

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—WEDNESDAY, MARCH 10, 1999

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: May we walk as a body, working together in all its diversity. And in those areas where we are more divided, help us find pathways to understanding and compromise through Your guidance as we pray together and serve together here in the Senate. In Your Holy Name we pray. 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 Jacob 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 | Bland | Caskey | Childers |
| Clay | DePasco | Ehlmann | Flotron |
| Goode | Graves | House | Howard |
| Jacob | Johnson | Kenney | Kinder |
| Mathewson | Maxwell | Mueller | Quick |
| Rohrbach | Russell | Schneider | Scott |
| Sims | Singleton | Staples | Steelman |
| Stoll | Westfall | Wiggins | Yeckel—32 |

Absent with leave—Senators

Bentley Klarich—2

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Quick moved that **SCR 14** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SCR 14** was adopted by the following vote:

YEAS—Senators

| | | | |
|-----------|---------|-----------|--------|
| Bland | Caskey | Childers | Clay |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Mathewson | Maxwell | Mueller | Quick |
| Rohrbach | Russell | Scott | Sims |
| Singleton | Staples | Steelman | Stoll |
| Westfall | Wiggins | Yeckel—27 | |

NAYS—Senators—None

Absent—Senators

Ehlmann Kinder Schneider—3

Absent with leave—Senators

Banks Bentley DePasco Klarich—4

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 518**, 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 Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 500**, 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 Transportation, to which was referred **SB 498**, 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 Transportation, to which was referred **SB 481**, 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 Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 477**, 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 Civil and Criminal Jurisprudence, to which was referred **SB 474**, 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 Civil and Criminal Jurisprudence, to which was referred **SJR 29**, begs leave to report that it has considered the same and recommends that the joint resolution do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State

Budget Control, to which were referred **SB 353**, with **SCA 1**; **SB 320** and **SB 445**, with **SCS**; **SB 426**; and **SB 399**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 353, with **SCA 1**, introduced by Senator Goode, entitled:

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.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

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

On motion of Senator Goode, **SB 353**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-----------|-----------|-----------|
| Bland | Caskey | Childers | Clay |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Quick | Rohrbach | Russell |
| Schneider | Scott | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

| | | | |
|-------|---------|---------|-----------|
| Banks | Bentley | DePasco | Klarich—4 |
|-------|---------|---------|-----------|

The President declared the bill passed.

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

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

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

SB 320, introduced by Senator Caskey and **SB 445**, introduced by Senator Mathewson, with **SCS**, entitled respectively:

An Act to amend chapter 162, RSMo, by adding thereto six new sections relating to an educational program for students who are blind or visually impaired.

An Act to amend chapter 191, RSMo, by adding thereto six new sections relating to screening for hearing loss in newborns.

Were called from the Consent Calendar and taken up by Senator Caskey.

SCS for **SBs 320** and **445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 320 and 445

An Act to amend chapters 162, 170, 191 and 376, RSMo, by adding thereto twelve new sections relating to programs for the disabled.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SCS** for **SBs 320** and **445** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SBs 320** and **445** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-----------|-----------|-----------|
| Bland | Caskey | Childers | Clay |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Quick | Rohrbach | Russell |
| Schneider | Scott | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

| | | | |
|-------|---------|---------|-----------|
| Banks | Bentley | DePasco | Klarich—4 |
|-------|---------|---------|-----------|

The President declared the bill passed.

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

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

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

SB 426, introduced by Senator Howard, entitled:

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 426** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-----------|-----------|-----------|
| Bland | Caskey | Childers | Clay |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Quick | Rohrbach | Russell |
| Schneider | Scott | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

| | | | |
|-------|---------|---------|-----------|
| Banks | Bentley | DePasco | Klarich—4 |
|-------|---------|---------|-----------|

Senator Mathewson assumed the Chair.

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 Maxwell moved that motion lay on the table, which motion prevailed.

