

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—WEDNESDAY, FEBRUARY 3, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Martin Luther is credited with saying, "Pray as if all depended on God and work as if all depended on you." Almighty God, Merciful Father: We gathered for fellowship and the hearing of Your Word this morning and now we gather to be about the work You have called us to perform. Let Your Word guide our hearts and minds and respond in devotion to service in Your kingdom here among Your people. 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.

President Wilson assumed the Chair.

The Journal of the previous day was read and approved.

Senator DePasco announced that photographers from the Senate 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	Scott	Sims	Singleton

Staples Steelman Stoll Westfall

Wiggins Yeckel—34

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 192, regarding Rains Natural Meats, Gallatin, which was adopted.

Senator Mueller offered Senate Resolution No. 193, regarding Bill DeArmond, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 194, regarding Mrs. Carol Gloss, Fenton, which was adopted.

INTRODUCTION OF BILLS

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

SB 396—By Mathewson.

An Act to repeal section 320.230, RSMo 1994, relating to the state fire marshal, and to enact in lieu thereof one new section relating to the same subject.

SB 397—By Maxwell.

An Act to repeal sections 537.610 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof three new sections relating to the same subject.

SB 398—By Maxwell.

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 399—By Maxwell.

An Act to repeal section 163.011 as enacted by senate bill no. 781 of the eighty-ninth general assembly, second regular session, and section 163.011 as enacted by senate bill no. 535 of the eighty-ninth general assembly, second regular session, relating to school finance, and to enact in lieu thereof one new section relating to the same subject.

SB 400—By Maxwell.

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, and sections 247.030, 247.040, RSMo Supp. 1998, relating to water and sewer service, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 401—By Maxwell.

An Act to repeal section 60.315, RSMo 1994, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

SB 402—By Rohrbach, Flotron, Klarich, Sims, Yeckel, Clay, Jacob, Goode, Schneider, Mueller and Howard.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

SB 403—By Rohrbach and Goode.

An Act to repeal sections 33.285 and 33.577, RSMo 1994, relating to certain funds, and to enact in lieu thereof one new section relating to the same subject, with a contingent effective date.

SB 404—By Goode.

An Act to repeal sections 105.005, 105.950 and 217.660, RSMo 1994, and section 217.665, RSMo Supp. 1998, relating to compensation of certain state employees, and to enact in lieu thereof five new sections relating to the same subject.

SB 405—By Scott, Schneider, Bentley, Stoll, Sims and Yeckel.

An Act to repeal section 67.750, RSMo 1994, and sections 67.792, 67.793, 67.794, 67.795, 67.796, 67.797 and 67.799, RSMo Supp. 1998, relating to recreational systems of political subdivisions, and to enact in lieu thereof ten new sections relating to the same subject.

SB 406—By Bentley.

An Act to repeal sections 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to community improvement districts, and to enact in lieu thereof four new sections relating to the same subject.

SB 407—By Mueller and Flotron.

An Act to repeal section 375.1518, RSMo Supp. 1998, relating to policy summaries for insurance policies, and to enact in lieu thereof one new section relating to the same subject.

SJR 25—By Rohrbach and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri relating to certain funds in the state treasury, and adopting one new section in lieu thereof relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, one of the state's highest duties is to protect and promote the well-being of its smallest citizens; and

WHEREAS, there were 230 abortions for every 1000 live births in 1996, over one-half of which were performed for women age twenty-four or younger; and

WHEREAS, the National Council for Adoption estimates the national number of adoptions of infants two years or younger to be approximately 25,000 a year; and

WHEREAS, Missouri generally represents approximately two per-cent of most broad based national statistics, which would result in a calculation of 500 infant adoptions annually, and in 1994, the Department of Health recorded 308 infant adoptions; and

WHEREAS, according to such a calculation, this state experiences thirty-four abortions for each infant adoption, despite the existence of many individuals who are willing and indeed waiting to adopt infants in this state; and

WHEREAS, there is a need to understand the basis for the disproportionate estimated number of abortions to adoptions, in order to assist in the formulation of an effective policy to facilitate a greater number of adoptions and to discourage abortions; and

WHEREAS, this type of understanding would be fostered by the creation of a panel to study the issue in depth, and to determine how best to initiate a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Ninetieth General Assembly, the House of Representatives concurring therein, hereby establish the "Adoption Trends and Policies Panel" to be composed of fifteen members. The members shall consist of two Senators appointed by the President Pro Tem of the Senate, representing each political party, two state Representatives appointed by the Speaker of the House, representing each of the major political parties, the Director of the Department of Social Services or designee, and the Director of the Department of Health or designee and nine citizen members appointed by the Governor; and

BE IT FURTHER RESOLVED that said panel conduct an in-depth study and make appropriate recommendations concerning measures to determine the basis for the disproportionate estimated number of abortions to adoptions, formulate a policy to facilitate a greater number of adoptions and to discourage abortions, determine how best to establish a statewide public information program to inform citizens of the advantages of adoption as an alternative to abortion, and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that the panel prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly no later than December 15, 1999; and

BE IT FURTHER RESOLVED that the panel may solicit any input and information necessary to fulfill its obligations, to the Department of Health, Department of Social Services, and representatives of private and public agencies and citizen groups formed to address issues concerning adoption and abortion; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the panel may require in performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the executive branch members be paid out of the respective department funds and the actual and necessary expenses of the remaining panel, its members and any staff personnel assigned to the committee incurred in attending meetings of the panel shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution to be delivered to the Governor.

