, 1999; and

WHEREAS, a Certified Insurance Counselor and co-owner of C.W. Rea Insurance Agency in Kirkwood, Jean Kersting recently graduated with honors from Washington University after many years of study and dedication; and

WHEREAS, an active participant in the "International Politics" Master's program at Washington University, Jean Kersting was selected as an independent international observer who assisted the Mexican government in its recent national election and was also chosen to go to the Middle East for a twenty-day trip to Israel and Palestine; and

WHEREAS, current President of the Kirkwood-Webster Groves Rotary, Jean Kersting played an integral role in the success of the committee for the Out-Bound and In-Bound Youth Exchange program, the Ghost Ride Program, the City of Kirkwood Tax Increment Finance Committee (TIF), and the Meacham Park TIF

Committee; and

WHEREAS, an avid runner, Jean Kersting has participated in six marathons while somehow finding the time and energy to serve on various boards and committees that include the Edu-Care Executive Board, the election campaign for State Representative Michael Gibbons, the Special Business District, the Crime Prevention Committee, and the City of Kirkwood Finance Committee; and

WHEREAS, born in St. Charles County, Jean Kersting considers herself most fortunate for the love, support, and encouragement she has continually received from her wonderful family which includes her devoted husband and their two beautiful Weimaraners:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Jean Kersting upon her selection as the 1998 Kirkwood Area Chamber of Commerce Citizen of the Year, and in wishing her only the very best 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 Citizen of the Year Jean A. Kersting.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 130

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished herself as a leader of her community; and

WHEREAS, Beth Fitzgerald, an esteemed resident of Kirkwood, Missouri, will be honored as the 1998 Kirkwood Area Chamber of Commerce Business Person of the Year during the Chamber's Annual Installation Dinner to be held January 30, 1999; and

WHEREAS, Beth Fitzgerald has served as Executive Director of The Magic House in Kirkwood since the opening of the museum in 1979, and has witnessed with pleasure its tremendous growth to include three expansions, including a recent addition that more than doubled the museum's size; and

WHEREAS, The Magic House, which has earned national recognition for its outstanding exhibits and educational programming, provides children with hands-on learning experiences that encourage experimentation, creativity, and the development of problem-solving skills, and offers exhibits and programs that are designed specifically for children to foster their natural curiosity and desire to learn; and

WHEREAS, the third most attended children's museum in the country, The Magic House attracts more than 400,000 visitors annually and serves as a top tourist attraction for the Kirkwood area, success that has led Beth Fitzgerald to partner with the Kirkwood Area Chamber of Commerce in cross-marketing area businesses and services to the large number of visitors; and

WHEREAS, the recipient of a Master's degree in Early Childhood Education and author of the "Wonder House", Beth

Fitzgerald is exceedingly proud of her affiliation with the Association of Youth Museums, the St. Joseph Hospital of Kirkwood Advisory Board, the Kirkwood Rotary Club, and the Kirkwood Area Chamber of Commerce; and

WHEREAS, Beth Fitzgerald considers herself most fortunate for the love, support, and encouragement of her wonderful family which includes her devoted husband, Brock, the Director of Purina Farms in Gray Summit; and her three children:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in extending our most hearty congratulations to Beth Fitzgerald upon her selection as the 1998 Kirkwood Area Chamber of Commerce Business Person of the Year, and in wishing her only the very best 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 1998 Business Person of the Year Beth Fitzgerald.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 131

WHEREAS, the members of the Missouri Senate always enjoy recognizing those individuals who have devoted themselves to various community betterment efforts through their tireless work as volunteers and informal civic leaders; and

WHEREAS, Skip Barthelmass of Kirkwood, Missouri, is the esteemed 1998 "Volunteer of the Year" for the Kirkwood Area Chamber of Commerce which will honor him during an Installation Celebration and Dinner on January 30, 1999; and

WHEREAS, past President of the Kirkwood Area Chamber of Commerce, Skip Barthelmass has demonstrated an extraordinary commitment to the City and its Parks and Recreation Department throughout the last three decades; and

WHEREAS, Skip Barthelmass holds the position of General Logistics Coordinator for the annual two-week-long Greentree Festival in Kirkwood Park which has a spectacular thirty-two-year history, requires a budget of over \$50,000, and attracts crowds of approximately 60,000 people for both of the two weekends it covers; and

WHEREAS, as Logistics Coordinator, Skip Barthelmass contributes innumerable hours preparing for traffic, parking, and crowd control with many of the necessary materials and devices willingly provided at his own expense; and

WHEREAS, a previous "Citizen of the Year", Skip Barthelmass coordinates traffic flow for the parade and festival grounds, sets up parking lots for regular and special visitors, ensures the grounds are cleaned, and collects recyclable materials from trash containers in order to fund Scouting programs in the area; and

WHEREAS, not content to emphasize only one civic event, Skip Barthelmass admirably performs the same tasks for the Freedom Fiesta held annually on the Fourth of July and any other Parks event such as Halloween festivities, balloon glows, and bicycle races:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, join

unanimously to commend Skip Barthelmass for the perseverance and drive which he has so admirably channeled into volunteer community service through the Parks and Recreation Department; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 1998 Volunteer of the Year, Skip Barthelmass of Kirkwood, Missouri.