SB 399, introduced by Senator Maxwell, entitled:

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.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-----------|-----------|---------|
| Bland | Caskey | Childers | Clay |
| Ehlmann | Flotron | Goode | House |
| Howard | Jacob | Johnson | Kenney |
| Mathewson | Maxwell | Mueller | Russell |
| Schneider | Singleton | Steelman | Stoll |
| Westfall | Wiggins | Yeckel—23 | |

NAYS—Senators

| | | | |
|--------|--------|----------|--------|
| Graves | Kinder | Rohrbach | Sims—4 |
|--------|--------|----------|--------|

Absent—Senators

| | | |
|-------|-------|-----------|
| Quick | Scott | Staples—3 |
|-------|-------|-----------|

Absent with leave—Senators

| | | | |
|-------|---------|---------|-----------|
| Banks | Bentley | DePasco | Klarich—4 |
|-------|---------|---------|-----------|

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 339**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 339**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal section 198.073, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 339** be adopted.

Senators Howard and Sims offered **SS** for **SCS** for **SB 339**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal sections 198.073 and 198.115, RSMo 1994, and sections 197.318 and 660.050, RSMo Supp. 1998, relating to the division of aging, and to enact in lieu thereof four new sections relating to the same subject.

Senator Howard moved that **SS** for **SCS** for **SB 339** be adopted.

Senator Johnson assumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 3, Section 197.318, Line 20, by deleting the words "**most recent**" and inserting in lieu thereof the word "**last**".

Senator Sims moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 3, Section 197.318, Line 18, by deleting the words "**of at least**" and inserting in lieu thereof the words "**equal to or greater than**"; and

Further amend said bill, Page 3, Section 197.318, Line 20, by deleting the words "**most recent**" and inserting in lieu thereof the word "**last**".

Senator Rohrbach moved that the above substitute amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Howard, **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were 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 **HS** for **HB 516**, entitled:

An Act to repeal section 143.151, RSMo 1994, relating solely to personal exemptions for individual income tax and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 621**, entitled:

An Act to repeal sections 160.051, 160.053, 160.054 and 160.055, RSMo Supp. 1998, relating to summer school attendance prior to kindergarten, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 316, 660** and **203**, entitled:

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110, 421.120 and 660.053, RSMo 1994, relating to the shared care program and the protection of public health through public awareness, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 788, 428** and **106**, entitled:

An Act to repeal sections 589.400, 589.410, and 589.417, RSMo Supp. 1998, relating to the registration of offenders, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 427, 40, 196** and **404**, entitled:

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to infanticide, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 201**, entitled:

An Act to repeal sections 191.850, 191.857, 191.858 and 191.859, RSMo 1994, relating to the advisory assistive technology council, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 343**, entitled:

An Act to repeal sections 193.265, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 331.050, 335.061 and 335.071, RSMo 1994, and sections 324.203, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 334.100, 334.800, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.051, 335.066, 335.081 and 338.060, RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to the division of professional registration, and to enact in lieu thereof eighty new sections relating to the same subject, with penalty provisions and with an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 225**.

Emergency clause adopted.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Ehlmann offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the United States Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

WHEREAS, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

WHEREAS, an accurate and legal decennial census is necessary to properly apportion United States House of Representatives seats among the 50 states and to create legislative districts within the states; and

WHEREAS, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

WHEREAS, Article I, Section 2 of the United States Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population; and

WHEREAS, Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House of Representatives; and

WHEREAS, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

WHEREAS, the United States Supreme Court, in No. 98-404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98-564, *Clinton, President of the United States, et al. v. Glavin, et al.*, ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

WHEREAS, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one person, one vote"; and

WHEREAS, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one person, one vote" legal protections, thus exposing the State of Missouri to protracted litigation over legislative redistricting plans to great cost to the taxpayers of the State of Missouri, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

WHEREAS, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

WHEREAS, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post census local review:

NOW, THEREFORE, BE IT RESOLVED, that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the

population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, opposes the use of P.L. 94-171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, demands that it receive P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; and

BE IT FURTHER RESOLVED that the Missouri Senate, Ninetieth General Assembly, First Regular Session, the House of Representatives concurring therein, urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and

BE IT FURTHER RESOLVED that the secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, Majority Leader of the United States Senate, and the Vice President and President of the United States.

RESOLUTIONS

Senators Caskey and Mathewson offered Senate Resolution No. 377, regarding the One Hundredth Birthday of Ella F. Fitzgerald, Higginsville, which was adopted.

Senator Caskey offered Senate Resolution No. 378, regarding Robert L. Briggs, II, Cleveland, which was adopted.

