

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—TUESDAY, FEBRUARY 2, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

“Now we have received not the Spirit of the World, but the Spirit that is from God, so that we might understand the gifts bestowed on us by God.” (I Corinthians 2:12)

Gracious God: We give You thanks for the gifts we have received from You and rejoice that we are able to use them as we serve the people of Missouri. We pray, bless the result of these gifts if they are in keeping with Your will and forgive those results which cause another harm and give us a right understanding of ourselves and the usage of these gifts. 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.

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.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 189, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Woodrow Lee Cox, Springfield, which was adopted.

INTRODUCTION OF BILLS

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

SB 386—By Clay.

An Act to repeal sections 362.247, 362.925, 365.010, 365.020, 456.040, 475.092 and 511.030, RSMo 1994, and sections 30.270, 143.471, 362.275, 362.550, 362.610, 408.035, 456.520 and 475.093, RSMo Supp. 1998, relating to banking, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 387—By Clay.

An Act to repeal sections 208.040 and 208.070, RSMo 1994, and to enact in lieu thereof three new sections relating to temporary assistance benefits.

SB 388—By Clay.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the Missouri critical teacher shortage forgivable loan program.

SB 389—By Clay.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to tax credits for public school donations.

SB 390—By Clay.

An Act to repeal section 161.415, RSMo Supp. 1998, relating to minority teaching scholarships, and to enact in lieu thereof one new section relating to the same subject.

SB 391—By Schneider, Mathewson, Staples, Klarich, Johnson and Kinder.

An Act to repeal section 311.190, RSMo 1994, relating to wine manufacturers license, and to enact in lieu thereof one new section relating to the same subject.

SB 392—By Goode.

An Act to repeal sections 302.130 and 302.171, RSMo Supp. 1998, relating to the issuance of drivers licenses, and to enact in lieu thereof three new sections relating to the same subject.

SB 393—By Goode.

An Act to repeal sections 302.177 and 302.735, RSMo 1994, and sections 302.173 and 302.181, RSMo Supp. 1998, relating to the expiration date of driver's licenses and nondriver's licenses, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 394—By Quick.

An Act to repeal sections 140.110, 242.580, 243.370, 245.210 and 442.380, RSMo 1994, relating to ownership of property, and to enact in lieu thereof five new sections relating to the same subject.

SB 395—By Quick.

An Act to repeal section 644.031, RSMo Supp. 1998, relating to storm water control, and to enact in lieu thereof one new section relating to the same subject.

SJR 24—By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 25**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 295** and **46**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 295 and 46**

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.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 295** and **46** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 8, Section

537.756, Line 12, by inserting immediately following said line the following section:

"Section 1. The provisions of this act increasing the liability of the state and its public entities shall only be applied to those causes of action that accrue on or after the effective date of this act."; and

Further amend said bill by amending the title and enacting clause accordingly.

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

Senator Maxwell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 6, by striking the following: "five hundred" and inserting in lieu thereof the following: **"four hundred and ninety five"**; and further amend lines 6 and 7 by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill, page and section, lines 18 and 19 by striking the following: "five hundred" and inserting in lieu thereof the following: **"four hundred and ninety five"**; and

Further amend said bill, page and section, Line 19, by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill and section, page 6, line 31, by striking the following: "five hundred" and inserting in lieu thereof the following: **"four hundred and ninety five"**.

Senator Maxwell moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Staples offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 5, Section 537.610, Line 6, by striking the following: "five hundred" and inserting in lieu thereof the following: **"three**

hundred"; and further amend lines 6 and 7 by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill, page and section, lines 18 and 19 by striking the following: "five hundred" and inserting in lieu thereof the following: **"three hundred"**; and

Further amend said bill, page and section, Line 19, by striking the following: "in addition to reasonable and necessary medical expenses"; and

Further amend said bill and section, page 6, line 31, by striking the following: "five hundred" and inserting in lieu thereof the following: **"three hundred"**.

Senator Staples moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Childers, Ehlmann, Kenney and Russell.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for Senate Bills Nos. 295 and 46, Lines 2, 7 and 13 of the amendment, by striking "three" and substitute "four".

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

Senator Staples assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging,

Families and Mental Health, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Judiciary, to which was referred **SB 110**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

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

SB 303—Judiciary.

SB 325—Pensions and General Laws.

SB 326—Aging, Families and Mental Health.

SB 327—Commerce and Environment.

SB 328—Civil and Criminal Jurisprudence.

SB 329—Aging, Families and Mental Health.

SB 330—Financial and Governmental Organization.

SB 331—Education.

SB 332—Commerce and Environment.

