

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—WEDNESDAY, FEBRUARY 10, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious God Heavenly King: Help us to recognize our responsibilities as we seek to do the work of the Senate. And remind us this day to treat each activity, meeting and conversation as if You are intently watching all that we are about and realize that You are. 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 Schneider offered Senate Resolution No. 217, regarding Michael W. Vaccaro, Florissant, which was adopted.

Senator Stoll offered Senate Resolution No. 218, regarding Henry "Boots" Llewellyn, Jefferson County, which was adopted.

Senator Bentley offered Senate Resolution No. 219, regarding Bruce E. Moore, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 11** was adopted by the following vote:

YEAS—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			

NAYS—Senators—None

Absent—Senator Ehlmann—1

Absent with leave—Senators—None

Senator Clay moved that **SCR 8** be taken up for adoption, which motion prevailed.

On motion of Senator Clay, **SCR 8** was adopted by the following vote:

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

INTRODUCTION OF BILLS

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

SB 432—By Flotron.

An Act to repeal section 144.030, RSMo Supp. 1998, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 433—By Russell.

An Act authorizing the director of the department of natural resources to convey certain property in the Lake of the Ozarks State Park.

THIRD READING OF SENATE BILLS

SB 211, with **SCS**, introduced by Senator Howard, entitled:

An Act to repeal sections 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 211**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 211

An Act to repeal sections 402.199, 402.205, 402.210 and 402.217, RSMo 1994, and sections

402.200, 402.215, 473.657 and 475.093, RSMo Supp. 1998, relating to the Missouri family trust, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 211** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Howard, **SCS** for **SB 211** was read the 3rd time and passed by the following vote:

YEAS—Senators

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
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Banks Steelman—2

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

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

SENATE BILLS FOR PERFECTION

Senator Jacob moved that **SB 318**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Kenney offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 143.161, Line 3, by inserting after all of said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1998**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand**

dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed fifteen thousand dollars on a single taxpayer's return or thirty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, but before December 31, 2001, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to

143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order because it is not a true substitute amendment, as it could be offered regardless of the disposition of **SA 1**.

The point of order was referred to the President Pro Tem.

At the request of Senator Kenney, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Kenney offered **SSA 2** for **SA 1**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 318, Page 4, Section 147.010, Line 1, by adding immediately before said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **but before December 31, 1998**, an individual taxpayer shall be allowed a deduction

for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils). **For all tax years beginning on or after January 1, 1999, but before December 31, 1999, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed ten thousand dollars on a single taxpayer's return or twenty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2000, but before December 31, 2000, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed twenty thousand dollars on a single taxpayer's return or forty thousand dollars on a combined return, after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after January 1, 2001, an individual taxpayer shall be allowed a full deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, after reduction for all credits thereon, except as specified in this subsection.**

3. For all tax years beginning on or after September 1, 1993, **but before August 31, 1998**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for

the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils). **For all tax years beginning on or after September 1, 1998, but before August 31, 1999, a corporate taxpayer shall be allowed a deduction for sixty-seven percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after September 1, 1999, but before August 31, 2000, a corporate taxpayer shall be allowed a deduction of eighty-three percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection. For all tax years beginning on or after September 1, 2000, a corporate taxpayer shall be allowed a full deduction for its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except as specified in this subsection.**

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem Quick assumed the Chair.

At the request of Senator Jacob, **SB 318**, with **SCS, SS** for **SCS, SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

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 **HB 349**, entitled:

An Act relating to the family development account program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 282**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 220, regarding Marc Elliot, Chesterfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator DePasco introduced to the Senate, Anthony Sommers, Jim Anderson, Vern Skripsky, Ray Hines, Daniel Jacobs, Jim Kerske, Steve Hester, Ron Miller and Mike Bushnell, Kansas City.

Senator Johnson introduced to the Senate, Bill, Judy and Mary McMurray and Sherril and David Lewis, St. Joseph; and Mary was made an honorary page.

Senator Sims introduced to the Senate, eighth grade students from McKinley High School, St. Louis; and Alicia Lopez, William Robinson, Genevieve Bromley and Phillip Halley were made honorary pages.

Senator Steelman introduced to the Senate, her son, Sam, and sixth, seventh and eighth grade students from St. Patrick's School, Rolla.

Senator Jacob introduced to the Senate, the

Physician of the Day, Dr. Gene Worth, M.D., Columbia.

Senator Childers introduced to the Senate, Lou Sheaffer and Walt Stone, Branson.

Senator Steelman introduced to the Senate, her mother, Jackie Hearne, Jefferson City.

Senator Singleton introduced to the Senate, Tia Strait, Carthage; Becky Harshaw, Sarcoxie; Debra Webb, St. Louis; Eva Nordstrom, Webb City; Mary Hillman, Springfield; and Lisa Gaston and Bethany Schroer, Joplin.

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

SENATE CALENDAR

TWENTY-SECOND DAY—THURSDAY, FEBRUARY 11, 1999

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 415-Goode	SB 425-Stoll, et al
SB 416-Maxwell	SB 426-Howard
SB 417-Quick	SB 427-Flotron
SB 418-Singleton	SB 428-Graves
SB 419-DePasco	SB 429-Jacob
SB 420-Jacob	SB 430-House
SB 421-Mathewson and Maxwell	SB 431-House
SB 422-Westfall, et al	SB 432-Flotron
SB 423-Westfall	SB 433-Russell
SB 424-Westfall	SJR 26-Westfall, et al

HOUSE BILLS ON SECOND READING

HCS for HB 349

THIRD READING OF SENATE BILLS

SS for SB 141-Schneider

SB 7-Banks

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------------|--|
| 1. SB 78-Russell | 7. SB 289-Goode, et al,
with SCAs 1 & 2 |
| 2. SB 203-Wiggins | 8. SBs 160 & 82-Maxwell,
with SCS |
| 3. SBs 31 & 285-Howard,
with SCS | 9. SB 282-Clay, et al, with SCS |
| 4. SB 294-Staples | 10. SB 266-Klarich |
| 5. SB 184-Staples, with SCA 1 | |
| 6. SB 163-House | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SBs 295 & 46-Schneider,
et al, with SCS (pending) | SB 318-Jacob, et al, with
SCS, SS for SCS, SA 1
& SSA 2 for SA 1 (pending) |
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CONSENT CALENDAR

Senate Bills

Reported 2/2

- | | |
|-------------------------|------------------|
| SB 315-Staples | SB 216-Wiggins |
| SB 12-Russell | SB 110-Schneider |
| SB 225-Caskey, with SCS | |

Reported 2/3

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

Reported 2/8

SB 112-Schneider	SB 149-Childers
SB 264-Caskey	SB 17-Staples
SB 321-Caskey	SB 10-Scott
SB 271-Ehlmann	SB 51-Westfall, with SCS
SB 275-Caskey, with SCS	SB 115-Russell
SB 213-Scott	SB 61-Bentley, with SCS
SB 188-House	SB 277-Russell, with SCA 1
SB 139-Childers	SB 187-Kenney
SB 90-Johnson, with SCS	SB 124-Sims
SB 169-Maxwell	

Reported 2/9

SB 28-Mueller	SB 159-House, with SCS
SB 83-Goode	SB 219-Caskey
SB 4-Wiggins	SB 189-House
SB 105-Sims and Yeckel, with SCA 1	SB 34-Johnson

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

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