Senator Graves offered Senate Resolution No. 379, regarding the Twentieth Anniversary of the Carroll County Health Department, which was adopted.

Senator Graves offered Senate Resolution No. 380, regarding the One Hundredth Birthday of Veronica Roberts, Chillicothe, which was adopted.

Senator Jacob offered Senate Resolution No. 381, regarding the Ninetieth Birthday of Mrs. Catherine Farmer, Columbia, which was adopted.

On motion of Senator Jacob, the Senate adjourned until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

THIRD READING OF SENATE BILLS

SB 196, introduced by Senator DePasco, entitled:

An Act to repeal sections 86.450 and 86.457, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator DePasco, **SB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|----------|----------|-----------|-----------|
| Caskey | Childers | Clay | DePasco |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Quick | Rohrbach | Schneider |
| Scott | Sims | Singleton | Staples |
| Steelman | Stoll | Westfall | Wiggins |

Yeckel—29

NAYS—Senators—None

Absent—Senators

Bland Russell—2

Absent with leave—Senators

Banks Bentley Klarich—3

The President Pro Tem declared the bill passed.

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

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

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

SB 197, introduced by Senator DePasco, entitled:

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.447, 86.620 and 86.672, RSMo Supp. 1998, relating to certain police retirement systems, and to enact in lieu thereof nine new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator DePasco, **SB 197** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|-----------|-----------|-----------|
| Caskey | Childers | Clay | DePasco |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Quick | Rohrbach | Russell |
| Schneider | Scott | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

| | | |
|-------|---------|-----------|
| Banks | Bentley | Klarich—3 |
|-------|---------|-----------|

The President Pro Tem declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 405**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 405, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 405

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.

Was taken up.

Senator Scott moved that **SCS** for **SB 405** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 405** was declared perfected and ordered printed.

Senator Howard moved that **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

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

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 339, Page 1, Line 4 of said page, by striking the words: "equal to or greater than" and inserting in lieu thereof the word: "**over**".

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

Senator Rohrbach moved that **SSA 1** for **SA 1**, as amended, be adopted.

At the request of Senator Howard, **SB 339**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

Senator Maxwell moved that **SB 309**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

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

Senator Maxwell offered **SS** for **SB 309**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 309

An Act to repeal section 43.050, RSMo Supp. 1998, relating to public safety personnel, and to

enact in lieu thereof one new section relating to the same subject.

Senator Maxwell moved that **SS** for **SB 309** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 309** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 177, introduced by Senator DePasco, entitled:

An Act to repeal section 556.061, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 177** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|-----------|----------|-----------|-----------|
| Caskey | Childers | Clay | DePasco |
| Ehlmann | Flotron | Goode | Graves |
| House | Howard | Jacob | Johnson |
| Kenney | Kinder | Mathewson | Maxwell |
| Mueller | Rohrbach | Russell | Schneider |
| Scott | Sims | Singleton | Staples |
| Steelman | Stoll | Westfall | Wiggins |
| Yeckel—29 | | | |

NAYS—Senators—None

Absent—Senators

| | |
|-------|---------|
| Bland | Quick—2 |
|-------|---------|

Absent with leave—Senators

| | | |
|-------|---------|-----------|
| Banks | Bentley | Klarich—3 |
|-------|---------|-----------|

The President Pro Tem declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 249**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 249**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 249

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to setup contractors for the manufactured housing industry, with penalty provisions and an expiration date.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 249** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SB 249** was declared perfected and ordered printed.

Senator Howard moved that **SB 338**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 338**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Was taken up.

Senator Howard moved that **SCS** for **SB 338** be adopted.

Senators Howard and Sims offered **SS** for **SCS** for **SB 338**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an

expiration date for certain sections.

Senator Howard moved that **SS** for **SCS** for **SB 338** be adopted.

At the request of Senator Howard, **SB 338**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Mathewson moved that **SJR 23** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SJR 23**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 23

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

Senator Mathewson moved that **SS** for **SJR 23** be adopted, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Mathewson, **SS** for **SJR 23** was declared perfected and ordered printed.