Senator Graves offered Senate Resolution No. 132, regarding Luke Austin Sizemore, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 133, regarding Ryan Christopher Hager, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 134, regarding Loyd Murl Heaton, III, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 135, regarding Cory Dale Gregg, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 136, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Payne Rouse, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 137, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Sprague, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 138, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James E. Gipe, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 139, regarding Scott Graham, Nodaway County, which was adopted.

Senator Graves offered Senate Resolution No. 140, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. William E. Mitchell, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 141, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Cecil Jones, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 142, regarding the Fiftieth Wedding Anniversary of

Mr. and Mrs. Dale Brown, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 143, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Elbert S. Payne, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 144, regarding the Ninety-sixth Birthday of Dell Morris, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 145, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Glenn Smith, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Franklin Hudson, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 147, regarding the Ninetieth Birthday of Eva Shipp, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 148, regarding the One Hundredth Birthday of Bertha Wilson, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 149, regarding the Ninetieth Birthday of William Hartman, Barnard, which was adopted.

Senator Graves offered Senate Resolution No. 150, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles E. Hillyard, Pattonsburg, which was adopted.

Senator Graves offered Senate Resolution No. 151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Haley, Chillicothe, which was adopted.

Senator Yeckel offered Senate Resolution No. 152, regarding Sue Ellyn McKee, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 153, regarding Kinnerly Elementary School, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 154, regarding Harry S Truman Elementary School, St. Louis, which was adopted.

INTRODUCTION OF BILLS

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

SB 350—By Clay and Scott.

An Act to repeal section 86.317, RSMo 1994, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 351—By Johnson and Russell.

An Act to repeal section 104.517, RSMo Supp. 1998, relating to state employee benefits, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 352—By Staples.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to conservation license plates.

SB 353—By Goode.

An Act to repeal sections 260.475 and 260.479, RSMo 1994, relating to fees on hazardous waste, and to enact in lieu thereof two new sections relating to the same subject.

SB 354—By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 355—By Maxwell.

An Act to repeal sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.071, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031, 381.231, 381.410 and 381.412, RSMo Supp. 1998, relating to the Missouri title insurance act, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions and an effective date.

SB 356—By Maxwell.

An Act to repeal sections 52.260, 137.130, 137.720, 137.722 and 137.750, RSMo 1994, section 138.395, RSMo Supp. 1998, section

163.031 as enacted by house bills nos. 641 & 593 in the eighty-ninth general assembly, first regular session, and section 163.031 as enacted by senate bill no. 781 in the eighty-ninth general assembly, second regular session, relating to ad valorem property tax collections, and to enact in lieu thereof eight new sections relating to the same subject, with effective dates for certain sections.

CONCURRENT RESOLUTIONS

President Pro Tem Quick ruled the pending point of order on **SS** for **SCR 9** well taken.

SCR 9 was again taken up.

Senator Schneider offered **SS No. 2** for **SCR 9**:

SENATE SUBSTITUTE NO. 2 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, providing the fixed dollar increases recommended by the Commission rather than percentage increases in salaries recommended by the Governor does not result in substantially different salary figures for judges; 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 by the members of the Missouri Senate of the Ninetieth General Assembly, the House of Representatives concurring therein, that the Missouri Citizens Commission on Compensation for Elected Officials, be commended.

Senator Schneider moved that **SS No. 2** for **SCR 9** be read the 3rd time and finally passed.

Senator Mueller raised the point of order that **SS No. 2** for **SCR 9** is out of order in that it is similar to the first substitute by attempting to change a negative to a positive.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SCR 9 was again taken up.

Senator Staples assumed the Chair.

At the request of Senator Mueller, the motion to 3rd read and finally pass **SCR 9** was withdrawn, placing the concurrent resolution on the calendar.

RESOLUTIONS

On behalf of Senator Ehlmann, Senator Quick offered Senate Resolution No. 155, regarding Paul A. Frick, St. Peters, which was adopted.

