

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY—THURSDAY, JANUARY 28, 1999

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Lord God, gracious Father: As grateful as we are to serve in the Senate we are also grateful that it's Thursday. After less than a month we find how quickly we are behind in our commitments back home. Help us, we pray, to be as attentive and caring there as we are here. And ride with us this day to our safe arrival home. This we ask in Your 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 KOMU TV-NBC 8 and the Associated Press had been given permission to take pictures in the Senate Chamber today.

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	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator Scott—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 168, regarding Sharp's Import Auto Centre, Joplin, which was adopted.

Senator Rohrbach offered Senate Resolution No. 169, regarding Nancy L. Backes, Osage City, which was adopted.

Senator Mathewson offered Senate Resolution No. 170, regarding Space Craft, Concordia, which was adopted.

Senator Stoll offered Senate Resolution No. 171, regarding the Ninetieth Birthday of Mrs. Dorothy Horn Maloney, Festus, which was adopted.

INTRODUCTION OF BILLS

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

SB 366—By House.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

SB 367—By Kenney.

An Act to repeal section 304.200, RSMo Supp. 1998, relating to the regulation of housemovers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 368—By Clay.

An Act to repeal section 334.100, RSMo Supp. 1998, relating to physical therapists, and to

enact in lieu thereof three new sections relating to the same subject.

SB 369—By Sims.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to the regulation of property tax consultants, with penalty provisions.

SB 370—By Flotron, Klarich, Maxwell, Kinder and Childers.

An Act to amend chapter 1, RSMo, by adding thereto five new sections relating to the prohibition of interference with the free exercise of religion absent a compelling state interest, with a severability clause.

SB 371—By Flotron, Goode and Quick.

An Act to repeal section 513.653, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof one new section relating to the same subject.

SB 372—By Graves.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for farmers.

SB 373—By DePasco and Jacob.

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1998, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 27, 1999

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

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on June 4, 1998 for your advice and consent:

Michael Dunlap, M.D., 504 North Leonard Road, St. Joseph, Buchanan County, Missouri 64506, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **SB 295** and **SB 46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE CONCURRENT RESOLUTIONS

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.

Was taken up for 3rd reading and final passage by Senator Staples.

Senator Flotron offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines; and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by

inserting after the word "1998" on said line, the following: "only if the Missouri Supreme Court finds that the 1996 compensation schedule is in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts".

Senator Flotron moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Mueller requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Childers, Kenney, Singleton and Staples.

President Pro Tem Quick assumed the Chair.

Senator Schneider offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Line 8 of the amendment, by striking "only if" and substitute "unless".

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Schneider moved that SA 1 to SA 1 be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

SA 1, as amended, was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Klarich	Mathewson	Maxwell	Mueller
Quick	Schneider	Sims	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Childers	Kenney	Kinder	Rohrbach
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Russell	Singleton	Staples	Steelman
Westfall—9			

Absent—Senators—None

Absent with leave—Senators

Banks	Bentley	Scott—3
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Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 17, by inserting immediately after all of said line the following:

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

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, HCS for HCRs 6 and 7, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Clay	Russell—2
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Absent—Senators—None

Absent with leave—Senators

Banks	Bentley	Scott—3
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The President declared the concurrent resolution passed.

On motion of Senator Staples, title to the concurrent resolution was agreed to.

Senator Staples moved that the vote by which the concurrent resolution passed be reconsidered.

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

INTRODUCTION OF BILLS

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

SB 374—By Mathewson.

An Act to repeal section 287.203, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 375—By Mathewson, Russell, Westfall, Maxwell, Childers, Johnson, Singleton, Bentley, Staples, Stoll, Kenney, Klarich, Steelman, Graves, Mueller, Howard, House and Jacob.

An Act to amend chapter 262, RSMo, relating to promotion of agriculture and horticulture by adding thereto four new sections relating to the southern dairy compact, with penalty provisions.

SB 376—By Howard.

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 377—By Howard.

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

SB 378—By Bland and Banks.

An Act to repeal section 332.321, RSMo 1994, relating to dentists, and to enact in lieu thereof two new sections relating to the same subject.

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 **SB 193**.

Emergency clause adopted.

Bill ordered enrolled.

On motion of Senator DePasco, the Senate recessed for 15 minutes.