SB 333—Local Government and Economic Development.

SB 334—Commerce and Environment.

SB 335—Civil and Criminal Jurisprudence.

SB 336—Civil and Criminal Jurisprudence.

SB 337—Judiciary.

SB 338—Insurance and Housing.

SB 339—Aging, Families and Mental Health.

SB 340—Local Government and Economic Development.

SB 341—Education.

SB 342—Judiciary.

SB 343—Insurance and Housing.

SB 344—Public Health and Welfare.

SB 345—Public Health and Welfare.

SB 347—Education.

SB 348—Ways and Means.

SB 349—Pensions and General Laws.

SB 350—Pensions and General Laws.

SB 351—Financial and Governmental Organization.

SB 352—Transportation.

SB 353—Commerce and Environment.

SB 354—Education.

SB 355—Insurance and Housing.

SB 356—Local Government and Economic Development.

SB 357—Agriculture, Conservation, Parks and Tourism.

SB 358—Ways and Means.

SB 359—Transportation.

SB 360—Civil and Criminal Jurisprudence.

SB 361—Agriculture, Conservation, Parks and Tourism.

SB 362—Financial and Governmental Organization.

SB 363—Public Health and Welfare.

SB 364—Elections, Veterans' Affairs and Corrections.

SB 365—Education.

SB 366—Ways and Means.

SB 367—Transportation.

SB 368—Public Health and Welfare.

SB 369—Local Government and Economic Development.

SB 370—Judiciary.

SB 371—Ways and Means.

SB 372—Agriculture, Conservation, Parks and Tourism.

SB 373—Local Government and Economic Development.

SB 374—Judiciary.

SB 375—Agriculture, Conservation, Parks and Tourism.

SB 376—Aging, Families and Mental Health.

SB 377—Aging, Families and Mental Health.

SB 378—Public Health and Welfare.

SJR 21—Pensions and General Laws.

SJR 22—Local Government and Economic Development.

SJR 23—Elections, Veterans' Affairs and Corrections.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 190, regarding the death of Congressman Gene Taylor, which was adopted.

Senator House offered Senate Resolution No. 191, regarding John Veach, Bowling Green, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Ron Hoffman, Jr., M.D., St. Louis.

Senator Kenney introduced to the Senate, Cecil, Terri, Jennifer, Lori, Eric, Holly, Adam and Tally Morris, Homeschoolers from Lee's Summit; and Jennifer, Lori, Eric and Holly were made honorary pages.

Senator Steelman introduced to the Senate, Mavis, Annie, Austin, Elissa and Laurel Day, New Bloomfield; and Annie, Austin, Elissa and Laurel were made honorary pages.

Senator Sims introduced to the Senate, Ernie Jaworski and Colleen Mehan, St. Louis.

Senator Rohrbach introduced to the Senate, Leslie Kemna, St. Martins.

Senator Sims introduced to the Senate, Danielle Jackson, Joe McPherson, Sarita Melendez and Loe Bubeneck, St. Louis; and Danielle, Joe, Sarita and Loe were made honorary pages.

Senator Wiggins introduced to the Senate, Ken Bonar, Jack R. Calegari, Moak Albritton, Joe C. Blair, Bill Waggoner and Chuck Moldenhauer, Kansas City; and Harold L. Brucks, Independence.

Senator Johnson introduced to the Senate, Aaron Tiffany, Jessica Talley, Dustin Benner, Angi Cox, Andy Langdon, Bryan Metzinger, Tiffany Barmann, Caleb Moore, Jake Kelley, Amanda Dittimore, Derek Frieling and Janice Geary, St. Joseph.

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

SENATE CALENDAR

SEVENTEENTH DAY—WEDNESDAY, FEBRUARY 3, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 379-Banks	SB 388-Clay
SB 380-Scott	SB 389-Clay
SB 381-Stoll	SB 390-Clay
SB 382-Wiggins and Bland	SB 391-Schneider, et al
SB 383-Wiggins	SB 392-Goode
SB 384-Howard	SB 393-Goode
SB 385-Yeckel	SB 394-Quick
SB 386-Clay	SB 395-Quick
SB 387-Clay	SJR 24-Jacob

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 295 & 46-Schneider, et al,
with SCS, SA 2, SSA 1 for
SA 2 & SA 1 to SSA 1 for
SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 25-Singleton and
Schneider

SB 315-Staples
SB 278-Klarich

SB 244-Schneider, with
SCS
SB 211-Howard, with SCS
SB 12-Russell

SB 225-Caskey, with SCS
SB 216-Wiggins
SB 110-Schneider

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 grant conference)

RESOLUTIONS

SCR 9-Mueller

Journal

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