Senator Schneider moved that **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1, 92, 111, 129** and **222**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1, 92, 111, 129 and 222

An Act to repeal sections 57.130, 88.013, 88.023, 211.453, 211.477, 287.203, 476.681, 476.682, 477.087, 478.320, 478.437, 478.625, 494.455, 508.190, 511.440, 511.450, 528.620, 536.031, 550.140 and 550.240, RSMo 1994, and sections 57.280, 105.464, 287.160, 452.400, 452.552, 455.205, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260 and 590.140, RSMo Supp. 1998, relating to the judiciary, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Schneider moved that **SCS** for **SBs 1, 92, 111, 129** and **222** be adopted.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 8, Section 287.203, Line 32, by inserting after all of said line the following:

"287.815. 1. Any person, sixty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twelve years, **any person, sixty years of age or older, who has served or who has creditable service in this state for an aggregate of fifteen years** or any person, fifty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twenty years, continuously or otherwise, as an administrative law judge or legal advisor, or both, of the division, and who, on or after August 13, 1984, ceases to hold office by reason of the expiration of his **or her** term, voluntary resignation, retirement [under the provisions of] **pursuant to** sections 287.812 to 287.855, or removal by the governor for any nondisciplinary reason, shall receive benefits as provided in sections 287.812 to 287.855. The twelve years', **fifteen years'** or twenty years' requirement of this section may be fulfilled by service as an administrative law judge or legal advisor, or both, of the division at any time prior to or after August 13, 1984. If a person appointed [under] **pursuant to** section 286.010, RSMo, or a chairman appointed [under] **pursuant to** section 295.030, RSMo, does not have twelve years' **or fifteen years'** service, **as required pursuant to this subsection**, as an administrative law judge or legal advisor, or both, but the person has served in the general assembly, each biennial assembly or partial biennial assembly either served or purchased shall be deemed and credited as two full years of creditable service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided by his **or her** service as a member of the general assembly.

2. Any aggregate of twelve **or fifteen** years, **as**

required by subsection 1 of this section, or more of such service shall entitle the person to retirement benefits provided in sections 287.812 to 287.855 regardless of whether or not the person was so employed upon reaching sixty-five years of age. However, the retirement benefits shall not be paid to the person until that person attains sixty-five years of age.

3. If a person appointed [under] **pursuant to** section 286.010, RSMo, or [under] **pursuant to** section 295.030, RSMo, or [under] **pursuant to** section [621.105] **621.015**, RSMo, or an attorney or legal counsel appointed or employed [under] **pursuant to** section 286.070, RSMo, does not have **the twelve years' or fifteen years' service required by subsection 1 of this section** as an administrative law judge or legal advisor, or both, but the person has creditable service [under] **pursuant to** the Missouri state employees' retirement system, [he] **such person** may elect that such service be credited as service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided for other service. Persons appointed [under] **pursuant to** section [621.105] **621.015**, RSMo, shall be required to have served a majority of a term in order to qualify for benefits pursuant to sections 287.812 to 287.855."; and

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

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

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 and 222, Page 8, Section 287.203, Line 32, by inserting after all of said line the following:

"287.460. 1. The division, through an administrative law judge, shall hear in a summary proceeding the parties at issue and their representatives and witnesses and shall determine the dispute by issuing the written award within ninety days of the last day of the hearing. The

hearing shall be concluded within thirty days of the date of commencement of the hearing, except in extraordinary circumstances where a lengthy trial or complex issues necessitate a longer time than ninety days. All evidence introduced at any such hearings shall be reported by a competent reporter appointed by the division or be recorded by electronic means. The award, together with a statement of the findings of fact, rulings of law and any other matters pertinent to the question at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately be sent by United States mail to the parties in dispute and the employer's insurer.

2. **Each administrative law judge shall prepare, print and make available pertinent rules of procedure to govern procedural matters, including but not limited to the admission of evidence and testimony, in hearings conducted by such administrative law judge.**

3. The division of workers' compensation shall develop by rule procedures whereby mediation services are provided to the parties in a claim for workers' compensation benefits whereby claims may be mediated by the parties at a prehearing conference when the division determines that a claim may be settled or upon application for a mediation settlement conference filed by either party.