RECESS

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

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 refuses to concur in **SA 1 to SA 1, SA 1**, as amended, **SA 2 to HCS for HCRs 6 and 7**, and request the Senate recede from its position.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SA 1 to SA 1, SA 1**, as amended and **SA 2 to HCS for HCRs 6 and 7** and request the House to grant the Senate a conference thereon.

Senator Singleton offered a substitute motion that the Senate recede from its position on **SA 1**, as amended, and **SA 2 to HCS for HCRs 6 and 7** and adopt **HCS for HCRs 6 and 7**.

Senator Singleton requested a roll call vote be taken on the above motion and was joined in his request by Senators Flotron, Graves, Kinder and Maxwell.

Senator Caskey raised the point of order that Senator Singleton's substitute motion is out of order as it requires a suspension of the rules for the motion to be proper.

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

Senator Singleton offered a substitute motion that the Senate recede from its position on **SA 2** and requested a roll call vote be taken. He was

joined in his request by Senators Flotron, DePasco, Kinder and Childers.

The substitute motion made by Senator Singleton failed of adoption by the following vote:

YEAS—Senators

Childers	Kinder	Mueller	Rohrbach
Russell	Singleton	Steelman	Westfall—8

NAYS—Senators

Bland	Caskey	Clay	DePasco
Ehlmann	Flotron	Graves	Howard
Johnson	Kenney	Klarich	Mathewson
Maxwell	Quick	Schneider	Sims
Staples	Wiggins	Yeckel—19	

Absent—Senators—None

Absent with leave—Senators

Banks	Bentley	Goode	House
Jacob	Scott	Stoll—7	

Senator Staples moved that the Senate refuse to recede from its position on SA 1 to SA 1, SA 1, as amended and SA 2 to HCS for HCRs 6 and 7 and request the House to grant the Senate a conference thereon, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until called by the President.

RECESS

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

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 172, regarding John Devin Tressler, St. Peters, which was adopted.

Senator Singleton offered Senate Resolution No. 173, regarding Central Christian Center, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 174, regarding the Carthage Water & Electric Plant, which was adopted.

Senator Caskey offered Senate Resolution No. 175, regarding Midwest Supply, Incorporated, Belton, which was adopted.

Senator House offered Senate Resolution No. 176, regarding Select Steel Services, Defiance, which was adopted.

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 refuses to grant the Senate a conference and request the Senate recede from its position on SA 1 to SA 1, SA 1 as amended, SA 2 to HCS for HCRs 6 and 7.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on SA 1 to SA 1, SA 1, as amended, and SA 2 to HCS for HCRs 6 and 7 and request the House to grant the Senate a conference thereon.

Senator Singleton requested a quorum be established by roll call vote, which request was granted.

The following Senators were present:

Present—Senators

Caskey	Childers	DePasco	Ehlmann
Flotron	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel—25			

Absent—Senators—None

Absent with leave—Senators

Banks	Bentley	Bland	Clay
Goode	House	Jacob	Scott
Stoll—9			

Senator Schneider offered the following substitute motion:

I move that the Senate refuse to recede from its position on House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7 as amended and request that the House grant a conference thereon to consider the following

Conference Committee Amendment in lieu of Senate Amendment No. 1:

**PROPOSED CONFERENCE COMMITTEE
SUBSTITUTE AMENDMENT FOR SENATE
AMENDMENT NO. 1, as amended**

Amend House Committee Substitute for House Concurrent Resolutions Nos. 6 and 7, Page 146 of the Senate Journal for Tuesday, January 26, 1999, Column 1, Line 21, by striking the word "and" on said line; and further amend said bill, page, and column, lines 22-24, by striking said lines; and further amend said bill, page and column, line 28, by inserting after the word "hereby" the word "conditionally"; and further amend said bill, page and column, line 31, by inserting after the word "1998" on said line, the following: "unless the Missouri Supreme Court finds that the 1996 compensation schedule was in effect, and that the General Assembly has appropriation authority over public officials' compensation to set such compensation in amounts not to exceed the scheduled amounts";

And further that if the court should find that the 1996 schedule determines compensation, without regard to appropriations, in that event the 1998 schedule is not rejected;

And further, if the court rules that the 1996 schedule was properly rejected by the Eighty-Ninth General Assembly, then in that event the 1998 schedule is not rejected."

Senator Schneider moved that the above substitute motion be adopted.

Senator Singleton requested a roll call vote be taken on the adoption of the substitute motion and was joined in his request by Senators Childers, Mathewson, Mueller and Westfall.