On behalf of Senator Ehlmann, Senator Quick offered Senate Resolution No. 156, regarding Matthew C. Frick, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 157, regarding Charlene McCune, Bowling Green, which was adopted.

Senator House offered Senate Resolution No. 158, regarding the Seventy-fifth Anniversary of the Louisiana Rotary Club, which was adopted.

Senator Mueller offered Senate Resolution No. 159, regarding the One Hundredth Birthday of Mr. William Phillip Benz, Eureka, which was adopted.

On motion of Senator Jacob, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

On motion of Senator Jacob, the Senate recessed until 6:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 160, regarding Lillian McKnight, Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 161, regarding James Thomas Harrelson, Kansas City, which was adopted.

SECOND READING OF SENATE BILLS

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

SB 266—Civil and Criminal Jurisprudence.

SB 267—Transportation.

SB 280—Education.

SB 281—Insurance and Housing.

SB 295—Judiciary.

SB 296—Transportation.

MESSAGES FROM THE HOUSE

The following message was 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 passed **HCS** for **HCRs 6** and **7**, entitled:

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

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTIONS NOS. 6 and 7

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

WHEREAS, on November 8, 1994, the voters of Missouri

adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the members of the General Assembly and state judges is to be set by the Missouri Citizen's Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1998; and

WHEREAS, the Revisor of Statutes has received the 1998 Report and Compensation Schedule (Appendix A) of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly by February 1, 1999; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Ninetieth General Assembly, the Senate concurring therein, hereby reject the 1998 Compensation Schedule (Appendix A) of the 1998 Report and Compensation Schedule of the Missouri Citizen's Commission on Compensation for Elected Officials, dated November 30, 1998.

In which the concurrence of the Senate is respectfully requested.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 11, 1999

The Honorable Mary Groves Bland
Missouri Senate
State Capitol, Room 334
Jefferson City, MO 65101

Dear Senator Bland:

Pursuant to Section 197.310, it is my pleasure to hereby appoint you to the Missouri Health Facilities Review Committee. Your appointment fills the vacancy on the committee which was created by the resignation of Senator Danny Staples.

Your willingness to serve the people of Missouri on this important committee is appreciated. If you have any questions or

concerns, please do not hesitate to contact me.

Sincerely,

/s/ Ed

Edward E. Quick
President Pro Tem

Also,

January 19, 1999

The Honorable Steve Stoll
Missouri Senate
State Capitol, Room 429
Jefferson City, MO 65101

Dear Senator Stoll:

Pursuant to Section 173.300, RSMo 1994, it is my pleasure to appoint you to the Education Commission of the States. Your appointment will fill the vacancy created by the expired term of Senator Joe Maxwell.

If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick

Edward E. Quick
Missouri Senate
District 17

INTRODUCTIONS OF GUESTS

Senator Goode introduced to the Senate, Julie Bell, Denver, Colorado.

Senator Mathewson introduced to the Senate, Josh Paddock and Chris Urick, Independence.

Senator Caskey introduced to the Senate, Vicki Stein, Belton.

Senator Wiggins introduced to the Senate, Jordan Godsell, Chris Summers, Ashley and Gabriel Myers, Rachel Williamson, Rev. Charlie Paine and Denny Niebaum, Kansas City.

Senator Bentley introduced to the Senate, Mary Stone, Springfield.

Senator Bland introduced to the Senate, Mario Rohas, Kansas City.

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

SENATE CALENDAR

THIRTEENTH DAY—WEDNESDAY, JANUARY 27, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 303-Flotron	SB 342-Schneider
SB 325-Stoll	SB 343-Schneider
SB 326-Goode	SB 344-Schneider, et al
SB 327-Kinder	SB 345-Johnson
SB 328-Clay, et al	SB 346-Stoll
SB 329-Jacob	SB 347-House
SB 330-Rohrbach, et al	SB 348-Wiggins
SB 331-Maxwell	SB 349-Graves
SB 332-House	SB 350-Clay and Scott
SB 333-Staples and Mathewson	SB 351-Johnson and Russell
SB 334-Mathewson	SB 352-Staples
SB 335-Caskey	SB 353-Goode
SB 336-Caskey	SB 354-Childers
SB 337-Howard	SB 355-Maxwell
SB 338-Howard and Sims	SB 356-Maxwell
SB 339-Howard and Sims	SJR 21-Mathewson
SB 340-Russell	SJR 22-Howard
SB 341-Russell	SJR 23-Mathewson, et al

RESOLUTIONS

SCR 9-Mueller

To be Referred

HCS for HCRs 6 & 7

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