INTRODUCTION OF BILLS

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

SB 408—By Wiggins.

An Act to repeal section 209.010, RSMo 1994, relating to blind pensions, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 15**, 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 Local Government and Economic Development, to which was referred **SB 153**, 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 Local Government and Economic Development, to which was referred **SB 214**, 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 Local Government and Economic Development, to which was referred **SB 220**, 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 Local Government and Economic Development, to which was referred **SB 312**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 312, Page 2, Section 94.110, Line 48, by striking the words "ten pin

alleys, ball alleys,"; and

Further amend said bill, Page 3, Section 94.270, Line 24, by striking the words "ten pin alleys, ball alleys,"; and

Further amend said bill, Page 5, Section 94.360, Lines 51 & 52, by striking the words "ten pin alleys, ball alleys,".

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 **SB 291**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Quick referred **SB 291** to the Committee on State Budget Control.

Senator DePasco announced that photographers from the Associated Press and KQTV had been given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 2, 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 August 31, 1998 for your advice and consent:

Dan W. Brown, D.V.M., Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick moved that the Senate return the above appointment to the

Governor, pursuant to his request, which motion prevailed.

Senator Staples assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 295** and **SB 46**, with **SCS, SA 2, SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

SA 1 to **SSA 1** for **SA 2** was again taken up.

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

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR 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, by amending lines 3, 7 and 13, by striking "three hundred" and insert in lieu thereof "**three hundred and twenty-five**".

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 1** to **SSA 1** for **SA 2** is out of order as it is in the third degree.

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

SA 1 to **SSA 1** for **SA 2** was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

SSA 1 for **SA 2** was again taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach

Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Yeckel—24

NAYS—Senators

Banks	Bland	Caskey	Childers
Clay	Jacob	Russell	Singleton

Wiggins—9

Absent—Senator Johnson—1

Absent with leave—Senators—None

At the request of Senator Schneider, **SB 295** and **SB 46**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

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

SB 409—By Wiggins.

An Act to repeal sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, relating to liens for the protection of licensed health practitioners, and to enact in lieu thereof five new sections relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Judy James, Rolla.

Senator Clay introduced to the Senate, Susie Cunningham-Shaw, St. Louis.

Senator Singleton introduced to the Senate, Tom and Geneva Cusack, Joplin.

Senator Caskey introduced to the Senate, Brad Fouch, Osage Beach.

Senator Maxwell introduced to the Senate, John Dial and Jonathan Finck, Mexico; and Ray Mallory, Palmyra.

Senator Russell introduced to the Senate, Marcia and T.H. “Rusty” Shadel, Lebanon.

Senator Bland introduced to the Senate, Anthony G. El, Kansas City.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis.

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

SENATE CALENDAR

EIGHTEENTH DAY—THURSDAY, FEBRUARY 4, 1999

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 379-Banks

SB 380-Scott

SB 381-Stoll

SB 382-Wiggins and Bland

SB 383-Wiggins

SB 384-Howard

SB 385-Yeckel

SB 386-Clay

SB 387-Clay

SB 388-Clay

SB 389-Clay

SB 390-Clay

SB 391-Schneider, et al

SB 392-Goode

SB 393-Goode

SB 394-Quick

SB 395-Quick	SB 404-Goode
SB 396-Mathewson	SB 405-Scott, et al
SB 397-Maxwell	SB 406-Bentley
SB 398-Maxwell	SB 407-Mueller and
SB 399-Maxwell	Flotron
SB 400-Maxwell	SB 408-Wiggins
SB 401-Maxwell	SB 409-Wiggins
SB 402-Rohrbach, et al	SJR 24-Jacob
SB 403-Rohrbach and Goode	SJR 25-Rohrbach and Goode

Unofficial

THIRD READING OF SENATE BILLS

SB 291-Caskey
(In Budget Control)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 295 & 46-Schneider,
et al, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 25-Singleton and Schneider	SB 12-Russell
SB 315-Staples	SB 225-Caskey, with SCS
SB 278-Klarich	SB 216-Wiggins
SB 244-Schneider, with SCS	SB 110-Schneider
SB 211-Howard, with SCS	

Reported 2/3

SB 15-Mathewson	SB 220-Caskey
SB 153-Childers	SB 312-Sims, with SCA 1
SB 214-Mathewson	

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)

Unofficial
RESOLUTIONS

SCR 9-Mueller

To be Referred

SCR 12-Steelman

Journal ✓

Copy