The substitute motion made by Senator Schneider was adopted by the following vote:

YEAS—Senators

Caskey	DePasco	Ehlmann	Flotron
Graves	Howard	Johnson	Klarich
Mathewson	Maxwell	Quick	Schneider
Staples	Wiggins	Yeckel—15	

NAYS—Senators

Childers	Kenney	Kinder	Mueller
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall—10		

Absent—Senators—None

Absent with leave—Senators

Banks	Bentley	Bland	Clay
Goode	House	Jacob	Scott
Stoll—9			

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 adjourned at 4:03 p.m., Thursday, January 28, 1999, and will reconvene at 4:00 p.m., Monday, February 1, 1999.

COMMUNICATIONS

Senator Caskey submitted the following:

January 28, 1999

Mrs. Terry Spieler
Secretary of Senate
Dear Mrs. Spieler:

This letter is to inform you that the Missouri Senate Committee on Ethics has officially recognized the formation of the River Alliance Republican Caucus on this day, January 28, 1999. A letter requesting the recognition, complete with a listing of caucus members, is attached.

Very truly yours,
/s/ Harold L. Caskey
Harold L. Caskey

Also,

January 27, 1999

Senator Harold Caskey, Chairman
Senate Ethics Committee
Room 320, State Capitol
Jefferson City, MO
Dear Senator Caskey:

I would like the "River Alliance Republican Caucus" to be recognized as a Senate caucus. The following senators are members of this caucus:

Senator Steve Ehlmann
Senator Franc Flotron

Senator David Klarich
Senator Walt Mueller
Senator Betty Sims
Senator Anita Yeckel
Senator Sarah Steelman
Senator Peter Kinder
Senator Larry Rohrbach
Senator John Russell
Senator Bill Kenney
Thank you for your assistance.

Sincerely,
/s/ David J. Klarich
DAVID J. KLARICH
State Senator

Lefebure and Sue Rayson; and members of the St. Louis Cardinals Organization: Al Hrabosky, Joe Cunningham, Ken Reitz, Alan Benes, Eli Marrero, Rick Croushore, Mark Little, Tony Simokaitis, Mike Hall, Theron Morgan, Matt Gifford, Tim Falkner, Thane van Breusegen and Kevin Stretch.

Senator Staples introduced to the Senate, Melany Williams, Shannon County.

Senator Rohrbach introduced to the Senate, the Physician of the Day, Susan Burkhart, M.D., California.

Senator Steelman introduced to the Senate, Buzz Harvey, Rolla.

Senator Ehlmann introduced to the Senate, Judy Zerr, St. Charles; Ruth Anne Williams, Dent County; and Sherece Eivins, Harrison County.

Senator Steelman introduced to the Senate, Ruth Anne Williams, Salem.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, February 1, 1999.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, members of the Kansas City Royals Organization: Johnny Damon, Larry Sutton, Jeremy Giambi, Mike Sweeney, Shane Halter, Jim Lachimia, Shani Tate, Mandee Schaaf, Byron Shores, Ryan

SENATE CALENDAR

FIFTEENTH DAY—MONDAY, FEBRUARY 1, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

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 362-Westfall
SB 343-Schneider	SB 363-Bentley
SB 344-Schneider, et al	SB 364-Ehlmann
SB 345-Johnson	SB 365-Ehlmann
SB 346-Stoll	SB 366-House
SB 347-House	SB 367-Kenney
SB 348-Wiggins	SB 368-Clay
SB 349-Graves	SB 369-Sims
SB 350-Clay and Scott	SB 370-Flotron, et al
SB 351-Johnson and Russell	SB 371-Flotron, et al
SB 352-Staples	SB 372-Graves
SB 353-Goode	SB 373-DePasco and Jacob
SB 354-Childers	SB 374-Mathewson
SB 355-Maxwell	SB 375-Mathewson, et al
SB 356-Maxwell	SB 376-Howard
SB 357-Klarich	SB 377-Howard
SB 358-Stoll	SB 378-Bland and Banks
SB 359-Mueller, et al	SJR 21-Mathewson
SB 360-Maxwell	SJR 22-Howard
SB 361-Westfall	SJR 23-Mathewson, et al

SENATE BILLS FOR PERFECTION

SB 291-Caskey, with SCA 1	SBs 295 & 46 -Schneider, et al, with SCS
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BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),
with SA 1, as amended & SA 2
(Senate refuses to recede and
requests House grants conference)

RESOLUTIONS

SCR 9-Mueller

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