[3.] 4. The division may require the parties to produce at the mediation conference all available medical records and reports. Such mediation conference shall be informal to ascertain the issues and attempt to resolve the claim or other pending issues. Such mediation conference may be set at any time prior to the commencement of the evidentiary hearing and nothing in this section shall be interpreted to delay the setting of the matter for hearing. Upon the request of any party, a person providing mediation settlement services shall be disqualified from conducting any evidentiary hearing relating to the claim without limiting the rights conferred by section 287.810."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 1**, **SB 92**, **SB 111**, **SB 129** and **SB 222**, with **SCS**, as amended, and **SA 2** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were 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 **HB 487**, entitled:

An Act to repeal section 556.036, RSMo Supp. 1998, relating to statute of limitations, and to enact in lieu thereof one new section for the sole purpose of extending the statute of limitations for false affidavits and false declarations made to a public official concerning child support arrearages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 568**, entitled:

An Act to repeal section 213.055, RSMo Supp. 1998, relating to unlawful employment of firefighters and law enforcement officers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 145**, entitled:

An Act to repeal section 393.285, RSMo 1994, relating to reports to the state water pollution board.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 589**, entitled:

An Act to authorize the conveyance of state property to the city of Farmington.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 708**, entitled:

An Act to repeal section 442.586, RSMo 1994, relating to titles and conveyance of real estate, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 409**, entitled:

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 607**, entitled:

An Act to repeal section 191.686, RSMo Supp. 1998, relating to HIV testing, and to enact in lieu thereof one new section for the sole purpose of adding one new HIV testing site.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 893**, entitled:

An Act relating to the creation of a 911 day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 866**, entitled:

An Act to repeal sections 339.710, 339.720, 339.755, 339.780, 339.820 and 339.830, RSMo Supp. 1998, relating to transaction brokers, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 867**, entitled:

An Act to amend chapter 336, RSMo, relating to powers of the board of optometry by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 861**, entitled:

An Act to repeal section 34.140, RSMo Supp. 1998, relating to the distribution of state surplus property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 528**, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred **SB 412**, 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 Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Parks and Tourism, to which was referred **SB 423**, 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.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 382, regarding the Ninety-fifth Birthday of Cleo M. Hobbs, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 383, regarding the Ninetieth Birthday of Fern Rischer, Maryville, which was adopted.

Senator Schneider offered Senate Resolution No. 384, regarding Benjamin Joseph Eye, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 385, regarding Dr. Allan R. Schindler, St. Louis, which was adopted.

Senator Jacob offered Senate Resolution No. 386, regarding the Columbia School District's Evening Science Program, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Caskey, the President introduced to the Senate, Dr. Shari Garber Bax, Chad Underwood, Cory Smith, Connie Fetterling, Jason Woodson, Andrew Garnett, Nicholas Knudtson, Steven Jones, Chastity Spencer, Amanda Allen and Jeff Wallace, Warrensburg.

Senator Westfall introduced to the Senate, Mr. and Mrs. Lonnie Owens, and their children, Ainey, Amber, Austin, Aaron, Ashton and Autumn, Fair Grove; and Austin, Aaron and Ashton were made honorary pages.

Senator Westfall introduced to the Senate, Sara Lampe and Gary Kellner, Springfield.

Senator Caskey introduced to the Senate, Rudy Romdall, Clinton.

Senator Sims introduced to the Senate, Diane Chong, Mary Yvah and Janet Blauvelt.

Senator Bland introduced to the Senate,

Yvonne Wilson, Judy Johnson, Lillie A. Owens, Janice E. Owens, Melanie A. Bailey, Nancy C. Butler and Cynthia Jackson, Kansas City.

Senator Graves introduced to the Senate, thirty students from Northwest Missouri State University, Maryville.

Senator Mathewson introduced to the Senate, Skyler Williamson, Warsaw; and Skyler was made an honorary page.

Senator Yeckel introduced to the Senate, Ree and Gene Herbig, and their daughter, Cindy, St. Louis County; Claudia Laubstein, Sandra Olsinski and Jessica Kneissler, Germany; Natalia Gomez, Paraguay; and Maria Medina, Equador.

Senator Wiggins introduced to the Senate, Ken Bovar, Kim Curtis, Cathy Linzie, Bev Hatley, Dee Ann Stock, Leon Kinchelow, Kathleen I. Maguire, Doris Kinchelow and Vickie Wolgast, members of the South Kansas City and Grandview Chambers of Commerce.

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

SENATE CALENDAR

THIRTY-EIGHTH DAY—THURSDAY, MARCH 11, 1999

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 267
 HB 570-Rizzo
 HB 453-Gross
 HB 473-Legan
 HB 257-Seigfreid
 HB 326-Parker
 HB 290-Champion
 HB 724-Crump

HS for HB 516-Bray
 HCS for HB 621
 HCS for HBs 316, 660 & 203
 HCS for HBs 788, 428 & 106
 HS for HCS for HBs 427, 40,
 196 & 404-Luetkenhaus
 HB 201-Boucher
 HCS for HB 343

HB 487-Hollingsworth
HB 568-May (108th)
HB 145-Wiggins
HB 589-Graham (106th)
HB 708-Meredith, et al
HB 409-McBride

HB 607-Wilson, et al
HB 893-Murray, et al
HB 866-Treadway
HB 867-McKenna
HB 861-Griesheimer and Murray
HB 528-Chrismer

THIRD READING OF SENATE BILLS

1. SCS for SB 282-Clay, et al
(In Budget Control)
2. SB 95-Maxwell
(In Budget Control)
3. SJR 25-Rohrbach and Goode
(In Budget Control)
4. SS for SCS for SBs 14,
60 & 69-Mathewson
(In Budget Control)
5. SS for SB 22-Flotron
(In Budget Control)
6. SB 33-Johnson
(In Budget Control)
7. SCS for SBs 322, 150
& 151-Sims and Goode
(In Budget Control)
8. SCS for SB 346-Stoll
(In Budget Control)
9. SS for SCS for SB 335-
Caskey
(In Budget Control)
10. SCS for SBs 295 & 46-
Schneider, et al
(In Budget Control)
11. SS for SB 289-Goode, et al

SENATE BILLS FOR PERFECTION

1. SB 205-Westfall and
Staples, with SCA 1
2. SB 70-Schneider, with SCS
3. SB 394-Quick, with
SCS
4. SB 235-Stoll
5. SB 209-Goode, et al,
with SCA 1
6. SB 179-Goode, with
SCA 1
7. SB 37-Rohrbach, with
SCS
8. SB 425-Stoll, et al, with SCS
9. SB 215-Mathewson
10. SB 386-Clay, with SCS
11. SB 233-Sims, with SCS
12. SBs 347, 40, 241 &
301-House, with SCS
13. SB 467-Caskey, with SCS
14. SB 336-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| SBs 1, 92, 111, 129 & 222- Schneider, with SCS & SA 2 (pending) | SB 318-Jacob, et al, with SCS & SS for SCS (pending) |
| SB 5-Wiggins | SB 338-Howard and Sims, with SCS & SS for SCS (pending) |
| SB 19-Goode, with SCS, SS for SCS, SA 4 & point of order (pending) | SB 339-Howard and Sims, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending) |
| SB 78-Russell, with SA 4 (pending) | SB 373-DePasco and Jacob, with SS (pending) |
| SB 203-Wiggins | SB 417-Quick, with SS (pending) |
| SB 288-Quick, et al, with SS, SA 1 & points of order (pending) | |

Journal
UNOFFICIAL
CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 403-Rohrbach and Goode

Reported 3/8

SB 176-Rohrbach, with SCS
SB 364-EhlmannSB 466-Caskey, with SCA 1
SB 326-Goode

Reported 3/9

SB 424-Westfall
SB 434-Klarich, with SCAs 1 & 2
SB 435-Staples
SB 352-Staples, with SCA 1
SB 270-EhlmannSB 438-Russell, et al, with SCS
SB 334-Mathewson, with SCS
SB 479-Singleton
SB 261-Howard, with SCS

Reported 3/10

SB 518-Staples
SB 500-Westfall
SB 498-Wiggins, with SCS
SB 481-Childers and
Russell, with SCS

SB 477-Ehlmann, with SCS
SB 474-Kinder
SJR 29-Caskey
SB 412-Goode, with SCS
SB 423-Westfall, with SCS

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 14, with SCS (Goode)

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

SR 359-Ehlmann

SCR 9-Mueller

To be Referred

SCR 18-Ehlmann

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